

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, May 20, 2024, at 5:16 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Danté Anderson, Tariq Bokhari, Tiawana Brown, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, James Mitchell, Marjorie Molina, and Victoria Watlington.

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Mayor Lyles said I call this meeting to order. Thank you for those who are joining us in our building inside the chamber and thank you for those that are joining us virtually. We really appreciate all of the opportunities that we have to work in this community as elected officials, and to be here for our Zoning Meeting today. So, I'm going to start off with our introductions. We begin our meeting with an expression of inspiration. I think we've just come out of a budget session, so I don't know how you can be anymore inspired. You've been sitting for three hours in a Budget Meeting, and we come right in to help you. The government's here to help you, that's exactly what we're trying to do today, so. I want to say that we do have a moment of inspiration by one of our Council members.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Douglas Welton, Chairman of the Zoning Committee said thank you, Madam Mayor, and thank you, Council. My name is Douglas A. Welton, and I serve as the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my fellow committee members. Will Russell, Shana Neeley, Rick Winiker, Terry Lansdell, Rebekah Whilden, and Clayton Sealey. The Zoning Committee will meet on Tuesday, June 4, 2024, at 5:30 p.m., here at the Government Center. At that meeting, the Zoning Committee will discuss and make recommendations on the petitions that have a hearing here tonight. The public is welcome at that meeting, 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 and provide input and you can find contact information for each petition on the city's website at charlotteplanning.org. Back to you, Madam Mayor.

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DEFERRALS / WITHDRAWALS

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to defer: a hearing on Item No. 10, Petition No. 2023-124 by The Paces Foundation to June 17, 2024.

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CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 4 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.

Mayor Lyles said is there any consent item that you would like to have a separate vote?

Councilmember Mayfield said three.

Mayor Lyles said alright, Item No. 3. So, I think we will just go and start with Item No. 3.

ITEM NO. 3: ORDINANCE NO. 799-Z, PETITION NO. 2023-015 BY TRIBEK PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.54 ACRES LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF WILKINSON BOULEVARD AND REMOUNT ROAD, NORTH OF PARKER DRIVE FROM ML-2 (MANUFACTURING AND LOGISTICS, 2) TO TOD-NC(CD) (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Whilden) 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) calls for Community Activity Center. 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 site is within a quarter-mile walk of the adopted Remount Station along the proposed LYNX Silver Line. The TOD-NC district may be applied to parcels within a one-mile walking distance of an existing rapid transit station or within a one-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. This site would be traversed by the proposed current alignment of the LYNX Silver Line. Considering this future infrastructure that would impact the site, this petition proceeded as a conditional rezoning to include notes regarding light rail right-of-way reservation by the petitioner for future acquisition by the City. These conditions in the rezoning ensure that the petitioner is working in collaboration with Charlotte Area Transit System (CATS) to accommodate a critical transportation project. The site will adhere to all TOD-NC standards and regulations to create the desired form and intensity of transit supportive development. Such standards and requirements include streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. This rezoning would bring the site under a zoning district that is complimentary to the Silver Line and consistent with the recommendation for the Community Activity Center Place Type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Councilmember Mayfield said for consistency's sake, the challenge I have is, we never really clarified language around TOD to ensure diversity of pricing points. So, we've already seen the impact in South End. We're seeing the impact along University area along the light rail, where we made investments. We have not actually started working, identified funding [inaudible]. The development is still in the idea/design stage, that we will have light rail that will be connecting from Uptown, up Wilkinson, which we fought for, for it to go up Wilkinson to connect to the airport, but there has been a lot of transition just in the last four years in this area, where an area that historically had homes for \$30,000, \$40,000, \$50,000, now have \$700,000 plus dollar homes. We have new development that started in 2017, 2018, further along Wilkinson in preparation of the line coming through this particular project with trying to open up the door for TOD, when we still have not updated the TOD language to identify diversity in our diverse

price point housing along the rail line to ensure opportunities for all residents, not just some, is something that gives me great concern.

Councilmember Watlington said yes. I just wanted to note on this one, very similar to what Councilmember Mayfield just said. I know that for a long time we've been talking about TOD and what it really means for this corridor, it being a Corridor of Opportunity, and what that means considering funding, how far out the actual transit investment is. So, this should not be a surprise to anybody, inconsistent with how I've been approaching this particular corridor as it relates to TOD. I've got some concerns about this one.

Motion was made by Councilmember Anderson, and seconded by Councilmember Brown, 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) calls for Community Activity Center. 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 within a quarter-mile walk of the adopted Remount Station along the proposed LYNX Silver Line. The TOD-NC district may be applied to parcels within a one-mile walking distance of an existing rapid transit station or within a one-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. This site would be traversed by the proposed current alignment of the LYNX Silver Line. Considering this future infrastructure that would impact the site, this petition proceeded as a conditional rezoning to include notes regarding light rail right-of-way reservation by the petitioner for future acquisition by the City. These conditions in the rezoning ensure that the petitioner is working in collaboration with Charlotte Area Transit System (CATS) to accommodate a critical transportation project. The site will adhere to all TOD-NC standards and regulations to create the desired form and intensity of transit supportive development. Such standards and requirements include streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. This rezoning would bring the site under a zoning district that is complimentary to the Silver Line and consistent with the recommendation for the Community Activity Center Place Type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Brown, Driggs, Graham, Johnson, Mitchell, and Molina

NAYS: Councilmembers Mayfield, and Watlington

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 113-114.

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ITEM NO. 4: ORDINANCE NO. 800-Z, PETITION NO. 2024-005 BY PORTMAN RESIDENTIAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.21 ACRES LOCATED ON THE WEST SIDE OF CHAMBERLAIN AVENUE, NORTH OF STATE STREET, AND SOUTH OF YELLOWSTONE DRIVE FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO IMU (INNOVATION MIXED USE).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Neeley) 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) calls for Innovation Mixed Use. 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: This zoning helps to contribute to Charlotte's economic viability by providing mixed-use urban places that include light manufacturing, office, residential, and retail. The buildings surrounding the sites include office development, light manufacturing, and multi-family residential which aligns with the IMU zoning. This area and the requested zoning are characterized by adaptively reused buildings and low to mid-rise single use structures that are transitioning to vertically integrated uses in a pedestrian-oriented environment. This zoning encourages active and passive community gathering spaces. The site could encourage adaptive reuse of light industrial or underutilized buildings, embracing unique history and form. The need for environmental justice within this area is a high priority according to the EGF Reports. The proposal to change from Manufacturing & Logistics uses, which are typically more environmentally hazardous, to Innovation Mixed Use, which limits noxious uses, could help to support the need for environmental justice in this area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

Motion was made by Councilmember Graham, seconded by Councilmember Anderson, 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 (2022) calls for Innovation Mixed Use. 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 zoning helps to contribute to Charlotte's economic viability by providing mixed-use urban places that include light manufacturing, office, residential, and retail. The buildings surrounding the sites include office development, light manufacturing, and multi-family residential which aligns with the IMU zoning. This area and the requested zoning are characterized by adaptively reused buildings and low to mid-rise single use structures that are transitioning to vertically integrated uses in a pedestrian-oriented environment. This zoning encourages active and passive community gathering spaces. The site could encourage adaptive reuse of light industrial or underutilized buildings, embracing unique history and form. The need for environmental justice within this area is a high priority according to the EGF Reports. The proposal to change from Manufacturing & Logistics uses, which are typically more environmentally hazardous, to Innovation Mixed Use, which limits noxious uses, could help to support the need for environmental justice in this area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 115-116.

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DECISIONS

ITEM NO. 5: ORDINANCE NO. 801, PETITION NO. 2024-043 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT FOR A TEXT AMENDMENT TO MAKE CHANGES TO THE CONSERVATION RESIDENTIAL DEVELOPMENT STANDARDS IN SECTION 4.5 OF THE UDO TO INCREASE THE QUANTITY AND QUALITY OF REQUIRED OPEN SPACE, INCREASE TRANSITIONS TO ADJACENT PARCELS, AND REVISE FRONTAGE REQUIREMENTS. THERE ARE PROPOSED CHANGES IN 5 OF THE 39 ARTICLES. THESE CHANGES INCLUDE INCREASING THE AMOUNT OF OPEN SPACE FROM TWO TO FIVE ACRES; ADDING A LANDSCAPE YARD AT THE PERIMETER OF THE SITE; REQUIRING LOTS TO FRONT ON PUBLIC STREETS, COMMON OPEN SPACE, OR GREEN AREA; INCREASING THE MINIMUM DIMENSIONS OF REQUIRED COMMON OPEN SPACE; ESTABLISHING

DESIGN STANDARDS FOR REQUIRED OPEN SPACE; AND MINOR CHANGES AND ADDITIONS TO STANDARDS.

Douglas Welton, Chairman of the Zoning Committee said Madam Mayor, I'd just like to say that we voted unanimously to defer our recommendation on this item.

Councilmember Bokhari said without going into the details, I think deferral enables us more time, because my current position would be not to support this. There are some merits in this approach, and things that need to be cleaned up, but there's also some broader issues where this is a solution for our community building the things we need them to build, and if we could solve some of the other problems, I think this would no longer be as important as it is. So, it has nothing to do with single-family zoning and duplex/triplex, that's a different conversation altogether. This is something very specific and nuanced, so I would make a motion that we defer.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Mayfield to defer the UDO text amendment update to make changes to the conservation residential development standards in section 4.5 of the UDO to increase the quantity and quality of required open space, increase transitions to adjacent parcels, and revise frontage requirements. There are proposed changes in 5 of the 39 articles. These changes include increasing the amount of open space from two to five acres; adding a landscape yard at the perimeter of the site; requiring lots to front on public streets, common open space, or green area; increasing the minimum dimensions of required common open space; establishing design standards for required open space; and minor changes and additions to standards.

Mayor Lyles said do you have a deferral until?

Mr. Bokhari said until somebody figures it out.

Mayor Lyles said alright. So, with that, who would like to speak to this motion? Mr. Driggs.

Councilmember Driggs said so, this is being done the way it is, because of a pipeline of zoning applications that are basically not in alignment with the purpose of the UDO, and what we've seen is that a lot of the by-right plans that have been submitted avail themselves of this conservation option, but in ways that we really didn't intend to happen. As staff has pointed out to us, there are thousands of these in the pipeline. It particularly affects the ETJ (Extraterritorial Jurisdiction), because a lot of things are going on in the ETJ under this conservation option. So, we've heard from the County Commissioners and from residents in the ETJ, "Please, stop this from happening." I believe that, as far as it goes, it's very workable, and what we are also working on is a compact development option that responds to the concerns of the industry, namely, and this is an interesting point for us to ponder. The industry has pointed out that applying the regular UDO standards without using the conservation option, or without the compact one, points to a price point just because of all the requirements that's really higher than what we want. So, we need to now recognize the implications of our ordinances, in terms of the kind of development that they permit commercially. I think the compact one does that. It's going to come up next month for a vote. That's in process now, hearings, and so on. So, I believe, as I talked about before on this, we want to close this back door through which all these plans are being submitted, but also open a front door, and I believe we're doing that, and therefore, I feel it's appropriate for us to act on this tonight.

Councilmember Ajmera said Mr. Driggs is spot on. When we implemented the UDO, we did not intend this, this level of density. We did not intend neighborhoods to not have publically maintained roads. We did not have development where it would not be required to plant trees. This is unintended consequences that we are seeing I think we need to fix before more damage is done, where residents will be taking on maintaining

alleys, privately maintained roads. I think we have learned from our ETJ that it will cost a lot more than the savings that will generate when someone purchases the property. So, I just personally feel that if we wait too long, we will regret this. So, I will be supporting this text amendment to move forward, thank you.

Councilmember Johnson said I'll also be supporting the text amendment and voting against the substitute motion for lots of reasons, and I'll say, you know I've suggested we retire the phrase unintended consequences. I think as a body of leaders we should recognize when things are foreseeable. So, unintended consequences, I just see them as consequences for bad decisions, like in life. So, I think we as a Council and leaders should really stop saying that, because some of these things were foreseeable when the UDO was passed. More importantly, I think that if we listen to our Planning Director, some of the terms that she uses, she talks about not passing this could be detrimental to the residents that are bearing the costs, and the consequences that are on the owners, and if you listen to that Zoning Committee meeting, she really was clear on how detrimental this could be to our residents. So, I think that we need to act on this and act on this promptly. So, I'll be supporting the text amendment. Thank you.

Councilmember Molina said I just want to lift up the conversation from our Transportation, Planning and Development meeting, where we had Ms. Craig and her team to discuss some of those items, as we refer to unintended consequences. Some of the petitions that have come into the pipeline, and without making this decision now, we will possibly have to deal with an additional, over 5,000 I think it was, of the type of unintended petitions. So, although I have heard, I want to make sure that I'm clear. I appreciate the offering of the substitute, and I think I understand why Councilmember Bokhari is making it, because there was kind of a discussion among myself and our colleagues as to when do we do this, because a lot of the people from the development community spoke up and they said that this particular text amendment would make it more difficult to create affordable units. As the Chairperson, Mr. Driggs, has said, there is a plan to resolve that coming in the very near future for the development community as they continue to try to create some of those affordable units, but in the interim, I think it is important to go with the recommendation of staff. So, I will be also supporting the text amendment tonight, so that we can stave off some of those unintended consequences, as we already have plans that will deal with the affordability and creating more affordable units.

Councilmember Graham said I too will be supporting the original text amendment as proposed by staff. Over the last several weeks, I've had numerous meetings with staff, developers, designers, as well as those who develop affordable housing units. What we said, right from the very start when we passed the UDO, was that we would utilize the document as a living document, and make changes along the way, where we saw that there were indeed unintended consequences to the decisions that we made. So, this is spot on in terms of what we said we would do, and so I support the staff recommendation.

Mr. Bokhari said two points. Just procedurally, to make everyone's night easier, it's been a long day. I think that mine was the first motion on the table. So, rather than make everyone do that, I think someone can make a counter proposal, and that can be voted on if that's the will. Secondly, I just want to say one more piece on this, that I'm not sure, you have to go deep into this one, to really understand the ramifications. Many things said are accurate about this, and time is of the essence, because of what's happening, but as I've dove into the depths of this, what I've realized is that there are things and tweaks that could be made and that could be brought to us right now. It is not what we have in front of us that would have done certain things to help the problem. For example, if somebody is using little spread out areas of greenspace and counting that as a contiguous greenspace that's the spirit of this, well, let's just remove that loophole, because of course that's not what we mean to do. If somebody is putting in, because it's able to be done today in the current ordinance, that they're using alleyways that aren't going to withstand the test of time, aren't going to be maintained and upkept, and they need to be public streets, let's make that tweak. What we're doing here instead is just

saying, well, let's just make this another unusable tool and go from two to five acres that essentially cut it out.

So, the punchline was, if you give us more greenspace, contiguous, not loopholed, if you do the right infrastructure things that create a bare minimum, we'll let you have more density because of that. People are gravitating towards this, because of the spirit, and others are coming towards it, because there's simply nowhere else in the entire ordinance for them to do what they need to do right now. So, if we had been urgent about fixing the problem, and not just making the tool basically unusable, that might be a little bit of an overexaggeration, but it's not far from it, all those things are going to shut down, because there's no longer a place to do it. The other side of that is, okay, well, we're having good conversations, we have a lot of good conversations, but while this is on the table and it's out there, it creates urgency to solve it. When that urgency's gone, it's just going to grind to a halt, and if something happens at all, it'll be way down the road and then we will have gridlocked the people we've got to build more units in this community. So, there's definitely two sides to this argument, and it's not simple. All I'd say is, I would prefer to keep the time cooker pressure on everyone to solve the other problem and come back with a real solution.

Councilmember Watlington said I just wanted to ask Ms. Craig if she could just speak to, so everybody around here is clear, about what the plan is and the path forward, and I know that the charrette happened, and that what we see here is responsive to some of the concerns. So, I just want to make sure that for the record everybody was clear.

Alyson Craig, Planning, Design and Development said just to make sure I understand, you want to understand the schedule and the timeline and what we're working on?

Ms. Watlington said yes, and how these plays into the overall.

Ms. Craig said sure. So, I think this text amendment is sort of the phase one, and so this about addressing the consequences of development standards that may not be as clear as we'd like them to be and are exposing loopholes closing that, and we are fast and furiously working on the compact development option. We should have a draft in a matter of days that we can start circulating. We've had a number of workshops with the development community and have had lots of conversations with staff and various stakeholder groups to talk about what those compact standards should look like, and I'm pretty happy with the solution that we have in front of us. I think it provides housing supply, but housing supply with high quality standards and putting that housing in places where it's most needed. So, happy to answer any other questions you have.

Ms. Watlington said so, as we talk about this particular thing, I know that Councilmember Bokhari just mentioned that he had a concern that this particular text amendment may render something unusable and not in a way that would be effective. Can you just speak a little bit to how you see this impacting the path of development?

Ms. Craig said sure. So, a conservation development is intended to be used in situations where you have special environmental features. So, it's a practice that's been around for decades, it's a planning principle that we learned very early on in planning studies, and so projects that have those kinds of features will be incentivized to protect them. I don't think that every development project will be using that. It's not intended to be something that everyone's using. It's supposed to be an exception in a small number. There are other cities that have the exact same standards, including Raleigh, that what we're proposing, and it is being used there. So, we've got some precedent in other cities where it does work for those kinds of projects. Again, it's not intended to be the primary path. Compact is probably going to be the tool that's used more, and it's more similar to what was in place before, pre-UDO, with cluster developments. So, I think we're aligning the tool looking backwards as to what was working, and then also looking forward at what's new in the market and making sure we're rightsizing that tool for future development. So, like I think a couple Council members have mentioned, our plan is to have that compact development form before you all for a vote in June 2024.

Ms. Watlington said thank you. I believe the Chair intends to speak, and I'm happy to defer, but I'd like to make a motion then that we accept staff's recommendation and adopt this text amendment.

Mayor Lyles said Mr. Bokhari, do you want to withdrawal your motion, or do you want it on the record?

Mr. Bokhari said no, not at all, but I think it's fair to call it the first motion and a counter can happen [inaudible].

Substitute motion was made by Councilmember Watlington, and seconded by Councilmember Mayfield to accept the staff recommendations and adopt the text amendment.

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

YEAS: Councilmembers Ajmera, Anderson, Brown, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington

NAYS: Councilmember Bokhari

David Pettine, Planning, Design & Development said as part of our staff analysis, it would be in the rationale section for that. So, we don't have it on the screen. This reflects Zoning Committee's recommendation. So, if you choose to vote in support of the petition, you would make a recommendation to adopt staff's Statement of Consistency.

Terrie Hagler-Gray, Senior Assistant City Attorney said Mayor, before we go to that, can we make sure that we go back to the text amendment and make sure that we adopt the proper Consistency Statement for that?

Mayor Lyles said alright, thank you guys. We have to go back and take a new approach to the motion. I believe that the main motion was made by Ms. Watlington, and Ms. Watlington needs to include that the text amendment is acceptable to our.

Ms. Hagler-Gray said I think that, because there is a defer that we don't have a Zoning Committee statement, you may adopt the staff's Statement of Consistency.

Mayor Lyles said Statement of Consistency. So, the Statement of Consistency, if you would just say that the Zoning Committee did not have a Statement of Consistency, and we would vote to accept this motion with the Statement of Consistency.

Substitute motion was made by Councilmember Watlington, and seconded by Councilmember Mayfield to adopt and approve the staff's Statement of Consistency: The petition is consistent with the policies and vision of the 2040 Comprehensive Plan. The petition supports Goal #2: Neighborhood Diversity and Inclusion, Goal #3: Housing Access for All, and Goal #7: Integrated Natural and Built Environments. The text amendment will increase the quantity and quality of required open space, and design standards for required open space. The standards will ensure that common open space is accessible and useable by residents. The text amendment adds requirements that lots front on public streets, open spaces, or green areas to ensure lots have better access and relationship with frontage. The amendment adds a perimeter landscape yard for the site to provide a better transition between the conservation residential development and adjacent parcels.

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

YEAS: Councilmembers Ajmera, Anderson, Brown, Driggs, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington

NAYS: Councilmember Bokhari

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 117-118 (+Exhibit A, 153 pages).

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ITEM NO. 6: ORDINANCE NO. 802-Z, PETITION NO. 2022-105 BY MOORES CHAPEL RETAIL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.99 ACRES LOCATED AT THE INTERSECTION OF RHYNE ROAD AND MOORES CHAPEL ROAD FROM N1-A (NEIGHBORHOOD 1-A ZONING DISTRICT) TO B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).

The Zoning Committee voted 5-2 (motion by Lansdell, seconded by Sealey) to recommend denial of this petition and adopt the following statement of consistency: This petition is found to be partially consistent and partially inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood Center place type for the site. The northern portion of the site is consistent with Neighborhood place type but the southern portion, which includes a drive-through use, is inconsistent. Therefore, we do not 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 does not present solutions to lessen congestion on our roadways and negatively impacts transportation access. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood Center place type to Commercial place type for the southern portion of the site.

Motion was made by Councilmember Brown, and seconded by Councilmember Molina to accept staff's recommendation and approve the following statement of consistency: The petition is consistent with the 2040 Policy Map recommendation for Neighborhood Center place type for the northern portion of the site and inconsistent with the 2040 Policy Map recommendation for Neighborhood Center place type for the southern portion of the site. The proposed retail and gas station uses are consistent with Neighborhood Center place type. However, the proposed drive-through use is inconsistent. The site is located in an automobile-oriented environment at the interchange of Interstate 485 and Moores Chapel Road and on the primary route to the U.S. National Whitewater Center. Rezoning Petition 2022-105 Final Staff Analysis May 20, 2024. The petition is committing to installing a 12-foot multi-use path along the site's Rhyne Road frontage. However, staff is requesting that the multiuse path be extended along the site's Moores Chapel Road frontage as well. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type for the southern portion of the site as specified by the 2040 Policy Map, from Neighborhood Center place type to Commercial place type.

Councilmember Molina said I know that the District Representative is actually in support, but I'd like to know more about the Zoning Committee's perspective, if we could ask if the chair is willing to state why they are willing to recommend denial of this?

Douglas Welton, Chairman of the Zoning Committee said alright, thank you very much. When we had this discussion, it was a robust discussion, and two points fell out of the discussion. We had the point about the environmental impact of gas stations, and

that was one of the points that was made. We also had a point where there was a discussion about traffic improvement. I will say that I fell short, as Chairman, in pointing out that some of the discussion about traffic improvements, were things that were actually addressed in the staff's report. So, that discussion perhaps did not necessarily cover everything that had been addressed. The motion and temperature of the room was that they felt those arguments were compelling. There were two votes who supported the staff's recommendation, and those were myself and Commissioner Neeley. We felt that this was an allowed use in this particular district, and also, we're in that situation where gas stations are still necessary, cars did not disappear, and we felt that those were compelling reasons for us to go forward with this, and if you have any other questions.

Ms. Molina said no, I mean, just specifically to kind of give some leeway, because again, and I think I said this in a previous meeting, I actually love that there's divergence. I love that there are these differing perspectives for us to kind of collect, but I just wanted to know that what the specifics around why there was a recommendation for denial, but thank you.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Brown, Driggs, Graham, Johnson, Mitchell, and Molina

NAYS: Councilmembers Mayfield, and Watlington

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 119-120.

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ITEM NO. 7: PETITION NO. 2023-033 BY CRD ELIZABETH LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.63 ACRES LOCATED ALONG THE NORTHEAST SIDE OF EAST 7TH STREET, SOUTH OF LAMAR AVENUE, AND NORTH OF CLEMENT AVENUE FROM CG (GENERAL COMMERCIAL) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL).

The Zoning Committee voted 6-1 (motion by Whilden, seconded by Sealey) 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 (2022) calls for Neighborhood Center. 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 extensive measures that the petitioner has done to integrate a proposal though marginally inconsistent with the Neighborhood Activity Center Place Type, is nevertheless consistent with the specific location in this circumstance. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood Activity Center to Community Activity Center 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.

David Pettine, Planning, Design & Development said there were some additional conversations with the petitioner prior to the meeting this evening, and the petitioner has made two changes to this proposal and that would be, a reduction in the unit count from 215 to 193, and also requesting to modify the parking ratio from 1.1 space per unit to 1.2 spaces per unit. I believe those changes are a result from conversations with members of the community and folks that expressed some concerns, and hopefully

those alleviate some of those, but those were the two changes that were made. Staff doesn't feel that they would be major changes to go back for consideration for this project, and again, were made in conjunction with neighborhood conversations. So, we wouldn't recommend they go back to the Zoning Committee, but that will be a vote that ya'll have to take at this point.

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

Motion was made by Councilmember Anderson, and seconded by Councilmember Driggs, 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 (2022) calls for Neighborhood Center. 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 extensive measures that the petitioner has done to integrate a proposal though marginally inconsistent with the Neighborhood Activity Center Place Type, is nevertheless consistent with the specific location in this circumstance. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood Activity Center to Community Activity Center for the site, as modified.

Councilmember Johnson said just so I'm clear, does the staff now support the petition?

Mr. Pettine said no, it doesn't change staff's recommendation.

Councilmember Bokhari said you need a different Consistency Statement.

Mr. Pettine said if you wanted to adopt Zoning Committee's, they've recommended approval, so.

Councilmember Mayfield said David, I didn't hear you.

Mr. Pettine said so, the question was, "Does this change staff's recommendation?" It does not. Then there was a question on whether it's staff's Consistency Statement or Zoning Committee. If you vote to support the petition, you would adopt Zoning Committee's Statement of Consistency as your own.

Mayor Lyles said Mr. Pettine said that staff is not changing its position on the recommendation, and that the Zoning Committee's Statement of Consistency would be what we would be voted on, but we have other people that would like to address this.

Councilmember Driggs said I thought we were voting to pass.

Mayor Lyles said no.

Councilmember Ajmera said so, Mr. Pettine, is there anything that petitioner would do, make changes, to get staff's support?

Mr. Pettine said we have consistently asked for a reduction in building height to about 65 feet, which was consistent with the Corridor. I understand they need a different height for their project to work and be feasible for them, but that's where the difference is, so unless that is changed, staff's position has just been that.

Ms. Ajmera said thank you, Mr. Pettine, because I have been reviewing emails from residents in Elizabeth neighborhood. I know some of them are present here. Former

Mayor, Dan Clodfelter, is also here. The challenge here is the height. So, the unit reduction, that has not resulted in decrease in height?

Mr. Pettine said not that I'm aware of, no.

Ms. Ajmera said okay. So, that doesn't address the underlining issue here, so I would not be able to support it.

Mayor Lyles said alright. Now, I would hear from the District Representative.

Councilmember Anderson said first of all, I want to thank the community for being engaged, we've had conversations. Originally, I went out to visit the homes of some residents that are here to look at the site, and we've had continual engagement over through the end of last week. So, there were a number of questions from the community, not only building height, but also impact of parking in the neighborhood, and how a building like this would impact resident's ability to park in front of their homes deeper in the neighborhood. So, as we have continued to have these discussions, also Mr. Welton, get ready, because I would like for you to speak about the committee's conversation around this. So, there are a couple things going on. With the reduction of 10 percent of the units, that would automatically reduce the impact of parking, of course, and then increasing the parking ratio to 1.2 will help as well. The other challenge around the height is that there were some, and Mr. Pettine, I don't know if you need to speak to this, but there was some movement on the original ask of the height, so the height issue was partially addressed, and I would like for Mr. Welton to talk about the design, and after Mr. Welton talks about the design of the building, I'll just have one more statement. So, Mr. Welton, could you speak?

Douglas Welton, Chairman of the Zoning Committee said thank you, Madam Mayor Pro Tem. As the committee considered this, we look at tradeoffs in terms of, what do we get? We looked at the height and didn't really have a problem, because we were getting a number of tradeoffs that we thought were exceptional. We will get more supply of housing. We will provide housing that is immediately close to \$1 billion worth of transportation infrastructure. We will get housing that is walking distance in proximity to job centers, such Novant and Central Piedmont Community College. It is also walking distance to a Neighborhood Center where there are at least a dozen restaurants, small businesses, and shops. We will get housing located immediately adjacent to Park and Rec facilities, which will provide entertainment for everyone and greenspace. We will also get, what I consider, an exceptional building form. If we'd done this by-right, you would get a cube, which would have been much closer to the adjoining neighbors, than what we've achieved, which is a building where the massing is pushed toward the road and away from the neighbor's houses, and that provides the separation that we believe is necessary and appropriate for this particular petition, and those were the comments that we made. Oh, and it's sloped, it's downhill. If you go to Stormwater Service, and you pull the little map out, you can see that this is actually, I believe, if I'm correct, there's about an eight-foot drop from one side of the site to the lowest site, and I believe it's 14 feet from the next adjacent building on the next block out, on Clement. So, there is topography that should be considered, and when you're standing next to the building, you will not necessarily notice the height, because of the structure of the building. It is articulated appropriately, we believe. So, those are most of the comments.

Ms. Anderson said thank you, Mr. Welton. I think the challenge is, if the petitioner would just remove this petition and withdrawal it, the by-right build would have the same density with less parking allotment. So, it would be a greater impact on the community just by-right. So, having these changes and these concessions, really and truly does impact the neighborhood in a positive way. The last thing I would say is that, this is a petition where you have the Neighborhood Association, the ECA (Elizabeth Community Association) and the land use person from the ECA be in approval of this particular development, but then you have an aspect of the neighborhood, who I've listened to loud and clearly who have a challenge with this, but where we're at now, the by-right option would be far worse than what would be accepted here. So, I'm going to continue to work with the residents on some additional parking solutions for the neighborhood,

but as we move forward today, I will be supporting this petition with the concessions that Dave just went through.

Ms. Ajmera said yes, so, Mr. Pettine, if this rezoning is approved, would the Place Type be revised to the Community Activity Center with a higher density?

Mr. Pettine said it would be revised just for this parcel, or these now sets of parcels, that are being developed along this block. So, that could potentially give us a little bit of a precedent for the rest of that Corridor, looking for heights that are beyond just that Neighborhood Center, which is also one of the concerns we've got long-term. That's why we've been holding the line at the height for the Neighborhood Center, because we also want that Corridor to kind of maintain that same character. So, that could be something a future petitioner could point to down the road. Of course, we'll evaluate each one on its own merits, but that is something that we do have a bit of a concern with.

Ms. Ajmera said so, to Mr. Pettine's point, I think it's just not about this Rezoning Petition, but the ones where someone can point to and say, look, now that we'll be revising a Place Type, and the precedent it could set. So, would this development be appropriate, or the height be appropriate, for the area given that it's adjacent to Neighborhood 1?

Mr. Pettine said they do have some height transitions in the actual project that don't quite match up with what the UDO would require. There's a 100-foot and 200-foot separation or transition zone for projects like this where you can be 50 feet within the first 100, and then 65 feet within those 200 feet. So, there is some difference in what's proposed as far as the transitions. I think they're a little bit shorter, maybe 80 feet, where they start to make some of those increases in height versus 100 and 200. So, there is a bit of a difference, but again, certainly we understand all the perspectives, but we're looking at it from that policy standpoint and what that long-term outcome will be.

Ms. Ajmera said okay. So, considering the policy and the long-term outcome, I mean this could change the neighborhood's character, is that correct?

Mr. Pettine said there's always potential, yes. I mean it is something that when staff, if a future rezoning comes in, we'll evaluate it with the request against whatever the current policy is, but it doesn't prevent a petitioner from looking at what was approved around it and citing that. It is something we do take into context, but we evaluate them all on their own merit, but it's harder to have that conversation when there's already things that have been kind of chipped away at over time.

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

Councilmember Molina said so when looking at this, I struggle, because we get a lot of recommendations in the affirmative from staff, and to have staff kind of holding the line on this one, it's concerning. So, my thought on this is, we've had a plan and that plan has created Place Types throughout the entire City, and so, when you're saying to staff, that has taken years to plan out our City, that you have a different idea, then the point is to prove staff wrong. So, you should have enough meat in the argument to say, staff, I feel like what you've designed here may need to be modified based on X, Y and Z, and it should be clear, because there are so many touchpoints that they'll have with staff and the Zoning Committee before it makes it to this point. So, the fact that the divergence is with staff, that will actually have the touchpoints on all of our City services and things that will connect to this, it's hard for me to support this. I actually would recommend, and I actually have a question for David in that regard. I've never spoken to the petitioner, so I don't know what the questioning is, or anything like that, but do you think that this petitioner would be, with more time, willing to make the modifications and adjustments that would get them to your yes?

Mr. Pettine said that's probably a good question for the petitioner. I'll just say, since about August of 2023, we've asked for a height reduction and we've seen the 78 feet

consistently for, I guess, the last eight months or so, nine months or so. So, I wouldn't want to speak for them, but we haven't historically seen any effort to bridge that gap between where we are and what they're asking for.

Ms. Molina said because that's concerning. With that, the reason why I was asking, because I was wondering would it be better fit for a deferral? Would they need more time to kind of get with some level of getting closer to what staff has recommended? Obviously, it sounds like that may not be an option. So, with that, I don't feel like I'm going to support this tonight. I feel like with that level of disregard for what the current plan says, and not really a clear argument on why this should be different, it concerns me, and I don't feel comfortable saying that that's something that we need to do tonight.

Ms. Anderson said I just want it to be clear, for my colleagues who've been speaking, that this has been a very long conversation with the community and the petitioner as well. We have gotten to a place where there's a subset of residents who don't feel fully comfortable with the building, but are welcoming of the concessions that have been made, and the petitioner has been listening to the community. There've been several community meetings and one-on-one discussions. So, it hasn't been a rushed process at all. It's actually been quite a deliberate process, and we also have the Neighborhood Association and the land use person, who is the expert for the ECA, writing a letter of approval, and has been in conversation with all the residents and the petitioner to work to get to this point. So, if I thought that deferring this would help move something, I, of course would recommend that, but this hasn't been a rushed process. So, deferring it wouldn't actually help the conversation move forward, because absolutely, if I did believe that, I actually wouldn't be recommending that. It's a situation where, in this particular Corridor, there's some neighbors who are not excited about this, as we've seen on various other petitions. I've tried to work to get the best outcome for the neighborhood with the understanding that the Association is for this as well. So, we have some height reduction. We have some staggering. We have a reduction in units. We have an increase in parking ratio. If I thought anything else could come from a 30-day deferral, I absolutely would recommend that, but I don't believe that that would help at all. From a by-right perspective, it would actually be worse off than this, and that's the conundrum I'm at, is that you would get a building with a design, not as Mr. Welton laid out, with increased parking density. So, net-net, by-right, the neighborhood would be worse off, and I never want to see that. I want to see the best outcome for the neighborhood.

Ms. Molina said is that what this would be, by-right?

Mr. Pettine said by-right, there could be a similar project, but those height transitions would be a little bit different, the max height would be a little bit different, given how close they are in proximity to those Neighborhood 1 Place Types. As Mayor Pro Tem Anderson alluded to, there's been a lot of conversations in coordination with the community, and we certainly recognize that there are good merits to the project as a whole, but our main concern from the start has always been just that building height, but there are really good design elements built into it as well. So, this is a tough one for staff, because there are quality aspects of the project, but there's also one lingering concern that we've had from the start that just hasn't been addressed in a way that we felt is appropriate, but again, that's not knocking any of the effort and work that's been done with the community on this thus far, because it has been a very long process and a very detailed process.

Councilmember Driggs said I just wanted to say, for one, we can reach a different conclusion from the staff without diminishing our appreciation for their work or their respect. We have a somewhat different angle on this thing. It is legislative, and legislative means that we can make a judgment about it. Now, I just want to recognize all the work Mayor Pro Tem has put into this, which we have not individually been able to do. I respect her judgment. I know what she's up against, because if you remember the green T-shirts up there, I've got one too, and I can tell you right now, we've reached an outcome where I'm going to recommend approval of that, and I hope that when I tell you why when the time comes, you'll understand and support it. So, I see the situation

that Pro Tem is in, and also reviewing the details of the case, such as they're known to me, I think we ought to back her up. I really think that she has put a lot of work into this and that we have a certain obligation, amongst ourselves here, to respect that. So, I'll be supporting it. Thank you.

Councilmember Brown said I just wanted to say something to the residents for coming out. Thank you so much for coming out. I received your emails, read them. Mayor Pro Tem, thank you for your expertise and the knowledge that you put into your work. I trust your judgment and I'll be supporting you on this.

Ms. Ajmera said yes, so just a follow up on couple of comments that Councilmember Molina made. She was spot on when she talked about really some of the concerns that staff has raised. So, Councilmember Anderson said their height has been reduced, but Mr. Pettine said that there have been requests by staff to reduce the height. How much has it been reduced by, if any at all?

Mr. Pettine said it came in initially as just asking for the standard height as measured by the ordinance, which in MUDD, is up to 120 feet. So, it started there, and that's where I think the next submittal that came in, dropped it down to where we are today, which is that 78 feet.

Ms. Ajmera said so from 120 to 78?

Mr. Pettine said yes.

Ms. Ajmera said okay, and what it should have been, if they were to get staff's support?

Mr. Pettine said what's that?

Ms. Ajmera said what is the max height that staff would support?

Mr. Pettine said our ask has been the 65 feet, that we've had a rezoning at the corner of 7th and Hawthorne there, which is a pretty prominent building now at that location, that came in at 65. The apartments next door I think were around 58 or 59. So, we were trying to look at some recently approved projects and with that Corridor, and of the course, the Neighborhood Activity Center standard height is 65. So, that's where we derived our ask from. Of course, this came in as a MUDD petition, which is a little bit different. It's one of our remaining legacy districts that we've got in the queue still for an approval, and again, that starts at 120. They started it, then went down to 78, and that's, like I said where we've been, but the 65 was derived mainly from other projects in the area that recently had been approved in that Neighborhood Activity Center.

Ms. Ajmera said so, you're looking at about almost 13 feet in further reduction, that would be needed, correct?

Mr. Pettine said yes, and there is some transition to the back side. It does get lower as you get closer to those residences on the back. So, I do want to point out that they have made some of those transitions, but it doesn't quite line up with the types of transitions that we look for now under the Comprehensive Plan and the UDO and our Place Type Map, so, but I do want to at least recognize that they have made some of those transitions back into that residential component.

Ms. Ajmera said thank you. I hear Councilmember Anderson's remarks. This is something I struggle with just like Councilmember Molina does. At the end of the day, we have to make a decision that we can sleep with. I understand when Mr. Driggs said that Councilmember Anderson has put so much time into this and has been working with the community and Neighborhood Association, development community, and so on, but I think we all have to make an independent decision, and it may not align with the District Representative's position. So, I would not be able to support it. That's all I have, thank you.

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

YEAS: Councilmembers Anderson, Bokhari, Brown, and Driggs

NAYS: Councilmembers Ajmera, Graham, Johnson, Mayfield, Mitchell, Molina, and Watlington

Terrie Hagler-Gray, Senior Assistant City Attorney said Mayor. So, actually, that doesn't mean it's denied unless you affirmatively have a motion to deny.

Mr. Driggs said it just failed to pass.

Mayor Lyles said I know, it just didn't pass.

Ms. Hagler-Gray said right, it just didn't pass.

Councilmember Watlington said so, does that mean the petitioner can come back? There's no two-year hold on it?

Ms. Hagler-Gray until it's denied, yes.

Mayor Lyles said no, we don't have a petition to deny.

Ms. Hagler-Gray said but right now, you don't have any action on this particular petition.

Mayor Lyles said thank you for sharing that.

Ms. Watlington said so, we need to actually deny it if that's our intention.

Councilmember Bokhari said that's a different action.

Councilmember Mitchell said we've got citizens here. I just want to make sure we're very clear and there's a clear understanding of our actions.

Motion was made by Councilmember Mitchell, and seconded by Councilmember Ajmera to deny Petition No. 2023-003 by CRD Elizabeth LLC.

Mayor Lyles said I want to make sure. Ms. Gray, if you would just tell if we do a denial, what are the repercussions of a denial?

Ms. Hagler-Gray said I don't have the ordinance in front of me, but my recollection is that there is a two-year period that you can't come back with this particular petition.

Mr. Driggs said Mayor, that's not entirely accurate, if I may clarify?

Mayor Lyles said I know. I hear you.

Ms. Hagler-Gray said yes, but you're going to have to take some action at some point. You can defer it.

Ms. Anderson said I just want to be clear, because residents are here, and I want us to be honest brokers with them around what could happen and the impact on the community by-right. I also hear that there is some consternation around this particular petition. So, rather than put the neighborhood in a position where we're voting for something that ultimately would be worse off for the neighborhood, and that is what we've just voted for as a Council, I would like to make a substitute motion that I just move forward to defer this, and we can continue.

Substitute motion was made by Councilmember Anderson, and seconded by Councilmember Bokhari to defer Petition No. 2023-003 by CRD Elizabeth LLC.

Ms. Watlington said point of order. There's no motion on the floor for a substitute motion.

Ms. Anderson said well, there is a motion, so I can make a substitute motion.

Ms. Watlington said we already voted on that motion.

Mayor Lyles said she's making a motion.

Ms. Anderson said I can make a substitute motion.

Mayor Lyles said a new motion.

Mr. Driggs said a new motion.

Mr. Pettine said we had a motion and a second for denial.

Ms. Ajmera said we already did, yes.

Mayor Lyles said okay, Madam Clerk, would you please tell us where we are on this?

Billie Tynes, Deputy City Clerk said Madam Mayor, Mr. Mitchell was the mover. Ms. Ajmera was the seconder to deny it.

Mayor Lyles said to deny. So, that's a motion on the floor. So, a substitute motion.

Ms. Anderson said so, I was making the substitute motion, because I don't want to put the neighborhood in peril. I want to be fair to the petitioner, because this really has been a very long process, and so if the motion is to deny, I would much rather defer and see what occurs, because again by-right, it would have a worse impact on the neighborhood, and I don't want to have a worse impact on the neighborhood.

Councilmember Johnson said so, we just voted, well, not to deny it. It didn't pass. So, there can be a motion to defer it?

Ms. Hagler-Gray said yes.

Ms. Johnson said okay.

Mayor Lyles said we have a substitute motion for deferral.

Ms. Molina said yes, to the deferral motion, because that was my original thought. That was the rationale for my questioning. The rationale from my original questioning was exactly that. It was, give this more time. That's what was the line of my questioning. So, I am absolutely willing to support a deferral, so that if they're willing to come to terms with what staff is asking, even maybe go back to those very engaged residents over there and talk, then I think that would be worth having, especially if there is a problem with what the by-right option would be, which I'm not sure based on Mr. Pettine's rebuttal, that it would be, but I am open to a deferral, I will say that, but that was original reasoning.

Mayor Lyles said it was the original thought, but we now have a motion on the floor for a deferral and a second. Alright, is there any discussion on the deferral?

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Brown, Driggs, Graham, Mayfield, and Molina

NAYS: Councilmembers Johnson, Mitchell, and Watlington

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ITEM NO. 8: ORDINANCE NO. 803-Z, PETITION NO. 2023-042 BY WILMORE PRESERVATION LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.23 ACRES LOCATED ON THE NORTHEASTERN CORNER OF THE INTERSECTION OF WEST BOULEVARD AND MINT STREET FROM N1-D (NEIGHBORHOOD 1-D) TO MUDD-O (HDO) (MIXED USE DEVELOPMENT DISTRICT, HISTORIC DISTRICT OVERLAY).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition seeks to preserve the historic Wilmore School building, constructed in 1925, while allowing for adaptive reuse and new building construction on the site. The proposed adaptive reuse of the Wilmore School building has been approved by the Historic Districts Commission (HDC) and renovation will occur in coordination with the HDC and Historic Landmark Commission (HLC). New building materials and massing will be negotiated with the HDC and HLC to ensure compatibility with the school building and larger Wilmore community. The proposed multi-family and/or single-family attached residential units will provide additional housing options in the Wilmore community. The site is less than a half mile from the Blue Line East/West station. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Neighborhood 2 place type for the site.

Councilmember Watlington said this one I'm excited to see finally come through. It's been one that's been a long time in the making, and I know that there is conversation, not just about this parcel, but about this whole intersection, because we've got the Wilmore Center here, and the Wilmore Neighborhood Association has been very proactive about coming forward and saying, "Hey, we've got assets here. We'd like for it to be something that serves the whole community," and our staff has responded, and I know that we're in conversation to create an intersection here that's cohesive, that works with this rezoning and this development. So, I think it'll be a great asset for the neighborhood, so I'll be supporting.

Councilmember Mayfield said I'm glad that this is finally coming through fruition under Ms. Brown's leadership, because it's a conversation that's been happening for a little while, but I just want to say thank you to the petitioners for identifying a designation of five percent, regarding our multi-family, and trying to just at least look at diverse price point housing as the area is transitioning, because South Boulevard TOD is coming further and further into the community. People who have been there for generations are being pushed further and further away, and I appreciate the fact that they are preserving the school and the history of Wilmore, because Wilmore is its own area. It is not low-so, it is high-so, or whatever new name, it is Wilmore, and I appreciate the fact that that is being maintained for future generations.

Councilmember Brown said so to what Dr. Watlington and Mayfield said, Wilmore is definitely an area to be preserved. It's one of the historic neighborhoods in Charlotte that's longstanding. So, Wilmore is near and dear to my heart. Family members still live other there. So, just like to see what they're doing and how they went out in the community and engaged and brought everybody to the forefront. So, yes, I'm definitely supporting. I spoke to the family that was in opposition. I understand them and how they

feel as well. So, I just wanted to say that I'll be supporting it, and happy to do so moving forward.

Motion was made by Councilmember Brown, seconded by Councilmember Mayfield, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition seeks to preserve the historic Wilmore School building, constructed in 1925, while allowing for adaptive reuse and new building construction on the site. The proposed adaptive reuse of the Wilmore School building has been approved by the Historic Districts Commission (HDC) and renovation will occur in coordination with the HDC and Historic Landmark Commission (HLC). New building materials and massing will be negotiated with the HDC and HLC to ensure compatibility with the school building and larger Wilmore community. The proposed multi-family and/or single-family attached residential units will provide additional housing options in the Wilmore community. The site is less than a half mile from the Blue Line East/West station. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Neighborhood 2 place type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 121-122.

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ITEM NO. 9: ORDINANCE NO. 804-Z, PETITION NO. 2024-004 BY THE DROX GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.1 ACRES LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET, WEST OF NATIONS FORD ROAD, AND NORTH OF QUEEN ANNE ROAD FROM N1-B (NEIGHBORHOOD 1-B) TO N2-A (CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed single family attached dwellings would diversify the housing options along this segment of S Tryon Street. The petition will improve multimodal mobility in the S Tryon corridor by constructing a 12-foot multi-use path along the site's frontage. The petition commits to providing screening above ordinance requirements with a 15-foot Class C landscape yard where adjacent to single-family dwellings. The site is a remnant parcel with no street connection to the surrounding single-family neighborhood. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Neighborhood 2 place type for the site.

Motion was made by Councilmember Brown, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed single family attached dwellings would diversify the housing options along this segment of S Tryon Street. The petition will improve multimodal mobility in the S Tryon corridor by constructing a 12-foot multi-use path along the site's frontage. • The petition commits to providing screening above ordinance requirements with a 15-foot Class C landscape yard where adjacent to single-family dwellings. The site is a remnant parcel with no street connection to the surrounding single-family neighborhood. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Neighborhood 2 place type for the site.

Councilmember Mayfield said for this one, for me, it's a little more difficult. We have the Yorkmont Park community. The Yorkmont neighborhood has been very engaged for many years, and we all received an email regarding some of the challenges. When we look at this, Council historically has approved quite a number of projects in this immediate area. The challenge, I think here for the residents, is the setback on this, when you look at all the residential single-family, these are homes that have honestly, really nice sized lots, and it seems a bit of a challenge that we have one conversation on one side of town about preserving an area, but then on another side of town, which honestly is historically a working class, lower-income part of town, we're not having the same conversation regarding sustainability and continuity and preserving, with the idea of allowing 50 townhomes to go right here and the impact that they could have. These streets are pretty narrow streets. We already see the impact in a lot of communities with people that are parking into residential neighborhoods and the impact that that is having.

As I mentioned, Ms. Kanupp, on behalf of other neighbors in the community, shot us, well, Ms. Allen, shot an email to all of us, regarding the concerns that they have with this project blocking entry to the neighborhood driveways, increased stormwater, ponding issues, infrastructure has not been upgraded to address the stormwater issues, the number of townhomes creates overcrowding, and the destruction of the woods and wildlife, because you do have quite a few mature trees over there, how close it is in proximity to the homes, the traffic congestion, of which we're going to have traffic congestion all across the City, yet there's South Tryon, Nations Ford Road, the current congestion that we already have, and because of all the TOD. The majority of those residents are not on the rail. They are driving vehicles, and that is having an impact. So, I just want to make sure that we did take into consideration the concerns that Ms. Kanupp sent to all of us. Again, as someone who has lived in this community, Ms. Kanupp's been there, what, over 40 years, and has been very active, these are some very valid concerns that she and the neighbors have, that I just want to make sure that we take into consideration before we decide on a final vote on this.

Councilmember Brown said I hear what Councilmember Mayfield is saying. I've been at all the community meetings with Ms. Kanupp, and some of the community meetings and their concerns. We did address them and had conversations around their concerns and what we can do. There was some modification made by staff as they requested. They tried to fulfill them to the best of their ability. To address the concern about the traffic, the trips that are going to be in there is not going to increase it that significantly, and I'm just going to go with the recommendation of staff and the Zoning, both have approved. I spoke with them in detail about it. There's traffic everywhere in our City. We

can't stop building because of traffic. We're not going to stop building because of traffic. Us, as this Council, who make decisions for the City and how mobility and we get around the City, that's something we need to really look at and dig deep down inside on how we're going to do this. Our city's going to continue to grow and move forward, so we're going to have to make a decision collectively together how we're going to move around the City, and it's not going to stop people from moving here that want to live in this great City, and that's coming from someone that's lived in District 3 my entire life. They're building in my neighborhood. They're going to build in Kanupp neighborhood, your neighborhood, and probably everybody's neighborhood at this dais. How we look at it and how we move forward is going to be how we go around our mobility plan, and that's going to be something that we have to make the decision for.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Brown, Driggs, Graham, Johnson, Mitchell, Molina, and Watlington

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 123-124.

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HEARINGS

ITEM NO. 11: HEARING ON PETITION 2024-033 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT - TEXT AMENDMENT TO THE UDO IS TO MAKE CHANGES THAT WILL RESULT IN BETTER FUNCTIONALITY. THESE CHANGES PROVIDE GREATER CLARITY, NEW AND UPDATED DEFINITIONS, ADJUSTS USE PERMISSIONS AND PRESCRIBED CONDITIONS, REVISES USE NAMES, UPDATES GRAPHICS, AND MAKES CHANGES AND ADDITIONS TO STANDARDS. THERE ARE PROPOSED CHANGES IN 29 OF THE 39 ARTICLES.

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said alright, so 2024-033, as mentioned, is a cleanup text amendment, so we do have some just general changes that are occurring throughout the ordinance itself, so the first we'll just kind of go over. Clarifies applicability of the UDO for conditional zoning districts. Does modify and add some general definitions. Specifies standards for when multiple structures are on a lot or either attached or detached. Clarifies what constitutes parking lot maintenance and repair. Clarifies resultant parcels, which are exempt from subdivision regulations, and states that they have to comply with standards in the UDO. Updated and added to some graphics, and also just corrected some [inaudible] errors and language references. Again, a lot of these cleanups come from going on almost a year of use and a year of learning and a year of listening. So, we are trying to be as responsive as we can, and again, this is our kind of third round of cleanups, and we will continue to go through what's in this text amendment.

So, first, we'll cover some of the design and dimensional standards that we've made some changes to or proposing changes to. This would create conditions for establishing a new block face for sidewall measurements, adds for a 25-foot Class B landscape yard option for multi-family attached residential developments along their frontage, and also creates some flexibility in the build-to-zone requirement when site conflicts or constraints do exist, and also clarifies maximum spacing standards for required prominent entrances. Would talk about changes to the minimum number of required prominent entrance for nonresidential and mixed-use buildings. Offers some flexibility within our calculating the minimum building length. Really looking at that as a percentage of lot width along the frontage, things like clarifying standards for selected forms of residential development, things such as primary pedestrian entry orientation,

sidewall orientation, prominent entrance requirements, also modifying or eliminating selected standards for triplex and quads to align with recent updates to state law. That's basically going back to the changes that were made to how those buildings are treated in the review process as pertaining to the actual building code. We talk about different things with open space, making some clarifications to when open space is required for new construction. Also specifies open spaces required for a multi-dwelling development, and also when open space is required for a multi-phase development. So, that's a development that occurs over multiple phases and multiple years.

We've introduced some new uses, like auction sales, outdoor produce sales, outdoor recreation facilities, and outdoor seasonal sales, or rail yard, telecommunications, a data storage facility. We renamed the term gas station to vehicle fueling facility. So, we're not just recognizing just gas as a fueling option, but also potential electric vehicle fueling facilities, and we also are looking at removal of the conditional zoning requirement for things like vehicle repair facilities, for major vehicle repair, for minor vehicle repair facilities, and also for those vehicles fueling facilities. I'll get to a little caveat in that as we get to the end. That wouldn't be just generally across the board. There would be some standards and caveats to that, that again, I'll allude to on the last slide.

We've also looked at adding permissions for a manufactured home or single-family dwelling on an individual lot in our MHP zoning district, or Manufactured Home Park zoning district. That's consistent with our past practice where we did allow single-family dwellings within those zoning districts that wasn't carried over into the UDO, something we learned and created some challenges with, so we are cleaning that up. We're also creating or adjusting prescribed conditions for things like farms, private recreation clubs, outdoor seasonal sales, and then also specifying all uses and structures to be located on parcels for which they've been approved, so you can't put that on a separate parcel. Adjust use definitions and permissions in the use matrix as well as prescribed conditions. It talks about accessory structures and clarifying locational standards for those, such as things like a detached carport that may be an established corner site setback, things that we just didn't clarify well enough in the existing UDO today. Introducing standards for new categories of accessory structure, like solar panels. Those wouldn't be solar farms. That would just be if a resident wanted to put solar panels out, there are standards now for that, but it doesn't apply to a large-scale solar farm operation that has its own set of standards and use requirements.

We also excluded the area of an ADU, or Accessory Dwelling Unit, from the cumulative square footage of accessory structures on a residential lot, so we're treating them separately. Allowing for landscaping as an additional screening alternative for ground and wall mounted mechanical equipment. In terms of parking, we are looking at a modification to the Tier 1 zoning district, vehicle parking requirements, by adding CG and CR, removing them from Tier 2 and putting them into Tier 1. That was the original intent, something that we realized and going through projects under the UDO, that there was some misalignment in what the intent was and the outcome, so that's being cleaned up. Eliminates the Tier 2 and 3 parking maximums for senior living developments. Create a parking structure design for structures located in N-1, N-2A or N-2B. We do allow things like schools in some of those districts, and those other uses may need a parking structure. We realized we didn't have standards for when structures are designed in those districts, so we did want to include that. Also, specified the 400-foot referenced in Tier 3 vehicle parking requirement as a minimum 400-foot walk distance, and then clarified the percentage of bonus EV (Electric Vehicle) parking spaces, which may be designed for compact vehicles.

We do have driveway standards that are being proposed to change as well, and update driveway standards for duplex, triplex, and quad buildings. We have eliminated the maximum 24-foot cumulative width and established a maximum of 40-foot percent of lot width. We are also looking to make an increase to that after the public hearing. We've been working quite a bit with folks on the driveway standards that are working with us to give us some feedback, and we're listening and understanding what some of the challenges are, and we're going to make some additional adjustments after the public

hearing. Also, established a maximum driveway width of 12 feet between the curb, five feet behind the sidewalk. That gives us some flexibility in how wide those driveways can be when you're, again, behind that sidewalk, and then as you get further behind that you can make that driveway width a little bit wider. Do add a horseshoe and a half-circle driveway option for lots on arterial streets, that's to help from folks that may not want to back out onto some of our busier roadways in the City. So, allowing that half-circle driveway can eliminate that potential possibility. Also established driveways shall be located to the side or rear buildings for units without front-facing garages.

There was a text amendment filed on driveways privately, not by City Staff, and that was 2024-016. It was similar and they wanted to address driveway and parking standards for duplex, triplex, and quad buildings in Neighborhood 1 and 2. We've worked with the petitioner on this, and included a lot of that into this general text amendment that we're talking about this evening, and they agreed to postpone the public hearing on that, and committed to withdrawing that petition should this petition be approved, because it would capture a lot of the same changes that they were suggesting as well.

Just a few more slides on landscaping. I know this is really exciting stuff, so we'll try to get through the rest of it here. We do clarify the procedure for Zoning Administrator and modify landscape yard requirements, clarifies the landscape yard applicability, and provide additional screening options for parking lots through fences or walls. Also, provide an option for vinyl fencing when that's installed within a landscape yard. Tree preservation and planting. We do clarify the applicability of green area and tree planting requirements as part of a minor subdivision. Also, provide some compliance flexibility by allowing proportional compliance options to achieve complete green area and tree planting requirements across a project site, and also provides some flexibility in achieving tree save green area credits by allowing some noncontiguous areas to be credited under the approval of the Chief Urban Forester.

Then, we get into some transportation changes that we were looking at, clarifying the placement and location of driveways in relation to intersections. Establishing a procedure for adjustments to street cross-section elements in instances where they conflict with NC-DOT (North Carolina Department of Transportation) and the Charlotte Streets Map, and also clarify modification for the relocation of curb and gutter when there's conflicts with utilities. We are also looking at introducing and reestablishing an Alternative Compliance Review Committee. This is a quasi-judicial board, and they can look at requests for alternative compliance with certain standards in the UDO, encourage the use of those alternatives and innovative design practices that would minimize impact on surrounding development, and implement the intent of the applicable zoning district, just through a quasi-judicial process, and that would be something, again, we've used in the past, and we would look to instill that here for more zoning districts that would be applicable for using that process.

So, we do have some anticipated adjustments after the public hearing, just want to clarify some of these. So, we are working diligently on some of our EX-zoning district standards. The EX-district is our zoning district that is allowed to make certain modifications to development standards, primarily those that are quantifiable. So, things like block lengths and building facade lengths, and things that are, again, quantifiable standards. We're looking to make, again, some changes to that to capture some other elements that we feel were lacking or just don't have some of the tools to address some situations that have come up for projects that we'd like to just have, again, some better tools for. Adjustments to the prescribed conditions for farms to support Mecklenburg County Sustainability and Food Security Initiatives. Also, adjustments to outdoor recreation facilities, again, to support a request for an adjustment received from Mecklenburg County Park and Recreation. Then, we also had a removal to change the measuring point for maximum building height transitions. This was something that did create quite a bit of concern when we had that included in this text amendment. Again, we were trying to go back and get to some better past practices, or at least to be consistent with some past practices, but realized that wasn't a change that we wanted to continue to move forward with. So, again, that height transition and eliminating how it

is written today from the lot line, has been taken out of this text amendment, or will be, after the public hearing, and then we'll make some other minor adjustments as we need to.

Staff will recommend approval of the petition. We do feel it's consistent with the Comprehensive Plan. We will turn it over to the gentleman to my left here to speak, and we will take any questions you may have following their presentation. Thank you.

Mayor Lyles said thank you. Mr. Dewberry.

Ed Dewberry, 9920 Newell Hickory Grove Road said Mayor, I'd like to ask a question before I start if that is okay?

Mayor Lyles said a question to?

Mr. Dewberry said a clarification.

Mayor Lyles said oh, a clarification from our staff?

Mr. Dewberry said yes, please.

Mayor Lyles said yes, please feel free.

Mr. Dewberry said so, my understanding is that this would be an appropriate time to get clarification about rezoning, and so our congregation is now rezoned into ML-1, and we've been sent the use metrics table 15-1, which we were asking, or hoping, that this would be included in the text amendment, to include churches, or places of worship, as an allowed use in that zone. Is that correct?

Mr. Pettine said I think I did see the request that ya'll had made for that. I don't know if it's been incorporated. I will look over to my right here and see if anybody from the UDO team can give me a thumb up or down on whether we've included that in this, or whether we are aware of that request, and if so, we'll follow up and we'll continue to talk with you about it.

Mayor Lyles said okay. If you'll give him a minute, I think Ms. Harmon is checking. I see her looking at her phone, so. Can you tell us, again, what the dilemma is?

Mr. Dewberry said so, my name is Ed Dewberry. I'm one of the evangelists at University Church of Christ, at 9920 Newell Hickory Grove Road, in East Charlotte. We've been there for over 30 years, members, and last year, June of 2023, our property was rezoned, and we've been literally saving and anticipating expanding our facility in order to better serve our community, which we've been doing diligently and very successfully, I might add for, as I said, several decades. This rezoning will restrict us from having the opportunity to expand and better serve the community. So, what we were hoping we could get done is to have that reclassified, that you would look at that, because we feel fairly sure that we have overlapping interests in serving this community as best we can. So, we're just hoping that you'll be partners with us and enable us to do that.

Mayor Lyles said alright. So, I don't know if we're still working on it.

Mr. Pettine said I finally got an answer for you. Just want to look real quick at what the prescribed conditions are. We are looking at it as a place of worship allowed in ML-1 district, and that would be, it looks like, a use by-right in the ML-1 district. So, that would be an allowed use in ML-1 under this text amendment. Mr. Dewberry said right, okay. Well, I just wanted to make sure that first, the mechanics were in place, and secondly, request your support for this. Thank you very much.

Mayor Lyles said well, we're really glad that you asked the question, and the answer was to your benefit and our support for you, and good luck with the growth of your community church. Thank you. Alright, so any other speakers for this text amendment?

Councilmember Johnson said thank you, Minister Dewberry for coming out. I did get an email that I got your message. You called at 3:00 p.m. today. We've been in meetings since 1:30 p.m., so. Okay, so thank you for coming out. Thank you for your comments, and I look forward to supporting. I have a question from staff. It may or may not be covered in this text amendment, but parking spaces. I was driving through a recently renovated building, and there were so many compact parking spaces that were so small, that there were a lot of cars that couldn't fit in them. So, it seems like a waste of space that, like the developers are just checking a box that they're adding the parking spaces, but are they actually practical and are they sufficient? So, maybe we could talk offline, what are the requirement spaces, or the width for each parking space, because we want to make sure that we're not just allowing them to check the box, and it's really not serving.

Mr. Pettine said certainly, yes. Let me follow up with you and we'll have an offline conversation about it, because I think there are some things that are addressed to that regard in the UDO in general. I don't know if it's affected by this cleanup, but we can follow up and have a conversation on that for sure.

Ms. Johnson said okay, that's all I have.

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

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ITEM NO. 12: HEARING ON PETITION NO. 2024-023 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.79 ACRES LOCATED ON THE NORTH SIDE OF BILLY GRAHAM PARKWAY, AT THE EASTERN END OF WOODRIDGE CENTER DRIVE FROM I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL), I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO ML-2 (MANUFACTURING & LOGISTICS 2).

Mayor Lyles declared the hearing open.

Joe Magnum, Planning, Design & Development said good evening. Petition 2024-023. This is approximately 11.79 acres, located on the north side of Billy Graham Parkway, at the eastern end of Woodridge Center Drive. The site is split-zoned I-1 (CD) to the west and I-2 (CD) to the east. Proposed zoning is ML-2. The 2040 Policy Map recommends Manufacturing and Logistics for the eastern end of the site, and Innovation Mixed-Use for the western end. Staff recommends approval of this petition. It is a conventional petition. It is consistent for the portion recommended for Manufacturing and Logistics Place Type, but is inconsistent for the portion recommended for Innovation Mixed-Use. The petition site is located between a railroad and parkway, which provide physical buffers from uses further to the north and south of the site. The entirety of the site is currently zoned to conditional legacy districts that align with Manufacturing and Logistics Place Type. The proposed rezoning would eliminate those conditions and establish zoning under the UDO. The approval would revise the recommended Place Type for the western portion of the site from Innovation Mixed-Use Place Type to Manufacturing and Logistics Place Type. I'll be happy to answer any questions. The petitioner is the City of Charlotte, and we do have staff from General Services available if you have specific questions for them.

Mayor Lyles said do we have any questions for the petitioner?

Councilmember Brown said so, is this going to be a helipad?
Mr. Mangum said so, it is a conventional rezoning to ML-2. That is one of the permitted uses in that district.

Ms. Brown said okay. Nothing else, Mayor, I'm good.

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

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ITEM NO. 13: HEARING ON PETITION NO 2024-008 BY BANK OF OZK FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.776 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF SOUTH BOULEVARD AND STARmount COVE LANE, EAST OF ENGLAND STREET FROM TOD-TR (TRANSIT-ORIENTED DEVELOPMENT - TRANSITION) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

Maxx Oliver, Planning, Design & Development said good evening. Petition 2024-008 is located on the northeast intersection of South Boulevard and Starmount Cove Lane. The site's approximately 0.776 acres in size, and currently developed with a retail building. Current zoning is TOD-TR, Transit-Oriented Development, Transition. Proposed zoning is CG(CD), General Commercial, conditional. The 2040 Policy Map recommends the Community Activity Center Place Type. The CG(CD) district is inconsistent with the CAC Place Type. Approval of this petition would revise the 2040 Policy Map to the Commercial Place Type. The proposed zoning calls for the development of a financial institution with an accessory drive-thru. The following transportation improvements are proposed. Access to the site is proposed via right-in/right-out driveway on South Boulevard and full movement intersection on Starmount Cove Lane. The petitioner will dedicate any required improvements prior to the first Certificate of Occupancy. Site and streetscape improvements are proposed. The petitioner will construct an eight-foot sidewalk and eight-foot planting strip along the site's frontages, which is South Boulevard and Starmount Cove, and lighting will be full cutoff type, maximum height of 26 feet. There are several outstanding issues, including transportation issues related to C-DOT (Charlotte Department of Transportation) notes that need to be included on the plan, but have not yet been, and CATS (Charlotte Area Transit System) is requiring a bus shelter that has not yet been committed to. Other outstanding issues are related to site and building design. The building should be reoriented to front South Boulevard and Starmount Cove Lane, and the push the parking and drive-thru facilities fully to the side and rear of the building. The plan should meet all applicable prescribed conditions for accessory drive-thrus in a Community Activity Center Place Type, rather than Commercial Place Types, and better align with the 2040 Policy Map. The plan should remove parking and maneuvering areas from between the building and frontages, and this would allow setback to be decreased to meet a CAC-1 standard, remove driveway access on South Boulevard to enhance pedestrian facilities, and architectural standards should be included in the plan that comply with the TOD-TR zoning district and the Community Activity Center Place Types.

Staff does not recommend approval of this petition. The petition is incompatible with the Policy Map recommendation for Community Activity Center Place Type. A single-use commercial building with a drive-thru is not appropriate within a quarter mile of a light rail station. In 2019, the City undertook a proactive rezoning of more than 1,700 acres to Transit-Oriented Development districts along the Lynx Blue Line light rail corridor, to help facilitate new development that contributes to the City's major investment in rail transit. This project is autocentric in nature and would actively detract from the transit investment that the City made. Financial institutions are permitted in the TOD-TR district and could be built by-right if they eliminated the drive-thru. I'm happy to take any questions.

Remington Jackson, 620 South Tryon Street, Suite 800 said thank you all. Good evening, Madam Mayor, Madam Mayor Pro Tem, members of the City Council, Zoning Committee, Planning staff. Thank you for this opportunity to present on this application. My name is Remington Jackson. I work for the Law Firm Parker Poe, located at 620 South Tryon Street, Suite 800, Charlotte, North Carolina, 28202. We represent the petitioner, Bank OZK, on this rezoning petition. We sent in a presentation; would I be able to show it?

Mr. Oliver said it should be coming up in just a second.

Mr. Jackson said okay, great. As mentioned already, the property address is 7143 South Boulevard. It's approximately 0.776 acres. Existing right now is a retail location, which has a mattress shop and a pawn shop. As has already been mentioned, the existing zoning is TOD-TR. We're suggesting CG (CD) for a conditional. The reason for this is we'd like a financial institution with a drive-thru. By-right, as has already been mentioned, a financial institution without a drive-thru could be built there. Bank OZK being new to the area, having a drive-thru is a very big focus for them. Per the UDO requirement, we've already had one community meeting. No one appeared at the community meeting, besides representatives for the petitioner. We've had no opposition to this use along this site. We've also received no opposition, in terms of letters or emails. Just to give a representation of what the site looks like currently. As I said, those are the current retail locations on South Boulevard with Starmount Cove Lane. Currently, it already has two cut-outs. We will be reducing that to one cut-out, as I'll be mentioning later in my presentation. This is what the financial institution with the drive-thru would potentially look like. It's a mark up, which obviously would be changed slightly as we've been discussing things with Planning staff. This is what our current site plan looks like, which has gone through many discussions with Planning staff, in particular the right-in/right-out on South Boulevard. After much discussion, NC-DOT has agreed to allow for a right-in/right-out there, as well as a right-in/right-out along Starmount Cove Lane. In particular, as I've already mentioned, the drive-thru behind the bank location allows for us to have the eight parking spots in the front and also allow for the greenspace, open space in the very front, closest to South Boulevard.

This has already been mentioned, I think. The recent pending rezonings, the most recent one besides our own, was in 2019. This is just to give an aerial of where the location of the site would be, across South Boulevard from the Compare Foods Supermarket, and it's right next to the QuikTrip. As has already been mentioned by staff, this is not totally consistent with the Community Activity Center Place Type, however, the site does meet all the zoning requirements of the CG commercial district. Also, when making this application for the CG zoning, we based it on the Rezoning Petition 2023-141. This was a Fifth Third Bank that was approved in January of 2024, which was also found to be inconsistent with the 2040 Policy Map. After staff found that to be inconsistent, the Zoning Committee did vote in favor of it, 6-1 if I remember correctly, and then this Council did approve that Rezoning Petition. We based it upon that, because they also went to a CG (CD) zoning. They also had the issue of wanting a financial institution with a drive-thru. Some of the other similar comments from staff that we've received were also similar to that rezoning, which is why we based it upon that. The commitments that we made that the petitioner is committing to, improved open space, including the plaza greenspace adjacent to the public sidewalk per the site plan, as I mentioned earlier, which would be right there on the front two greenspaces. That's more greenspace than is actually required by the current UDO requirements. Furthermore, we're adding additional lighting with a maximum of 26 feet. As I also mentioned, we'll be consolidating the two existing curb cuts to only one curb cut, to allow for right-in/right-out for the petitioner's customers to potentially get in easier with one curb cut that will be right-in/right-out.

Other additional improvements for the project. A severe reduction in the existing site trips per the City staff, going from currently 632, down to 201, estimated. Increase landscaping, currently it's at 15 percent, and we will be increasing it to approximately 36 percent of the site would be landscape and greenspace. Also, this bank would be providing a service in accordance with the Community Investment Act, by locating in

areas with moderate-income and high-minority populations that typically have a higher reliance on drive-thru services. One of the big things for Bank OZK is that they find that their customers like to have a drive-thru, especially if they're using cash, they don't want to walk to the location carrying a large amount of cash. They prefer the drive, or at least have that as an option. That's the majority of my comments, but I also wanted to leave it open for any questions that the City Council may have.

Councilmember Mayfield said for staff, when we're looking at the fact that the federal government has created a mandate for banking institutions under the Reinvestment Act, are we also looking at how that potentially would play into our policy conversations, since the last conversation was around updating our language? Are we looking at how that may be impacted in these TOD areas?

Mr. Oliver said so, the TOD-TR current zoning already allows for financial institutions by-right. A bank can be built on this site today without going through this rezoning. It just would not be allowed to have the drive-thru.

Ms. Mayfield said but not a drive-thru. Okay. So, the answer to my question, which is specifically regarding the mandate that has come down for financial institutions through the Reinvestment Act, and the fact that there is a perceived safety concern with individuals, since we do have a number of residents that have large amounts of cash on them and would be safer inside a vehicle, are you all looking at the language to ensure that we're aligning correctly?

Mr. Oliver said I'm not aware of any discussion that has do with the drive-thrus and safety, when it comes to financial institutions. We're looking at it from a policy and zoning standpoint, and staff's position is that this does not align with the policy, and we cannot recommend approval of this petition based on the existing Community Activity Center policy. A financial institution is allowed in this location currently, it's just the drive-thru, but again, I can't make any comment on perceived or real safety of drive-thru versus walk-up or in-person service.

Ms. Mayfield said Mr. Pettine.

David Pettine, Planning, Design & Development said appreciate it. Maxx is spot on with how we treat it in the Activity Center, but just to your question specifically on the Community Reinvestment Act and how we're looking at drive-thru services. I know we've talked a lot internally about drive-thrus for financial institutions versus drive-thrus for fast food restaurants and EDEEs (Eating/Drinking/Entertainment Establishment) and are there differences or different impacts, which in some ways there certainly are from a trip gen standpoint. So, I think that's still a conversation we're trying to parse through. Do we look at those a little bit differently than traditional drive-thrus for like a restaurant? We haven't quite come to any resolution on it, but I'm glad that this was brought up. I'm actually not aware of this change with the Community Reinvestment Act. So, certainly we'll take a look at that and see if that has some impact on which direction we go in, but we're certainly willing to take a look at it and see what that might affect.

Ms. Mayfield said that could be very helpful, and either one of you, the next question might be an easy one, regarding CATS' comments that are in here. What we're talking about doing is basically, a bus stop will be required at site. Adjacent bus stops will be consolidated into new shelter pad, but I wasn't able to see on the map that you had up the distance between the bus stops, because depending on the individual that's utilizing that bus stop, and whether they're coming from Montclare South or on the backside, that could be a challenge when we say 10-minute neighborhoods and all of that. Exactly which bus stops are we talking about combining, and what could that potentially do for the riders that are currently utilizing those stops?

Mr. Oliver said so, CATS is referring to wanting a bus shelter to be built on this site and consolidate it from the existing bus shelter that's on the QT property adjacent just to the north. I don't know the specific distance, but they're requesting the bus shelter be near

the property line with QT, and the existing bus stop is just to the north on QT's property. So, yes, it's just moving it a small distance to the south.

Ms. Mayfield said so, it would be helpful to know exactly what that distance is, because looking at the map it might seem like a small distance. That could be anywhere from a three-block or more distance actually walking it. So, I just want to make sure that we're being respectful of the residents that are there, and we're not creating an obstacle for them by saying, well, we think this will be a better alignment by moving this bus stop, but it may very well cause a challenge for the residents of that bus stop, of which that's something you can work out and provide later, but knowing exactly what that distance is could be very helpful. Thank you.

Mr. Jackson said one of the reasons why we hadn't committed to that bus stop is because the next bus stop is right next door at the QuikTrip. So, that's why we haven't committed to it yet. Also, by adding that bus stop, we wouldn't be able to provide as much greenspace that we currently are adding. So, it was kind of a trade-off, if we add the bus stop, then we don't get the greenspace, but of course, we're willing to work with staff on this particular thing regarding the bus stop and the bus shelter.

Councilmember Ajmera said okay, thank you, Madam Mayor. So, can we go back to the site plan? So, this project.

Councilmember Bokhari said Madam Mayor, sorry, point of clarification. The petitioner is supposed to finish their rebuttal before we finish our conversations isn't he.

Mayor Lyles said I'm sorry, what did you just ask me?

Mr. Bokhari said the petitioner, in this unique case, is supposed to finish their rebuttal, and then we have Council comments.

Mayor Lyles said well, let me tell you how we do this usually, is that we have the rebuttal to the staff, and so Ms. Ajmera wanted to do this, but I wanted Mr. Jackson, that you understood that this was a rebuttal before we have the Council members speaking. So, yes, you can go ahead and finish your rebuttal. You have an additional minute and 43 seconds, and the rebuttal is to the staff's presentation, and you don't have to take up all the time.

Mr. Jackson said yes, that was the only point we had, was regarding the buses.

Ms. Ajmera said yes, so, this rezoning petition is not supported by the staff, because of its autocentric use, is that right?

Mr. Oliver said it's a multitude of things, but the City undertook a rezoning along the Blue Line corridor a few years ago to proactively rezone these sites to a TOD district, to kind of help further the investment we've made in transit by getting Transit-Oriented Development, and the Place Type is Community Activity Center. A single use auto-oriented use zoned CG would not be consistent with that Place Type.

Ms. Ajmera said I mean for all the reasons that you mentioned, I struggle with this one. So, I'm trying to figure out, if pedestrian would have to cross a parking lot to access the building. I'm just trying to figure out, like from pedestrian perspective, how would this work?

Mr. Oliver said so, there are two pedestrian accesses to the site, one on South Boulevard. So, this is north/south orientation along South Boulevard. You would cross this greenspace here, cross the parking lot, and enter in the building there. From South Boulevard and on Starmount Cove, if you're walking down the sidewalk, you'd cross the drive-thru here, where it was essentially part of the drive-thru circulation and access the building here.

Ms. Ajmera said yes, I mean I see a problem with that, where pedestrian would have to cross the drive-thru?

Mr. Oliver said that's correct, and one of our comments was to reorient the building, so that it fronts along South Boulevard and Starmount Cove, move the parking to the rear and that would enhance the pedestrian experience. You see other examples similar to this, like at Park Road and Woodlawn, the Chase Bank has a drive-thru facility, but it orients the building at the corner of Park Road and Woodlawn, and places the parking and drive-thru facilities to the back and side.

Ms. Ajmera said I see. So, have you explored that, Mr. Jackson?

Mr. Jackson said yes. We also explored that as an option. The reason we didn't is that, fitting the location, the actual structure of the building, and flipping it that way, and then also having the drive-thru would, again, cut down on the greenspace. So, again, is an either/or situation for us. That's also why we based it around the prior rezoning where this exact same thing happened. You, again, had the pedestrians walking across the parking lot as well as walking across where it is technically the drive-thru, but it's the entrance to the drive-thru, and in that instance, that rezoning was approved.

Ms. Ajmera said so, for our staff. So, I guess, where we would have building entrance in the front, that would ensure that pedestrian would not have to cross through drive-thru traffic to get to the building. Would that cut down on greenspace?

Mr. Oliver said it would actually have the added benefit. If you move the building to the frontage and move the parking maneuvering areas to the rear and side, you would actually be able to reduce the setback requirement from that of CG to the smaller setback required in the CAC zoning district.

Ms. Ajmera said okay. Well, I don't have any additional questions, but I would encourage you to explore that option. I struggle with this one, a pedestrian having to cross through driveway. I mean, I can see pedestrian fatalities. I mean, this is just not safe, but that's all I have. Thank you.

Councilmember Johnson said I did have some questions, but Councilmember Ajmera asked them. I just wanted to know about why it was not being supported, and if the drive-thru was the only reason. You said there were a multitude of reasons that it wasn't supported?

Mr. Oliver said so, the drive-thru is certainly an aspect, but drive-thrus are permitted in the CAC districts, or lots that are in the CAC Place Type, assuming that there was a drive-thru on the site before. There was not in this location, so that zoning would not apply, but I think staff could reach a point where we were a bit more comfortable with the drive-thru being on site if they did comply with the applicable aspects of drive-thrus in a CAC Place Type, which would include, like moving the building to the frontage, moving the parking maneuvering and drive-thrus to the side and rear of the site, basically putting more emphasis on the pedestrian experience. So, it's not strictly that it's just a drive-thru, there are other factors that we think can be accommodated.

Ms. Johnson said okay, well, hopefully the petitioner can work with the staff to make those accommodations. Thank you, that's all I have.

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

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ITEM NO. 14: HEARING ON PETITION NO. 2024-024 BY ORISSA HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.13 ACRES LOCATED ALONG THE NORTH SIDE OF INTERSTATE 485, SOUTH OF UNIVERSITY CITY

**BOULEVARD FROM MX-2 (MIXED USE DISTRICT-2) TO N2-A(CD)
(NEIGHBORHOOD 2-A, CONDITIONAL).**

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2024-024, as mentioned, is just over 9 acres. It's at the end of Abercromby Street, just along 485. Just adjacent to this, if we go to the next slide here, we had a recent rezoning, just in this area for a large-scale data center, that was back several months ago, may have even been late last year, but just to put some context on that, that's where that petition plays in and is part of the adjacency for this one. Existing zoning is MX-2. Proposed zoning is Neighborhood 2A, conditional, and the Adopted Place Type, as you can see, is Neighborhood 1. We do have Neighborhood 1 all around it, as well as some Manufacturing and Logistics. There are some Neighborhood 2 recommendations on the other side of I-485. Those are retained from existing entitlements and existing developments that more align with Neighborhood 2, than Neighborhood 1.

Just some site history. So, as we mentioned, originally that data center site we talked about was part of the larger rezoning back in 2021 that was part of a large-scale single-family detached with some single-family attached residential, I think over 500 single-family units. This piece that we're looking at here, which is part of the rezoning this evening, was part of that original petition in 2021. It was retained as MX-2 through the data center rezoning, so that data center really only affected the property to the north here. This was retained and was originally approved and is still entitled for 26 single-family detached homes. You can see it's essentially an extension of Abercromby Street and the exiting community that's there. So, just wanted to provide a little background and context for this particular location.

The proposal under this petition for 2024-024, would be to propose 71 multi-family attached dwelling units, townhomes on the south side of Abercromby, still an extension of that road would be required with a possibility of a connection up through the data center project. We do have tree save and open areas listed out as well as a Class B landscape yard along 485. Twenty-nine feet of the right-of-way from Abercromby Street would be dedicated. Future cross parcel access to the north is still envisioned as a potential here. Would provide an eight-foot planting strip and eight-foot sidewalk along Abercromby Street extension. Also provides 17,750 square feet of open space. It would dedicate this green area that is part of the stormwater management buffer to Mecklenburg County for a greenway access easement, and also provides architectural details, including building materials and our standard type of townhome and attached products, architectural standards that we typically get.

So, as mentioned, staff currently does not recommend approval of this petition in its current form. We would like to continue to have some conversations with the petitioner to have some outcomes that better align with maybe that Neighborhood 1 Place Type and the original entitlements, maybe looking at some modifications to that, that maybe have that many units that are proposed and some different unit types. Things that we look for when we're evaluating Neighborhood 1 to Neighborhood 2, would be things like proximity to transit, proximity to activity centers, connectivity to other neighborhood roads. While Abercromby Street is an extension, there's really not a lot of other connectivity, and it takes quite a bit of time and effort to kind of get back out. So, that connection north to the data center piece would be a good one, but again, I don't know the feasibility of that, given the use has changed, but again, we're not within close proximity to any activity center, we're not within any real connectivity for transit. So, it doesn't quite check some of the things we look for, looking at a Neighborhood 1 to Neighborhood 2 change. So, again, that's why staff is in the position that we're currently in. We'll continue to work with the petitioner, and we will turn it over to them and the public for their presentations, and we'll take any questions that you may have following the conclusion of those. Thank you.

Paul Pennell, 1213 West Morehead Street, Suite 450 said thank you, Mayor Pro Tem. Thank you, Council, for allowing us to speak tonight. Thank you, David, for your presentation tonight. I will not need the full 10 minutes to keep everything moving

forward. Quickly, I'm Paul Pennell with Urban Design Partners representing the petitioner for Petition 2024-024. Currently today, it's zoned MX-2, requesting an N2-A zoning district, for 71 townhomes on approximately 9.1 acres of land. David did a great job providing some context. Let me back up just one real quick. So, this is the dead end of Abercromby Street, which you can see on this slide, which is actually stubbing directly to this 9-acre site. You may recall that this was a portion of land that was rezoned a couple years ago, which was removed from Zoning Petition 2023-030. It was the data center that was rezoned a few months back. This was excluded to hopefully remain residential. We are bringing this acreage back for a residential community. Ms. Mayfield, during that rezoning, had some concerns related to the proximity of residential to the data center. The townhomes, which are being proposed under this petition, are 800 feet away from the closest possible building line within the previous data center rezoning. So, I just wanted to provide that for context, that we're talking 800 linear feet between those two uses. Included the current Zoning Petition site plan, in case we needed it. Let me go ahead and jump to the rendered site plan. This is for 71 single-family attached townhome residential uses, for sale. These are a for sale product here. They are not intended to be rentals. Quite a bit of open space and tree save on site, and the stormwater management pond is represented just to the north of the Abercromby Street extension, shown here in this slide.

I would like to just go ahead and jump right into some of the larger public benefits associated with this petition. One, for sale residential housing stock within this area and a diversity of different types of housing types, I think, is of benefit. Those of you that are familiar with the Brookshire neighborhood, when you take the Brookshire neighborhood streets back to University City, it's got to be 10 minutes, it has to be, it is a long way, just a very circuitous route. The extension of Abercromby Street across Back Creek, eventually connecting up to Caldwell Park Drive, would greatly lesson that commute for the residents of the Brookshire neighborhood. We see that as a positive public benefit. We've also been working with Katie Lloyd at Mecklenburg County Parks and Rec, regarding the Back Creek greenway. There is a significant amount of green area and land that would be dedicated over to Mecklenburg County Parks and Rec for the construction of greenway, which would eventually connect over to the currently undeveloped Caldwell Park. So, that is a component of this as well, in addition to the amount of greenspace that's being provided within this project.

As the petition moves forward, we're happy to work with Council and answer any questions about why we're proposing 71 units here. The crossing along Back Creek is turning out to be quite a bit more expensive than was originally envisioned, but happy to have those discussions offline, and with that, I will go ahead and hand it over to opposition.

Antoinette Mingo, 13411 Ada Court said I will not need 10 minutes either, so I know you'll be happy about that. My name is Antoinette Mingo, as was said, and I am speaking as a resident in the area of the proposed Caldwell Forest development. I appreciate the rezoning request made by the developer from Mixed-Use areas to Residential. However, I would prefer to see Place Type N-1, as opposed to N-2, and that would be to maintain the character of the neighborhood. I am aware of the City's desire to build more housing so people can live in Charlotte, and they can come from other states, and within this state, to move here, but this particular area was once farmland, and there is at least one farm remaining. The streets in this area were constructed to accommodate a few homes, not a whole lot of multi-family homes and a lot of townhomes. Caldwell Road is the main thoroughfare for the proposed Caldwell Farms development, and I don't know about the 10 minutes, because it doesn't really take 10 minutes to get to University City Boulevard from anywhere that I've driven, but Caldwell Road is the main road. So, this two-lane road is the same one that becomes Tom Query once you drive towards Cabarrus County, and because the City has a desire to build a house on, what seems to me, every free space in the University area, the volume of traffic has already become unbearable, yet infrastructure improvements lag behind as it relates to roads and sidewalks. Enough construction has already taken place in the Caldwell Road area to warrant these improvements. I would like to know when the improvements will be made, and ask the Caldwell Farms project be placed on

hold until such time as the improvements are made. I would like to also say that traffic and the pollution from traffic affects our quality of life, and the pollution affects our health. That is all I have to say, but I would certainly hope this would be an N-1 project, and not an N-2. Thank you.

Mr. Pennell said we certainly appreciate Ms. Mingo's comments tonight. We do believe that providing a variety of housing types in this area for a for-sale product is beneficial for the community. It will help offset some of the development cost associated with those road improvements and the traffic improvements that are associated with this and the crossing of Back Creek, but we are happy to have further discussions regarding those details as we move the petition forward.

Councilmember Johnson said thank you, Mr. Pennell, for the presentation. I've had the pleasure of speaking with you. I think we have a way to go to get to a place where I can support it. The fact that the staff does not support it, and Ms. Mingo, the resident. I did reach out to the Caldwell Farms HOA (Homeowner Association). I spoke to him about it as well. So, while I appreciate the for-sale, you know that I do, I really want to ask more questions, particularly to the staff. I've been wanting to talk about cumulative impact, and infrastructure, I've been talking about that for a long time, and Ms. Mingo's right, as far as the two-lane roads. So, I'd like to talk to staff offline, maybe C-DOT, to find out if there are any proposed improvements for that Caldwell Road area or Back Creek, or any of those state-owned highways, to see where that is in the pipeline as we can discuss that, and then we can talk offline. Thank you, Ms. Mingo, for coming out as well. That's all I have. Thank you.

Councilmember Ajmera said I was going to ask what District Councilmember Johnson asked. We have someone here from C-DOT? Okay. Are there any improvements planned for Caldwell Farms Road that that speaker had addressed?

Jacob Carpenter, C-DOT said Jake Carpenter with C-DOT. I'm not aware of any improvements that are scheduled, but would be happy to look into it and coordinate with the resident on that matter, or yourself as well.

Ms. Ajmera said I think District Council member will give us an update on that. I certainly appreciate, Mr. Pennell, how there is a lot of open space, almost 17,000 square feet of open space, that's really good. I appreciate there is a buffer as a greenway easement to County, so there would be a connection to greenway. Certainly, these are pluses, but I certainly understand the concerns that have been raised by Ms. Mingo and District Council member, in terms of Neighborhood 2 proposed rezoning. What would it be if it was Neighborhood 1 proposed zoning, Mr. Pettine?

Mr. Pettine said so, it's currently entitled now under MX-2 for 26 single-family homes, which is the plan that we've got up on the screen here. So, that would look and function like a Neighborhood 1 product, but it would be just restricted to single-family detached, because that's what the conditional MX-2 approval carries forward with it. So, if they went to a Neighborhood 1 district, they could build under that zoning district, and they could do single-family detached, duplexes, triplexes, and that's something that we would be happy to explore with the petitioner, but again, what they're proposing here better aligns with Neighborhood 2, and the request is for Neighborhood 2. So, there are some differences, mainly in the road type construction, the type of buildings that are allowed, how many units can be allowed within a certain building. So, just some things, again, we'll continue to try to coordinate on, but Neighborhood 1 would essentially look similar to what was approved under the conditional zoning for MX-2.

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

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ITEM NO. 15: HEARING ON PETITION NO. 2024-031 BY PANTHERS' STADIUM, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.04 ACRES LOCATED ON THE EAST SIDE OF SOUTH CEDAR STREET, WEST OF 4TH STREET, AND NORTH OF MINT STREET FROM MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) CAC-2 (COMMUNITY ACTIVITY CENTER - 2), AND N2-C (NEIGHBORHOOD 2 - C) TO UE(EX) (UPTOWN EDGE, EXCEPTION).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2024-031, 12 acres. Lots of folks are familiar with this site. Off Cedar Street is the location of the current Panthers practice facility, along with an additional lot here to the north, that's part of this petition. It is currently zoned MUDD-O, which is a Mixed-Use Development District, with some optional provisions. There are some CAC-2 portions of the property zoned as well, as well as Neighborhood 2-C. They are proposing to bring all those districts under one Uptown Edge District, with the exceptions, that would be the EX provisions that we discussed a little bit earlier this evening, that provides some relief from zoning standards in the UDO. Adopted Place Type for this petition is for the Regional Activity Center, so the UE district certainly would be consistent with that Adopted Place Type.

The proposal is split with development areas. So, development area A, that's the area that could be developed with practice and training facilities, fieldhouse facilities, indoor seatings for sports events and performances, up to 5,000 seats for outdoor uses, sports operations, reception facility uses. Essentially, all the different things that you would see associated with a facility that would house the practice facility here for the team. So, development area B could be developed with all uses permitted by-right and under prescribed conditions in the UE district. Development area B is the smaller portion just to the north here along the rail line as well. So, the shared use pedestrian path from Graham Street along development area A, is an area that they've asked to not be considered a frontage so that could actually have some closings during certain events. It also notes that any building that's 100 feet or greater from a frontage would not be subject to regulations within the UDO that are applicable to frontage types. It does request some EX provisions and specifies that required public benefits for EX may include, public lake accessible open space, public plazas and open spaces, outdoor recreational features, and streetscape improvements. Some of the other EX provisions that are requested include reducing the setback along Cedar Street to 16 feet and increasing the build-to-zone from zero to 200 feet, and then decreasing the build-to percentage to 40 percent.

There's also EX provisions requested to the building design standards, which would reduce the minimum building height for accessory structures, reduce building length percentages, and an allowance for blank walls, decrease minimum ground floor height. There's some EX provisions for parking standards related to the location of bicycle parking and vehicle parking between buildings and frontages, as well as the design of the parking structure that could be associated with the site. EX provisions also are requested for open space to allow for the reduction in the required open space to two percent with the allowance for open space to be met on the stadium site, which is part of this parcel, but not part of the rezoning. So, there could be some open space that we would see, not in this particular location, but it'd be in the location closer to the stadium itself, which again, is a contiguous parcel, and that green area could be potentially reduced to 10 percent. EX provisions have also been requested to signage standards, to allow for some different signage types and sizes, to better address the needs for this type of facility, and put together a master sign package for the actual site, and then some EX provisions to allow the existing streetscape to remain with a seven-foot-planting strip and seven-foot-sidewalk. Again, these are all requests that the petition's made. The EX provisions allow for these types of requests to be made in return for things like, increased open space and public amenities, things like LEED (Leadership in Energy and Environmental Design) certification for certain buildings.

There's a whole host of options that can be deployed, which we have seen some of those baked into this proposal. We'd like to get some additional clarity on some of those

requests as well, just to make sure that we are aligned with the goals and intent of the EX district. So, I don't think we're very far off from that, just again, asking for some of that clarity from staff in our analysis, and some of our outstanding issues. So, staff does recommend approval of this petition. There are some items, again, that we have to work through related to transportation, land use, site and building design and environment. Again, a lot of those relate back to the EX request, just making sure that we're clarified on what the actual asks are and what the return from the public benefit standpoint is, again, is something we've been in close coordination with, with the petitioner, and feel like we will certainly get to some good resolutions and outcomes prior to the resubmittal this Thursday. It is consistent with their recommendation for Regional Activity Center, and again, we will turn it over to the petitioner, as well as the opposition, and we will take any questions following their presentations. Thank you.

Jeff Brown, 100 North Tryon Street, Suite 4700 said thank you, Mayor Pro Tem and members of Council. It's a pleasure to be here tonight, and also members of the Zoning Committee, assisting Tepper Sports & Entertainment, on the Panthers practice facilities rezoning. With me is Caroline Wright, who's the Chief Venues Officer for Tepper Sports & Entertainment, and along with others from the organization, and LandDesign, who is the land planning firm involved in the project. We also appreciate, really, staff's work on this. There's a lot of technical aspects to this type of a unique facility, and we appreciate their efforts on that. Also, greatly appreciate Councilmember Graham's efforts as the District Representative who's been involved in a number of discussions and some recent meetings. So, we thank him for his time and energy on the rezoning.

Again, this is the site location that Dave's already talked about. As staff mentioned, this is a unique project, and a unique project that creates some special design and operational features that are associated with the professional football practice, and the specific needs of the practice, as well as player safety considerations. So, it's involved a lot of work with the staff to deal with the unique fieldhouse, in particular, where the full-length practices will take place within the fieldhouse, as you'll see in a second. We'll continue to work on these things, but it's constrained a good bit by the transit line that is also on the full-length of the site. So, there's some constraints that we're dealing with, and we'll continue to work with that, and we'll continue to work to address these outstanding issues. We'll also work with the nearby Third Ward neighborhood, and we'll continue to be responsive as possible within the project's constraints and with some of the operational needs. We had two well-attended community meetings, and we're continuing to have good dialogue. On that point, I want to also thank former Councilmember Al Austin, who's a member of Third Ward. He's been helpful in that regard, and we appreciate his engagement on that.

We're going to continue to work on the project. We've actually reduced the building height from the original height, down even further than what's listed in the staff analysis. We've clarified the very limited access to Cedar Street from the site, working on privacy fencing and improving the fencing along Cedar Street, and some other similar types of features. Really, as Dave said, we're dealing with the EX provisions here, because we have some unique considerations, but I do want to highlight that this site, we're seeking zoning for Uptown Edge. Uptown Edge is a consistent district with the Regional Activity Center called for, for the entire practice field facility. Now, we're under a conditional plan now, and we're going to a conditional plan, but RAC would allow potentially substantially more intensive use than what we're proposing if it were rezoned later to that level. Let me introduce Caroline Wright, who will talk further about the project.

Caroline Wright, 800 South Mint Street said thank you, and I appreciate your time. This slide here represents where we are at today in Phase One. We are in the middle of renovating the two fields in Section A. What I want to note, particularly, is D, which is the current maintenance and access road that will be in this place until we move to the fieldhouse. The reason for noting this is because when we go to the rezoning, we will be moving the fields over and up towards Cedar Street, in order to accommodate the CATS right-of-way requirement. So, we spent some time working with them prior to the rezoning. There was no right-of-way on the property, so we've been working through what those details are, and the importance of transportation. The red line on this

drawing illustrates what the new right-of-way would be for CATS across the property, which represents about 20 percent of the rezoning site. So, I call your attention to F, which would have been the prior road, and it's now moved over to G. We, in fact, took down the dome and have removed the parking, so any vehicular traffic that previously was going to this site, will now be reduced, and any future parking will be coming in off of 4th and into the CATS lot area, and the bottom right-hand corner of the building will house the entrance.

We have heard and appreciate the feedback from the residents in Third Ward. They have given us some good things to consider. So, with the importance here of the fieldhouse, which is B, that its location is determined based on the feedback that we got from CATS and the compression that we are receiving from the bottom part of the lot. In addition to that, the dimensionality would not fit anywhere else on the property. To the left of this drawing, you have Dukes, who has an easement, and then on the bottom is where we would have all of our civil works, and the small little building you see on the bottom of B is the [inaudible], and so all of those civil works and tie ins, mechanicals, etc., tie into the back of the property. Item D on here, which is our maintenance building and viewing area, we are aware it would be built inside the right-of-way site and would be prepared to move it at the time that CATS proceeds with their development. C, to the far left, is where the enhanced path connection would be to continue the ability for pedestrian flow. We would work with Parks and Recreation on what that looks like as it approaches Cedar for continuance of bike and pedestrian pathways.

We had a dome previously here, as I mentioned, it was 60 yards. The goal for this site, as it has been for the entire duration of Carolina Panthers Football, is for football and the activities that are related to that. What's really important here is that we don't get a tremendous amount of time with our athletes, and so we need to maximize that time. They have three full fields at 100 yards, and that's really important, two outside and two inside. So, the traffic activity for the majority of our uses will be related to players and our coaching staff that will be parking at the stadium and either walking over or taking golf carts. As it relates to the compression from CATS and moving all of our site forward to Cedar Street, that does impact the tree line, and we've heard from the community on that. The next page we have is a diagram that demonstrates currently, on the top right, how close the current fence is to the existing trees that are between the sidewalk and the fence line. Currently, our athletes have a berm in the way, and so from a safety perspective, we would like to flatten that berm, and we need to increase the width. The field area can be changeable, so the fields can change direction. It is a completely flat surface, and so at any given time, we could either have the retaining wall be part of field runoff from the end of the field, or from the sidelines of the field, depending on the direction that the field has been painted. So, it is important to us that we provide the safest environment for our athletes, and we'll need to move the retaining wall over. That is an impact to the trees that are between the sidewalk and the existing fence. It does not impact the trees between the sidewalk and the road, and those trees would remain and so would the tree canopy along Cedar Street.

As it relates to the fence, we heard some concerns from the community about the privacy fence we desire. We agree with them that we will work on look and feel of that fence as it relates to the beautification of the community. On building height, our original submission was 95 feet. We will be revising that submission to 70 feet at the apex of the roof, which is a triangle. It is not flat. What's important to note is, depending on where you are standing, would be the feet impact to you. So, at field level, it is 70 feet to the apex. When you're standing on Cedar Street, depending on where you're standing, because the elevation changes, it can range between 65 to 70 feet from the sidewalk.

I think I have covered most aspects we wanted for consideration to show you renderings to get a flavor for what the fieldhouse would look like. This is the view standing from Cedar Street, to the left is the fieldhouse, to the right is the maintenance building with viewing deck. This is the viewing deck that would be along the back. The maintenance building houses mechanicals and storage for football and grounds, and ties into those pieces we've shared that are at the back of the property, and this would

be the indoor of the fieldhouse that accommodates for the football requirements. That is it. Thank you very much.

Wesley Clark 326 South Cedar Street said thanks, everyone, Council members, Mayor, for having us. I wasn't planning on speaking until I came in here. I was just planning on listening, and then I saw everyone was speaking for this. Councilmember Graham, as you remember in our community meeting, no one in the community was okay with this. We offered recommendations for adjustment, one being where the bubble was, just to keep the indoor practice field right there. So, the area, I think that was like zone C where that blue is, they're saying that they can't go any further than that. They're not going to be able to do 100 yards, but they can on that side. So, that was just like, there's a lot of mute points about sunlight on the field. Well, if you look at where the fieldhouse is going to be, that's going to block the sunlight to the trees, to the vegetation, and to the condo owners on the other side of the street. Also, it really is just an eye sore where it is. If you were to put it back where the bubble was, you'd have a great view of this facility from the street. If you've walked down Cedar Street before, and you looked over the field and you've seen that City skyline view, it's a beautiful view, and this field is going to take away from that. It's going to take away from the community, it's going to take away from the City, and all we're asking is, just put it on the backside. With the angle that it would be where the bubble was, everyone would still be able to see the City skyline, and you have a great view of this practice facility. It doesn't take anything away from the Panthers, but where it is now, it is going to take away from the community, the homeowners across the street and the City, but moving it on the other spot where the bubble was, I almost think it would add value to the City and the community, just because it would look great, and the environment. Those trees are going to have to come down that are on that street where they're going to build it. That wall's going to go, what 70 feet up. It's going to block the sunlight from those trees, not only on that side of the street, but across the street too, and something's going to have to be done with that. Again, I just want to make sure our community is being heard, and that's why I'm speaking. I've got nothing else. I really appreciate you all letting me speak.

Mr. Brown said thank you very much, and we appreciate Mr. Clark's comments, and we appreciate the turnout recently for the community follow-up second meeting we had in Third Ward. We appreciate the fact that there's change. Currently, there's no bubble there. The bubble is further away. The bubble I want to emphasize was temporary, really in nature, it's 60 yards. This is really to provide for the longer-term prospects for the fieldhouse, and we recognize that the building will, therefore, be on a portion of Cedar Street. Most of Cedar Street will be fields, however, and you'll still have the view as you walk Cedar Street and see Cedar Street. We've tried to be a good partner in this. We continue to work with them. We have reduced the building height. We frankly recognize that that row of trees will be gone, because of the constraints we're talking about, and they're real constraints, from the transit line, as well as the need for these three fields to be full-length fields that have sufficient player safety runoff. So, that's really what we're dealing with. We wish there was more room to be able to save that row of trees. I will say, we've been working with an arborist and we're confident that it will not impact adversely the other trees on Cedar Street, and so we feel like we're doing a good job. Last comment I'll say, again, we appreciate there's change, but the plan calls for really an Uptown type of condition here on these fields, and we're going to be doing something I think can actually provide a lot more open space with these fields, than if this were developed later under Regional Activity Center for a much taller potential building that would run potentially the full-length of Cedar Street. That's not a threat, or anything, it's just a reality of the Regional Activity Center plan for Uptown, but let me just quickly say, we're going to continue to try to do what we can and working further with the Third Ward community, and we do appreciate the change that's happening. We think the Panthers are a great asset also for Third Ward, and we look forward to working with them as well. Thank you.

Councilmember Graham said first let me thank the residents of Third Ward, specifically, former Councilmember Austin, for meeting with me and Tepper Sports on two occasions now, one virtually and the other last week, where we had about 40 folks

in attendance to hear the petitioner and their proposal. There are a number of concerns that we heard, and a number of concerns that Tepper Sports & Entertainment are addressing, some they mentioned in their presentation, others I would just highlight just for the record, and they're working with staff on a number of minor adjustments. Staff has approved it conditionally based on those adjustments. So, the internal working with the team is in progress. We talked about, again, the wall façade and the potential for community engagement there, alternative material for the retaining wall. We talked about the tree canopy and tree saves. We talked about the glass frontage, and certainly the traffic impact on Cedar Street, and most of the conversations have been the impact on Cedar Street, the views on Cedar Street, and the impact they may have on some property values that are directly adjacent to the new facility. So, we continue to work with them. One of the things that they would love to see is the external view, and you saw a little bit of it, so I'm almost certain that you will distribute that to the residents immediately so they can get an understanding of what the external view of the building will look like, as well as a number of the adjustments or concessions you're willing to make on the external view, to make sure the view that the residents will see from externally to the building, is pleasing to their eyes. In addition, they're also willing to work with the residents on a number of community benefits that's not been articulated yet, but they've been very flexible in terms of their direction.

We will continue to work to resolve outstanding issues. We understand that there's more, and I will be convening yet one more meeting before this comes back before a final vote, talking about a wide variety of issues that were mentioned here tonight, others that we've noted for moving forward, and certainly the issues that staff has pointed out that they're working with the petitioner on to dot i's and t's, to make sure that we have something that's ready for a Council action within the next 30 days.

Councilmember Brown said I wanted to say thank you so much for your presentation, and thank you for coming out, Mr. Clark. Now, the wall, you said it was going to be 70 feet tall, is that correct? Was that the original height of the wall? Did we make any modifications, Mr. Pettine?

Mr. Pettine said so, that I'm not sure. I may defer over to the petitioner team to clarify that one for us.

Ms. Brown said okay.

Mr. Brown said Councilmember Brown, I think you may be referring to the building height.

Ms. Brown said yes, the wall of the building.

Jeff Brown said yes, the original building height started at 95 feet. As the designs have progressed, we've been able to be more comfortable. We actually are confident in our revisions to the plan, we went to 80 feet, and we've actually now been able to say that we're confident that we'll be able to do a 70-foot height as we continue to work on the design.

Ms. Brown said so, it originally started out at 100 and something?

Mr. Brown said 95 feet it started at.

Ms. Brown said 95, okay. Then, I heard Mr. Clark say that it's going to block the view from Cedar Street. I'm very familiar with that area. Is that coming from 4th Street down to Cedar to where the practice field is now? Can you explain that a little bit about the view, because he said if it was on the opposite side, you still could see the entire view. So, is that an option or?

Mr. Brown said the building, and I can have Ms. Wright talk further, if need be, but the building itself will be perpendicular, the fieldhouse building, where an indoor field will be located, will be perpendicular to Cedar, running along the edge of the Johnson & Wales

property. So, a portion of the property will be the fieldhouse that will be closer to Cedar Street and will be a new building that does not exist there. The rest of the property will remain fields. So, if you look at the area there in blue, that's where the fieldhouse portion would be, and it would have a front onto Cedar Street from the standpoint of the building edge. That's the portion that would be no more than 70 feet, and in fact one can say, closer to Cedar Street, probably more closer to 65 feet in height. So, we do have a new building going in that location, but, as I mentioned earlier, the rest of the property by way of this rezoning, would stay fields, and so we feel like that's actually, in many ways, a positive. We recognize that that is change for those residents right along Cedar, and per Councilmember Graham, we want to work and do as good a job as we can on the building aspects of it.

Ms. Brown said okay, yes, and then the final thing was like, the community impact was significant, right? That area is historic around Johnson & Wales, that neighborhood. It's been there for quite some time. So, the community impact has been heavily attended?

Mr. Brown said yes, we've had two. We had a virtual meeting in April 2024, and then we had a followup meeting. Again, we appreciate former Councilmember Austin and Councilmember Graham's efforts. We re-noticed the entire community twice. We went beyond the notice that the City would give us. So, we actually included a much broader capture of residents within Third Ward, in part for the reasons that you described. This is an important neighborhood, and we wanted to be good stewards of the process. So, we've had two large meetings, and we look forward to having a followup meeting with leadership and others.

Ms. Brown said okay. So, Mr. Graham, that's your district?

Mr. Graham said yes.

Ms. Brown said would you let me know when you do the follow-up meeting, please?

Mr. Graham said sure.

Ms. Brown said alright, thank you so much. No further questions from me.

Councilmember Ajmera said is there a rendering from Cedar Street and how tree canopy will be taken down? Do we have rendering for that?

Mr. Pettine said we don't. Staff doesn't have a rendering of that, it wasn't provided to us, but the petitioner may be able to clarify that or they may have something. I didn't catch their whole presentation, but staff doesn't have one in our possession, though.

Ms. Ajmera said okay. So, I'm assuming none of these are heritage trees?

Mr. Pettine said that's something I'd have to clarify with our urban forester. I'm not sure what classification they are. I know there's some urban forestry items that need to be worked on and coordinated on, and I know we're having some internal conversations on those this week, as well as some conversations with the petitioner later this week before they resubmit Thursday. So, I do anticipate a lot of those being resolved, but I don't have specifics on if they are heritage trees on site right now or not.

Ms. Ajmera said so, under the UDO, we have to preserve heritage trees. So, does this fall under the UDO, or was it before?

Mr. Pettine said yes, this would fall under UDO guidelines for development. So, that would also allow all the provisions for the different options for tree save, which there are a good [inaudible] of those. Again, I'm not an expert on those, so I wouldn't want to get into any of the details, because I'm just not as familiar as Tim Porter and his team, but I know they're working pretty diligently with the petitioner to get some of those resolved, but it would fall under all the UDO guidelines, which also includes other options for meeting that in alternative ways, so.

Ms. Ajmera said okay. So, I know we have Alyson Craig here, if you could come to the podium. So, I know that when we adopted UDO, we have strict requirements around preservation, specifically heritage trees, and I know that was one of the key points as to why I got comfortable with UDO, and among other things, but that was main. So, correct me if I'm wrong, but where we have TOD, which is the most highest density, there are no exceptions in terms of the tree save, is that correct?

Alyson Craig, Planning, Design and Development said yes, we've removed all the tree save exemptions in the UDO.

Ms. Ajmera said okay. So, if they are heritage trees, they will have to be preserved and protected?

Ms. Craig said so, for heritage trees, and again, Tim Porter's not here, but you have to do your best effort into keeping them and demonstrate that they cannot be kept, and then you would have to pay a mitigation fee, is my recollection, but they can be removed under certain circumstances, but there will be a fee associated with removal of the heritage tree.

Ms. Ajmera said got it. So, this will go in payment in lieu, where we would use those funds to buy preservation sites, like we have done?

Ms. Craig said so, we might want to have another conversation, and we can provide a followup report to all of Council, but I believe the heritage tree mitigation fees goes into a Canopy Care Fund, that one of the things that that funding source is used for, is like the Large Tree Assistance Program that we had, I think, back in 2017, so things like that, but I'd have to double check, but it is to be used for things that are important to the community and Council about furthering our tree canopy.

Ms. Ajmera said okay. So, would there be a tree survey done as part of this overall exercise?

Ms. Craig said yes.

Ms. Ajmera said okay. When would that come in front of the Council, or would that be part of the implementation, after it's approved?

Ms. Craig said I believe it's part of the permitting process, but we can follow back up with ya'll.

Ms. Ajmera said yes, I'd be interested in seeing the renderings of the trees that are being considered to be removed. So, if you can provide that, that would be great. I think that's a follow-up for Mr. Brown and the petitioner. Okay, that's all I have, thank you.

Mayor Pro Tem Anderson said Ms. Ajmera, would you like some clarification on whether or not these are heritage trees?

Ms. Ajmera said yes, and I think Ms. Craig is going to provide that. That would be part of the tree survey, and just having that rendering would also be helpful, and that's all I have, thank you.

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

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ITEM NO. 16: HEARING ON PETITION NO. 2023-071 BY MR. HOLLY INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.85 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF OAKDALE ROAD

AND MT. HOLLY-HUNTERSVILLE ROAD, NORTH OF INTERSTATE 485 FROM N1-A (NEIGHBORHOOD 1-A) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Teresa Montalvo, Rezoning Program Manager said thank you. Good evening. Teresa Montalvo. I'm here tonight to present staff findings for 2023-071. The subject site is a 3.85-acre parcel, located at the southwest corner of Oakdale Road and Mt. Holly-Huntersville Road, north of I-485. The property is developed with a single-family home, and surrounding development includes a Duke Energy Station to the southwest, single-family homes on lots ranging in size from one to 10 acres, and both Oakdale Road and Mt. Holly-Huntersville Road, currently lack pedestrian improvements. The subject site is zoned N1-A, and the surrounding zoning pattern includes a mix of N1-A, Mixed-Use Residential, and Multi-Family Residential zones. Over the last three years, there have been several rezonings in the immediate area that, combined, include entitlements for over 550 dwelling units. It's worth noting that each of the recent rezonings include requirements for constructing pedestrian improvements along Oakdale Road and Mt. Holly-Huntersville Road, which over time will improve pedestrian connectivity to the site.

The Adopted Place Type for the site is Neighborhood 2. Likewise, the Place Type for the recently rezoned properties to the east and west were changed to the Neighborhood 2 Place Type as part of those rezonings. The petition is inconsistent with the 2040 Policy Map recommendation for the Neighborhood 2 Place Type, and approval of this petition will revise the Place Type to Commercial. The proposal consists of a neighborhood shopping center with a maximum of 31,500 square feet of development and will be located within several smaller buildings with a shared parking area. The building height will be capped at 50 feet. The proposal provides for an eight-foot planting strip and a 12-foot-wide multi-use path along both frontages, which will contribute to pedestrian connectivity in the area. There are also several transportation improvements, which will be required, which will include, but not limited to, an eight-foot-wide median on Oakdale Road, a right turn lane on the I-480 off-ramp, limiting access on Mt. Holly-Huntersville Road to right-in only.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and environment as the petition will provide neighborhood serving retail development, that will support the residential development in the area, including that which has been approved in the surrounding site in recent years. The subject property is located in an access to essential amenities, goods and services gap, meaning that access to residential support, goods and services, is a high priority in this area. I would note that the nearest commercial land uses are located approximately two miles, as a crow flies to the east and west of the site. The subject site is also not located within half a mile of a walkshed of a high-capacity transit station, or major transportation corridor. The petition could facilitate the 2040 Comprehensive Plan goals, including goal one, 10-Minute Neighborhoods, and goal eight, Diverse and Resilient Economic Opportunities. I'm available if you have any questions.

Sharjeel Ahmad, 3105 Queen City Drive said good evening. Thank you, Mayor Pro Tem, members of City Council, members of staff. We have a little presentation here today that I'll go through, which has some renderings of the shops. Over here, off of Mt. Holly-Huntersville and Oakdale Road, we are proposing three parcels consisting of 3.85 acres to be rezoned to Commercial zoning, and this would include 31,000 plus square feet of retail, grocery and restaurant. It would be divided into about 20 shops. As you can see on the rendering, we have two entrances, one off of Mt. Holly-Huntersville, one off of Oakdale. Both are right-in only. The one off of Mt. Holly-Huntersville will be an entrance only. The one off of Oakdale will be a right-in/right-out with the leftover from Oakdale. There are three roadside improvements, one off of access A on Mt. Holly, one off of access B on Oakdale, and one off of the 485 off-ramp. As Teresa mentioned, there's about 550 units in the front and back to us, but within a half mile, there's over 700 plus new residential units coming in. So, there's an immediate need for this retail center. Here's a better sketch plan showing the 25-foot landscape buffer to the backside, along with the eight-foot planting strip, that Teresa mentioned, with the 12-

foot multi-use path for better connectivity for pedestrians, and that is all from my side. If you guys have any questions, I'm here to answer them.

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

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ITEM NO. 17: HEARING ON PETITION NO. 2023-120 BY ASCENT REAL ESTATE CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.50 ACRES LOCATED ALONG THE SOUTH SIDE OF CENTRAL AVENUE, WEST OF PROGRESS LANE, AND EAST OF NORLAND ROAD FROM O-1(CD) (OFFICE, CONDITIONAL) AND N2-B (NEIGHBORHOOD 2-B) TO N2-C(CD) (NEIGHBORHOOD 2-C, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said thank you. This site is 3.5 acres, along the south side of Central Avenue, east of Norland Road in the Sheffield Park neighborhood. It's currently zoned Office, Conditional, and Neighborhood 2, Conditional, and they are proposing to go to Neighborhood 2-C, Conditional, which is partially consistent and partially inconsistent with the Policy Map recommendations, which calls for Neighborhood 2 on the western portion of the site and Neighborhood 1 on that eastern portion of the site. The proposal would allow for all uses by-right and under prescribed conditions in the N2-C district. They do specify some development standards as part of this petition for building height not to exceed 65 feet. Just for reference, the ordinance would allow for a base maximum height of 65 feet for the N2-C district, but you could go up to 100 feet with the use of bonus [INAUDIBLE] provisions. The other development standard specifies that they will be constructing an ADA (Americans with Disabilities Act) compliant bus waiting pad along the site's frontage along Central Avenue. That final location would be coordinated during permitting, but that is as a result from a CATS request during the first review of this petition.

Although, a portion of this rezoning request is inconsistent with the Policy Map's recommendation for Neighborhood 1, that Place Type designation is not reflective of the existing zoning on that portion of the site, which is N2-B. The parcels directly east, west, and north of the site are all designated as Neighborhood 2 on the Policy Map, so this rezoning would be complementary to those surrounding Place Types. The application of a slightly more intense residential zoning district is appropriate for corner lots, particularly when located along major arterial roads, which Central Avenue is, and abutting single-family uses would be adequately buffered with a 25-foot Class B landscape yard. The development is considerate of adjacent neighborhoods by capping themselves at that 65 feet. Future residents of the site would be serviced by existing bus routes, and the ADA compliant bus stop that they are committing to construct. This petitioner has no outstanding issues, and staff recommends approval. I'll take any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you. I'll be very brief. That was a good overview by Holly. As we always talk about, where does density go? I think having my presentation, I'll just show a couple things. Great location on Central Avenue, and I'll slip through the real details, just to share a couple things with you and Zoning Committee. Here's the site. I didn't overlay, so you can see the dots on the map. These are grocery stores that are essentially within walking distance of the site. These are schools within a half mile of the site. This is retail across the street, including Manolo's and Landmark, and great to point out, I think we've got two bus stops directly in front of the site, and you can see the City's installing pedestrian infrastructure, a crosswalk directly from the future development to the grocery store with pedestrian refuge island. So, just I think a great example of a good location for this, and Caci Jaeger with Ascent is here. They see this being kind of this middle density, and we think just a fantastic

location from what the City's been looking to do, supported by some recent City infrastructure. Happy to take questions.

Councilmember Molina said just really quick. I know you and I, we discussed this one. What type of feedback did you get from the community?

Mr. Brown said we did host a community meeting, which was well attended. I will say that, although, there's no one here tonight, we did receive feedback from the folks that live in the townhomes across the street, generally concerned about density, concerns about more density in the area, more traffic in the area. The responses I gave were similar to tonight of, we have to have density somewhere, and this is a great location for it. So, I know some concern was expressed, as we talk about everywhere in the City, about adding more units, but again, I think this is a great location.

Ms. Molina said okay. Did they outfit any ongoing issues or any concerns at all?

Mr. Brown said no, I don't know if anyone's contacted staff.

Ms. Cramer said not that I'm aware of.

Ms. Molina said I haven't heard anything, but just to make sure.

Mr. Brown said okay. I'll let staff know too we had received that feedback, so.

Ms. Molina said okay. That's all I have.

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

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ITEM NO. 18: HEARING ON PETITION NO. 2023-164 BY EDEN ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 23.42 ACRES LOCATED ALONG THE EAST SIDE OF SOUTH TRYON STREET AND WEST SIDE OF STEELE CREEK ROAD, NORTH OF HAMILTON ROAD FROM N1-A (NEIGHBORHOOD 1-A) AND IC-1 (INSTITUTIONAL CAMPUS-1) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-164 is approximately 23.42 acres, located on the east side of South Tryon Street and west side of Steele Creek Road, north of Hamilton Road. Current zoning, it is split-zoned between N1 and A on the eastern and western edges, and IC-1 in the center of the site. Proposed zoning is N2-A(CD). The 2040 Policy Map recommends Neighborhood 1 for the eastern and western portions, and Community Activity Center for the center of the site. The proposal is for a community of up to 187 multi-family attached dwelling units, along with accessory uses. Proposes a mix of front-loaded and rear-loaded units. Building height would be limited to 35 feet and building length to 165 feet. Petition commits to a 20-foot Class B landscape yard with six-foot privacy fence along the southern property boundary, or adjacent to N-1 Place Type, and a 10-foot Class C landscape yard with six-foot wooden fence along the western property boundary. Commits to several transportation improvements. Access to the site would be from South Tryon Street and Steele Creek Road. There is a network of public streets, private streets with public access easements and alleys to access the units. A minimum eight-foot planting strip and 12-foot multi-use path would go along both the South Tryon Street and Steele Creek Road frontages, and eight-foot planting strip and six-foot sidewalk would go along the site's internal public and private streets, as well as a five-foot natural surface trail along the northern boundary of the site.

Staff recommends approval upon resolution of outstanding issues related to transportation and site and building design. It is inconsistent with the Policy Map recommendation for N-1 and Community Activity Center Place Types. However, the site is partially within a Community Activity Center Place Type. It's within a half mile of the core of an Activity Center centered on the intersection of South Tryon Street and Steele Creek Road. The proposed multi-family attached dwellings would provide an appropriate transition from the single-family dwellings to the south of the site to the more intense nonresidential uses in the Community Activity Center to the north. Also, the petitioner commits to enhance screening above ordinance requirements with the 20-foot Type B landscape yard with fence along the southern property boundary, or adjacent to single-family dwellings. I will take any questions after the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you, Madam Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. As Mr. Mangum said, the site contains about 23.4 acres. It's located on the south side of South Tryon Street and the west side of Steele Creek Road. The site is immediately to the south of Christ the King Lutheran Church and a Public Storage facility, to the southwest of the Atrium facility in Steele Creek, and to the north of the Asheford Woods neighborhood. The future Generation Street Park is located immediately to the west of the site here. The site is currently zoned IC-1 and N1-A, and their request is to rezone the site to the N2-A(CD) zoning district to accommodate up to 187 multi-family attached townhome dwelling units on the site. The site, as Mr. Mangum stated, would be accessed from Tryon Street and Steele Creek Road. There would be a public street north/south, and then a private street here, with a public access easement, and then the site would also be served by internal private alleys. There'd be two stub streets to the west. The maximum building height would be 35 feet. There are architectural standards that are a part of the petitioner's conditional rezoning plan. Vinyl siding would be prohibited. An amenity area with a clubhouse and a pool would also be provided on the site.

The petitioner has met with the Steele Creek Residents Association on numerous occasions, and the petitioner is working with the Residents Association's Land Use Committee, the County, and Christ the King Lutheran Church on the establishment of a greenway easement that would run from Steele Creek Road through the rezoning site and a portion of the Church's campus to Generation Street Park located to the west of the site. The details regarding this greenway easement, or the finalization of it, would occur prior to any decision on the rezoning request. So, this is the greenway here, the greenway easement that would be provided, and the petitioner would construct a minimum five-foot-wide natural surface trail that's outlined on the plan in red, and they would maintain it until such time that the greenway trail is constructed by the County. So, the natural surface trail and the site's internal sidewalks would provide pedestrian connectivity from Steele Creek Road, through the rezoning site and the Church property, to the future park to the west of the site, until such time as the greenway trail is constructed by the County. We appreciate the Planning staff's favorable recommendation, and we'll address the site plan comments, and we're happy to answer

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

any questions that you may have.

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ITEM NO. 19: HEARING ON PETITION NO. 2023-173 BY JOSIAH BOLING FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.06 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF COMMERCIAL AVENUE AND EASTWAY DRIVE, NORTH OF EAST SUGAR CREEK ROAD FROM OFC (OFFICE FLEX CAMPUS) AND ML-1 (MANUFACTURING AND LOGISTICS 1) TO IMU (INNOVATION MIXED USE).

pti:pk

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said the site is just over two acres at the intersection of Commercial Avenue and Eastway Drive, at the northern edge of the Plaza-Shamrock neighborhood, and this is along a corridor that has largely had commercial and industrial uses that abut the residential areas around it. The site is currently zoned Office Flex Campus and Manufacturing and Logistics 1, and they are requesting to go to Innovation Mixed-Use, which is consistent with the Policy Map's recommendation for Innovation Mixed-Use on a portion of the site, and inconsistent with the Policy Map's recommendation for Neighborhood 2 on that most eastern portion of the site. I will note, though, that the draft revised Policy Map has identified this as a change if the new revised Policy Map were to be adopted, and that change would change the Neighborhood 2 designation to Innovation Mixed-Use, as well as all that commercial that's just to the south to Innovation Mixed-Use as well, and that's just based off additional analysis that the long range team did on the existing conditions, but also where we see that area headed as a whole, and IMU is more reflective of the former industrial uses that we see, but we don't necessarily anticipate it being purely industrial moving forward. So, Innovation Mixed-Use allows for more flexibility there.

The Innovation Mixed-Use district is compatible with the adjacent land uses and zoning, almost all of which is Manufacturing and Logistics 1. The IMU district is applicable for areas like these that are situated against the former industrial areas, but are transitioning to other uses, and may abut Neighborhood and Activity Centers, and a greater mix of uses would be allowed under the IMU district. With the application of IMU here, we would also get a more preferred transition between those industrial uses, and the residential areas that are along the periphery. I'll take any questions following the remarks by the petitioner and opposition.

Stephanie Holland, 3700 South Boulevard said hi there. I am Stephanie Holland, and I am representing the petitioner. As Holly mentioned, this is a conventional rezoning, and I am happy to answer any questions, but the intent is to just use a by-right use and abide by the UDO for the Innovation Mixed-Use district.

Mary Fortner, 1224 Commercial Avenue said hi, my name's Mary Fortner. I'm a 14-year small business owner on Commercial Avenue. We have a hobby and game store there, and we are in the property next door to where the zoning's going to be changed. While they didn't talk about what they expect the change to be, or what will be on there, they just talked about making the change from one zoning to another, but when we attended the virtual meeting, they talked about having townhouses put on there, and 30 different townhouses, some greenway stuff, but I don't see any of that listed on here for you. We feel that that property, which has a cell-phone tower on it, and a railroad easement, is too small to have 30 townhouses on that property, and what they said was there'll be two-car garages. So, that would be 60 cars coming and going in that little area there, and we felt that was a lot of traffic going through there. Speaking of traffic, that Eastway Drive is right near Garinger High School. So, again, I don't think that there was any traffic study done that I knew of, but with a lot of traffic coming down Eastway with the kids there, Garinger, and so forth, and adding the 60 cars, if it's a two-car garage with 30 houses, that just seemed like a lot for us. Then, also my business is right there, and we use the on-street parking for our customers, or our gamers, to come in. They come in and sit and play games face-to-face. So, they're there for a little while, and we do use the on-street parking for all of that.

Then, the last thing I wanted to say was that Citiside is right on the other side of Eastway, and I believe what I remember is, Citiside was going to be for young industrial people coming up, and when I see the police reports, there's been a lot of crime over there, and I just don't want that coming into our Commercial Avenue on that corner there. So, thank you for listening to me and thank you for the opportunity.

Mayor Pro Tem Anderson said thank you, Ms. Fortner. Will you stay there, because I want to ask you a question after the two-minute rebuttal, so just stay there, please.

Ms. Holland said thank you for the comments. I was not in attendance at the meeting, but I have read the notes, and as a conventional rezoning, we do not have a site plan to share with you all today, but we do have the commitment that the petitioner would abide by the rules of the UDO, and meet the intent, and work with staff to make sure that all of the regulations are met.

Mayor Pro Tem Anderson said thank you. So, Ms. Fortner, I see that there were four people in attendance to the community meeting. Were you one of the four?

Ms. Fortner said yes.

Mayor Pro Tem Anderson said okay. So, you mentioned that at the community meeting, there were details shared about part of the design of the site, but you don't see any of this evident here?

Ms. Fortner said that's correct.

Mayor Pro Tem Anderson said so, there was some commitment, at least verbally, to design style of the site?

Ms. Fortner said yes.

Mayor Pro Tem Anderson said okay, and what is the name of your small business?

Ms. Fortner said Get Some Game.

Mayor Pro Tem Anderson said Get Some Game, okay, great. Thank you for coming out, and Ms. Ajmera has a question. I will follow up with you as well.

Ms. Fortner said okay, thank you.

Councilmember Ajmera said so, I see proposed zoning is IMU, Innovation Mixed-Use. So, this question is for staff. What could potentially go there under IMU?

Ms. Cramer said yes, so Innovation Mixed-Use allows for a range of uses. It could be commercial, there could be office uses, residential uses are allowed, and it also allows for artisanal industrial uses. Think of like, a glass blowing facility as an example of that, but it does allow for really a range of uses, because it's meant to be applied in areas where we have seen industrial development, so we maybe anticipate some transitioning away from those uses, but we still want to build in an allowance for the commercial type of uses or artisanal industrial uses.

Ms. Ajmera said okay. So, why was this filed conventional and not conditional?

Ms. Cramer said so, when we had looked at this petition, and whether or not we would really require them to go conditional, just in terms of staff's comfortability, we considered our Policy Map in this area. So, it is already calling for Innovation Mixed-Use on the western portion of the site, and the Neighborhood 2 portion was identified to be changed to Innovation Mixed-Use in this draft revised Policy Map. So, just in terms of staff's policy considerations, it would be consistent with what we're already looking for in that area. If it were maybe a much larger swath of land, we may have some hesitancy with seeing it go to a conventional district, but given the surrounding uses, the policy considerations, and the surrounding zoning, we believe that IMU, especially on a corner lot here, was an appropriate application conventionally.

Ms. Ajmera said got it. I know Ms. Fortner shared that she does use on-street parking. So, could someone address that concern of hers?

Ms. Cramer said so, we don't have a site plan to look at, so I don't know how the streetscape would change. I imagine, and C-DOT could speak to this better, about the

existing streetscape, but when they do go to redevelop the site, they will have to do some amount of streetscape improvements. I'm not sure what that means for their on-street parking situation. I'm not sure to what extent it's currently utilized, but I can try to follow up on that question, and work with C-DOT.

Ms. Ajmera said yes, that would be helpful. I know this is only two acres, it's a small site. So, I don't anticipate having a huge impact when it comes to parking, but Ms. Fortner is a fellow business owner, so I understand her concern. So, if you can keep her in the loop, that would be great.

Ms. Cramer said yes, absolutely.

Ms. Ajmera said and does this trigger a traffic study?

Ms. Cramer said I can't imagine uses under IMU for this small of a lot that might trigger a traffic study, but also because we don't have specified uses and a site plan, there's no traffic impact study that's triggered here. Now, depending on the development that they come in with during permitting, if they get an approval for this rezoning, they may have to provide a Comprehensive Transportation Review, where they would identify multimodal mitigation points to speak to any sort of transportation concerns in this area, but that would definitely be something triggered during the land development processes.

Ms. Ajmera got it, and last question. So, when petitioner comes, they first meet with staff, right, as part of the process. So, is it staff that recommends that you could do conventional route, or is that something that the petitioner recommends that they want?

Ms. Cramer said so, we can always ask for what we want. It's not a guarantee what they'll come in with and what they send in an application for, but generally during our pre-submittal meeting, which is required before they submit the application on-line, we will say, well, given policy considerations, given the existing zoning, or given the surrounding land uses, yes, I think we're comfortable with seeing it go conventional or, no, we're not, we really need to see what exactly you would be developing on this site for X number of reasons. We're also, of course, at liberty during our analysis processes to say, well, given new information provided by different departments that we work with, we would really like to see this go conditional, but the petitioner is at no point obligated to essentially speak to our concerns, whether it's conventional or conditional. Even if we strongly urge them to submit a conditional petition, they could still submit a conventional petition, but of course, you all, as Council members and the community members, are certainly at liberty to push for conditional rezonings when you see fit.

Ms. Ajmera said okay, that's all I have. Thank you so much. You've been a great addition to David's team.

Ms. Cramer said thank you, I appreciate it.

Ms. Ajmera said alright, that's all I have.

Councilmember Brown said so, Ms. Fortner, you were there at the community meeting?

Ms. Fortner said it was virtual.

Ms. Brown said it was virtual, okay, but you were there, you were present. From your understanding, what you said that it was going to be used for something different in that area. Is that your understanding, in that they proposed something?

Ms. Fortner said what they said was 30 townhouses.

Ms. Brown said okay. As one of the community members, did you have any other concerns that you wanted to bring forth to us to have addressed?

Ms. Fortner said just the traffic. That Commercial Avenue isn't that big, and so having that much traffic in that area. So, I'm thinking 30 townhouses, at a two-car garage, you have at least two cars each, and that's 60 cars, and that seemed quite a bit to me.

Ms. Brown said and so, you're a small business owner, and so we definitely value small business owners. Get Some Game, is it located in the shopping center across from Bojangles? Put me in the area.

Ms. Fortner said no, it's right where it said Innovation Mixed-Use.

Ms. Brown said so, give me a landmark in your area. I'm just trying to visually see it, because I know the area.

Ms. Fortner said it's Eastway Sugar Creek in the Plaza. There's a car wash on the Plaza, and there's Garinger High School around the corner.

Ms. Brown said okay, so Autobell.

Ms. Fortner said Autobell, yes. It's in that area where Autobell is.

Ms. Brown said I just want to get a visual.

Ms. Fortner said and 7-Eleven.

Ms. Brown said adjacent to Garinger High School.

Ms. Fortner said yes.

Ms. Brown said okay. I don't have any more questions, Mayor Pro Tem, but I would like to be informed on what they share at the community meeting to get updates. Thank you.

Mayor Pro Tem Anderson said absolutely.

Ms. Ajmera said oh, just one last question. So, go back to that slide that you had, Commercial Avenue. So, for C-DOT, are there any plans for improvement? It could be part of the follow up.

Jacob Carpenter, C-DOT said so, Commercial Avenue is a local street in our network, and there's no plans to improve it, but as development occurs, they would be required to install curb and gutter in the appropriate street section for the network.

Ms. Ajmera said and Eastway, is that City maintained or state? Eastway Drive?

Mr. Carpenter said I'm not sure. I'd have to double check.

Ms. Ajmera said yes. So, it could be a part of follow-up Q&A to Ms. Fortner, any plans for improvements, but like you said, as more development comes, that's when we get an opportunity to bring more improvements. Alright, that's all I have.

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

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ITEM NO. 20: HEARING ON PETITION NO. 2024-001 BY JESSICA M MORENO HERNANDEZ FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.42 ACRES LOCATED ON THE NORTH SIDE OF VICTORIA AVENUE, WEST OF OLD STATESVILLE ROAD, AND SOUTH OF AUTUMN OAK DRIVE FROM MHP (MOBILE HOME PARK) TO N1-C (NEIGHBORHOOD 1-C).

Mayor Pro Tem Anderson declared the hearing open.

pti:pk

Maxx Oliver, Planning, Design & Development said yes, Petition 2024-001 is located on the north side of Victoria Avenue, west of Old Statesville Road. The site's approximately 0.42 acres and is the site of a mobile home. The property is zoned MHP, Mobile Home Park. Proposed zoning is N1-C, Neighborhood 1, it's a conventional zoning district. The 2040 Policy Map recommends the Neighborhood 1 Place Type. The N1-C district is consistent with the N-1 Place Type. This is a conventional rezoning petition, there's not an associated site plan, and would permit any use allowed in the N1-C zoning district. Staff recommends approval of this petition, as the N1-C district aligns with the Policy Map, and the development pattern prescribed by the N-1 Place Type, and is consistent with the character of the area. Happy to take any questions following the petitioner's presentation. Thank you.

Jessica Moreno, 1929 Toddville Road said no presentation. He basically covered everything. It's conventional. We don't have any site plans yet. We just want to build. It's MHP right now, so we could only either build single, but maybe in the future, we might want to do like a duplex on the lot, but that covers everything.

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

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ITEM NO. 21: HEARING ON PETITION NO. 2024-003 BY ATAPCO PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.91 ACRES LOCATED ON THE WEST SIDE OF OLD STATESVILLE ROAD AND NORTH AND SOUTH SIDE OF RATCLIFF LANE, SOUTH OF WEST W.T. HARRIS BOULEVARD FROM CG (GENERAL COMMERCIAL) AND MHP (MANUFACTURED HOME PARK) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said alright. Petition 2024-003 is located on the west side of Old Statesville Road, south of W.T. Harris Boulevard. The site's approximately 16.91 acres and is currently developed with a mobile home park. The current zoning is CG, Commercial, along the frontage with Old Statesville Road, and MHP at the rear of the property. The proposed zoning is N2-A(CD), Neighborhood 2, Conditional. The 2040 Policy Map recommends the Neighborhood 1 Place Type for the site. The N2-A district is inconsistent with the N-1 Place Type. Approval of this petition would revise the 2040 Policy Map recommendation to the N-2 Place Type. The proposal calls for up to 198 triplex, quadraplex, and multi-family attached dwellings. The following transportation improvements are proposed. Vehicular access to the site will be via a new public street off of Old Statesville Road, and via new public streets off of an improved Radcliffe Road. The plan proposes a new public street throughout the site. An eight-foot sidewalk and eight-foot planting strip will be installed along the frontage of Old Statesville Road, exceeding the minimum six-foot requirement to accommodate a proposed Mecklenburg County Park and Recreation Urban Trail. An eight-foot sidewalk and eight-foot planting strip will be installed along other public streets. Radcliffe Lane will be improved and identifies a potential location for an upgraded CATS bus stop, and all required transportation improvements will be made prior to the first CO (Certificate of Occupancy).

The following architectural requirements are proposed. The buildings abutting the northern property line here will be limited to three units per building. The rest of the buildings will be limited to five units per building, other than one six-unit building located internal to the site, which may have six dwelling units. The required facades abutting Old Statesville Road and Radcliffe Lane and network required internal streets are limited to 20-foot blank wall expanses and will have a minimum transparency of 25 percent of the ground floor and 15 percent on the upper floors, and will incorporate facade articulation. Staff recommends approval of this petition upon resolution of

outstanding issues related to transportation. As the proposal increases the variety and housing types in the area, the site is located within a short commute of employment opportunities. The plan commits to providing on-street facilities for Mecklenburg County Park and Recreation Urban Trail. The site is located along the proposed Lynx Red Line, and within three-quarters of a mile of the proposed Harris Station on the Red Line. However, staff would like to note that Housing and Neighborhood Services is concerned with the potential displacement of 55 low-to-moderate income households that currently occupy the site. We encourage the petitioner to work with Housing and Neighborhood Services on this matter. Happy to take any questions following Ms. Grant's presentation.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, and members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore & Van Allen. Pleased to be here tonight on behalf of the ATAPCO team. I think staff did a great job with all the details. As they mentioned, it's inconsistent with the adopted Land Use Policy, but when you look at the corridor, it is very consistent with the building form and changes that are happening along that corridor. This gives you a rendered view of the site plan. We appreciate staff's support of the extensive connectivity through the site, as well as those context sensitive design transitions between the existing single-family neighborhoods, where we've got a significant amount of open space closest to the N-1, as well as a thread of pocket parks throughout the entire community. We worked very closely with Urban Design and staff to evolve this plan over time. We have a couple of outstanding issues that we plan to address, and we're happy to answer any questions.

Councilmember Graham said did you have a neighborhood meeting? I know you're required to, but any feedback?

Ms. Grant said we did, positive feedback. We didn't really get any concerns raised at the time.

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

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ITEM NO. 22: HEARING ON PETITION NO. 2024-007 BY OAK HILL MANAGEMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.34 ACRES LOCATED AT THE SOUTHEAST CORNER AND SOUTHWEST CORNER OF EXECUTIVE CENTER DRIVE AND ALBEMARLE ROAD FROM OFC (OFFICE FLEX CAMPUS) TO CAC-1 (COMMERCIAL ACTIVITY).

Mayor Pro Tem Anderson declared the hearing open.

Teresa Montalvo, Rezoning Program Manager said as you mentioned, the property consists of approximately 7.34 acres and includes two parcels, one on the east side of Executive Center Drive and one on the west. The parcels represent the entrance to a larger office park development that was predominantly developed in the late 1970s and 1980s. The area surrounding the site includes the aforementioned Office Park to the south, single-story retail uses to the north, east and west, a church further to the east, and multi-dwelling and attached homes to the southwest. The subject site is zoned OFC. Other zoning in the vicinity includes General Commercial for lots to the north, east and west, as well as a mix of OFC zoning, MUDD-O, and Multi-Dwelling zoning. The proposal is to rezone the site to CAC-1, which would allow for the proposed site to be redeveloped with all the uses by-right and under prescribed conditions per the UDO. The 2040 Policy Map recommends a Community Activity Center Place Type for the subject site, as well as for multiple properties to the north, east and west of the site. The remainder of the office park to the south is in the Campus Place Type, and the multi-dwelling residential development in the area is located in the Neighborhood 2 Place

Type. The proposed CAC-1 zone is consistent with the recommended Place Type of the subject site.

Staff recommends approval of the petition upon resolution of outstanding issues related to environment, transportation, and site design, based upon the following. The CAC-1 zoning district is intended to accommodate those areas of the City that are transitioning from a more autocentric land use, towards a more walkable, well-connected, and moderate intensity mix of retail, restaurant, entertainment, office and personal service, as well as some residential uses. The proposed zone is consistent with the Community Activity Center Place Type, which is intended to accommodate the mix of uses contemplated by the zone. CATS has multiple local and express routes that run along the site's frontage, and the site is within a half mile walk to the proposed Eastland Mall Gold Line stop. Such multi-modal transportation options are supportive of the proposed zone. Also, the petition could facilitate 2040 Comprehensive Plan goals, including goal one, 10-Minute Neighborhoods, and goal four, Trail and Transit-Oriented Development.

While staff is supportive of the petition, there are two outstanding items that directly relate to the purpose of the CAC-1 zone, which as I mentioned, includes accommodating multi-modal transportation. These items would be best addressed via a condition of the zoning and include a request by CATS to replace the existing shelter with an ADA compliant shelter that meets current standards, and a request by Mecklenburg County Parks and Rec Department to provide pedestrian and bicycle accommodations along the frontage of Executive Center Drive to connect to the funded Campbell Creek Greenway Trail project. I'm here to answer any questions if you have any.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant. It's a pleasure to be here on behalf of the Oak Hill team. Teresa did a phenomenal job. My presentation is not coming up, but she covered everything that I could possibly imagine, in terms of the level of detail. Holly just did a great job on an earlier presentation, describing when you bring something in as a conventional versus a conditional. We went into this presentation with the idea that it was conventional, because it's consistent with the adopted Land Use Policy. This site would likely be rezoned with the alignment rezoning that the City intends to do as we start to take some of these parcels and move them to be directly aligned with the adopted Land Use Policy. We also believe that the new UDO builds in the ability for CATS to get the bus stop with a shelter and ADA standards through the land development permitting process. We're going to confirm that it doesn't need to be a condition, the new UDO may provide that, as well as the ability for us to work with Park and Rec on providing that sidewalk. So, we're not opposed, still a work in progress, and we're happy to address the outstanding issues.

Councilmember Molina said so, I've got a few questions. First, you and I, we've spoken on this one. You had a community meeting with nine people present. What was the feedback on that?

Ms. Grant said it was generally positive. People were excited to see investment in the area. So, this is really a two-part rezoning. There are these two parcels that are on our frontage on Albemarle Road, that we were doing conventionally. We may look to rezone a couple parcels within the office park also to CAC, but overall, the feedback was positive, very interested in making sure that connectivity remain through Executive Center Drive.

Ms. Molina said I take that street every day, literally every day. So, I actually have a question for staff, because I've got a concern. Actually, it was somebody who I brought up in the budget today. She occupies space in the Executive Center Drive. So, we have small businesses that still occupy that space, and I wonder what our rebuttal is going to be to that. How or what will we have in place to help to find new homes for some of those businesses that remain, because that office park used to hold the Social Security Administration, NCWorks, the North Carolina Democratic Party was once there. I mean, so many businesses that I can think of, but I know some that are actually still

operational, including health care facilities, I think, closer towards the back, closer towards Farm Pond. So, I don't know if that's going to be directly impacted, but coming towards the front, there's still a lot of small businesses that occupy those spaces.

Ms. Montalvo said specific to the subject, two corner properties, is that what you're asking?

Ms. Molina said yes.

Ms. Montalvo said certainly an important question. I don't know that I have a direct answer for you today. We could explore what programs or options might be available through our Economic Development Department, but I can explore that further for you, and see if there's any options.

Ms. Molina said yes, Ms. Grant, and outside of that, I think, as far as the petition, especially with no general opposition, and that's not on you, that's on us, to make sure that we do right by the people who are there and existing. So, making sure that we bring in Economic Development to some degree. This is a Corridor of Opportunity. So, my assumption, based on some of the Corridor's plans, is that we may absolutely have something respective to the Corridors to help those business owners, but I'd like to gain some type of clarification before I could get really comfortable with any business owners that may be displaced as a result of this decision.

Ms. Grant said Councilmember Molina, if I could answer. We did talk a little bit through the process about occupancy. Executive Center Drive has not been at full occupancy for the last 10 years. So, they do have the ability to relocate tenants to other spaces. It's really an opportunity for them to take some of the buildings that have sort of aged out of their effectiveness and efficiency, and replace some of them, but there is office space available.

Ms. Molina said right, well, and I hear you. So, today, in the budget meeting I actually suggested that we support a young lady named Tesha Boyd, and she runs an organization called Promise Youth Development. She's been operating for eight years, and she's in that building. She didn't even know about it literally until last week when I told her. So, that's what I'm saying. There are disconnects, and again, I don't think that's on you, I think that's making sure that we've got the proper lines of communication open, because some people may be there operating, and know, and have a rebuttal, and others may not. So, it's just a measure to make sure that, especially as we continue to talk through the corridors, this won't be the first or the last. Actually, right next door, there's already apartments. So, Los Paisanos is going to be hovered potentially between like The Thirsty Beaver on Central between two apartment buildings, or something similar essentially, and that's kind of how we're developing. Again, I go back to the fact that this is an absolute Corridor of Opportunity, and I know that, at least my assumption is that, we have some rebuttal for the businesses that may possibly be still operational in those Executive Center Drive offices. So, you and I, we can talk offline, and follow up on that, and I'd love to have Economic Development follow up to make sure that we're doing our part to touch those businesses and see how we can help.

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

That's all I have.

ITEM NO. 23: HEARING ON PETITION NO. 2024-009 BY RAMON ADAMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.27 ACRES LOCATED ON THE NORTH SIDE OF ERVIN LANE, WEST OF CHINA GROVE CHURCH ROAD, AND SOUTH OF EAST WESTINGHOUSE BOULEVARD FROM N1-B (NEIGHBORHOOD 1-B) TO N1-E (NEIGHBORHOOD 1-E).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2024-009 is just over a quarter acre, located on the north side of Ervin Lane, just west of China Grove Church Road. The current zoning is N1-B. Proposed zoning is N1-E. They both align with the Policy Map recommendation for Neighborhood 1 Place Type. Staff recommends approval of this conventional petition. It is consistent with the N-1 Place Type recommendation. It's within a half mile of the Blue Line, I-485, South Boulevard Light Rail Station, and would provide some additional housing density by allowing residential dwellings on lots of 3,000 square feet or greater. I'll be happy to take questions after Mr. Adames' presentation.

Ramon Adames, 1833 Mclean Road said thank you. The existing lot has restrictions due to the setbacks on the existing zoning, but with the new proposed zoning, we will be able, as mentioned, to have the residential dwelling of 3,000 square feet lot, at least two of those. So, that will be a benefit to the community around it.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2024-018 BY ICLUB INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.62 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF HARWOOD LANE AND MT. HOLLY-HUNTERSVILLE ROAD, WEST OF COUNTRY LANE FROM INST(CD) (INSTITUTIONAL, CONDITIONAL) AND N1-A (NEIGHBORHOOD 1-A) TO NC(CD) (NEIGHBORHOOD CENTER, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said alright. Petition 2024-018 IS located at the northeast intersection of Harwood Lane and Mt. Holly-Huntersville Road. The site is approximately 4.62 acres and is the site of a single-family dwelling. The site is currently zoned Institutional (CD), Institutional, Conditional, along Mt. Holly-Huntersville Road, and N1-A at the rear of the site, Institutional (CD), N1-A. The proposed zoning is NC (CD), Neighborhood Center, Conditional. The 2040 Policy Map recommends the Neighborhood 1 Place Type for this site. The NC district is inconsistent with the N-1 Place Type. Approval of this petition would revise the 2040 Policy Map recommendation to the Neighborhood Center Place Type. Proposal calls for a childcare center up to 12,000 square feet, or a medical office up to 12,000 square feet here in this building, and up to 20,000 square feet of nonresidential uses, including retail, personal service uses, restaurants, general medical offices. The site plan prohibits certain uses, such as gas stations, drive-thrus, outdoor entertainment, etc.

Proposed transportation improvements include access to the site from Harwood Lane, a left turn lane along the frontage with Mt. Holly-Huntersville Road. A 50-foot right-of-way will be dedicated along Mt. Holly-Huntersville Road. A 12-foot multi-use path and eight-foot planting strip will be installed along Mt. Holly-Huntersville Road, and an eight-foot sidewalk and eight-foot planting strip along Harwood Lane. All required transportation improvements will be made prior to the issuance of the first CO. Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and environment. As the petition proposes daily needs, such as childcare, medical office and retail space, in an area that has been identified as an access to amenities gap by the 2040 Comprehensive Plan, and the site is on an arterial street, it proposes a 12-foot multi-use path along Mt. Holly-Huntersville Road, has convenient access to a CATS bus route. Happy to take any questions following Mr. MacVean's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean with Moore & Van Allen assisting iClub Investments. With me tonight representing iClub Investments is Sunil Kothapalli and Srinivas Macha. I apologize for not pronouncing those correctly, but that's the best I can do. As Maxx mentioned, a site at the intersection of Harwood Lane and Mt. Holly-Huntersville Road, just over 4.5 acres, located across Harwood Lane from Fire Station Number 33. The site is currently zoned for a daycare center along the frontage, and then N1-A at the back for a single-family home. The proposal, as Maxx mentioned, is a currently approved daycare site for over 50 percent of the site, over 2.5 acres. It is an area called for N1-A; however, it's at an intersection of a collector road or major thoroughfare. It has been approved for a future signal by NC-DOT, in terms of the location, currently not funded or warranted. The site, as Maxx also mentioned, has been identified as an area along Mt. Holly, where there's an amenity gap. This proposal of a daycare or office toward the back of the site, along Harwood Lane, and then retail and office uses along Mt. Holly and Harwood Lane, does try to fill that gap. It does provide greenspace and landscape yard adjacent to the residential to the rear. The area here to the back is additional greenspace and common open space for the neighborhood further to the west along Harwood Lane. As mentioned, we are over two-thirds of a mile from the closest other commercial activity going to the east and over a mile and a half going to west. Be glad to answer any questions.

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

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ITEM NO. 25: HEARING ON PETITION NO. 2024-019 BY 517 EAST 17TH, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.56 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF NORTH DAVIDSON STREET AND EAST 17TH STREET, SOUTH OF PARKWOOD AVENUE FROM UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) TO N1-D (NEIGHBORHOOD 1 - D) AND N1-E (NEIGHBORHOOD 1 - E).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said thank you. This site is just over 0.5 acre at the corner of North Davidson and East 17th Street. This is just south of the Blue Line here, in the Optimist Park neighborhood. Current zoning is UR-2, Conditional, as a result of two different Urban Residential, Conditional petitions, one approved in 2019 and one approved in 2020, and that entitles the site for the development of up to 21 units on the site currently, those UR-2 conditional plans. The petitioner is proposing the N1-D district for the two parcels that are kind of, what you'd consider south of the site, with frontage along North Davidson Street, and they are proposing the N1-E zoning district for the parcels that have frontage along East 17th Street. Both of those proposals, of those proposed zoning districts, are consistent with the Neighborhood 1 Place Type that is called for for this site, as well as the surrounding neighborhood. This is a conventional petition, so there is no associated site plan. So, essentially, we'd just be removing the conditional plans that are currently tied to the site, and those plans propose denser building forms than currently exist within the block. So, this petition would bring the zoning into alignment with the surrounding zoning districts, as well as the Neighborhood 1 Place Type and the types of building forms it supports. The N1-D and N1-E zoning districts allow for the same single-family uses. They just differ slightly on some standards, like lot width and other dimensional standards. The N1-E zoning district is being requested for those two northern parcels, because as you can see, they're just a bit more constrained in terms of their dimension. So, the N1-D district wouldn't allow them to develop the site, so they are seeking the N1-E district for those two. I'll take any questions following Stephanie Holland's remarks.

Stephanie Holland, 3700 South Boulevard said hello again. I think Holly summed it up very well. The intent really is to ideally build four parcels to rezone back to single-family or N-1. Two of the lots don't really qualify for the N1-D, so that's why we are asking for the two different zoning types. The intent here is really just to go back to a Neighborhood use. We did have a public meeting. I think everybody on there was happy to hear that, that they would be getting fewer neighbors than the 22 that's currently approved for the site.

Mayor Pro Tem Anderson said so, how many people were at the public hearing? Was it just four, as it states in our slides, or was there more than that?

Ms. Holland said I believe there were four, and then I believe I had one or two that requested the presentation via email.

Mayor Pro Tem Anderson said okay, and then have you had any interaction with the Neighborhood Associations around that area?

Ms. Holland said we have not, no.

Mayor Pro Tem Anderson said okay. I would just recommend if you could reach out to the Neighborhood Associations in that area. It sounds like they'll probably be in support, but I'd just like to loop them in into this process. Thank you.

Ms. Holland said sure.

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

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ITEM NO. 26: HEARING ON PETITION 2024-020 BY 35N 80W, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.88 ACRES LOCATED AT THE EASTERN END OF WILLETTA DRIVE, EAST OF NATIONS FORD ROAD, AND WEST OF INTERSTATE 77 FROM INST(CD) (INSTITUTIONAL, CONDITIONAL) TO N2-B (NEIGHBORHOOD 2-B).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2024-020 is just under two acres, located at the eastern end of Willetta Drive, off of Nations Ford Road, just west of Interstate 77. Current zoning is Institutional, Conditional and is associated with the church to the south of the site. The proposed zoning is N2-B. The 2040 Policy Map recommends Neighborhood 1 Place Type for the site. It is inconsistent with that Policy Map recommendation; however, staff is recommending approval, as the petition site is a remnant parcel that is heavily encumbered by utilities and a creek with an associated 35-foot water quality buffer, rendering much of the site undevelopable. The site is accessed by Willetta Drive and all other properties along Willetta Drive are zoned N2-B. Staff is recommending approval, and I'll take any questions after Ms. Frambach's comments.

Nicole Frambach, 3325 Anson Street said good evening, Mayor Pro Tem, Council, staff. Thank you for having me this evening. To his point, the majority of the 1.88 acres are constrained. There are power line easements and sewer easements across the majority. There's about 0.22 acres that's actually developable, and the consideration was to move to N2-B to be consistent with the residential uses adjacent. So, there's not much that can be done with 0.22 acres. So, hopefully, there's not too much for discussion, but I'm here for questions.

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

ITEM NO. 27: HEARING ON PETITION NO. 2024-021 BY FOUNDRY COMMERCIAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.20 ACRES LOCATED ALONG THE EAST SIDE OF STEELE CREEK ROAD, SOUTH OF BYRUM DRIVE, AND NORTH OF DOUGLAS DRIVE FROM N1-A ANDO (NEIGHBORHOOD 1-A, AIRPORT NOISE DISTRICT OVERLAY) TO ML-2 ANDO (MANUFACTURING AND LOGISTICS-2, AIRPORT NOISE DISTRICT OVERLAY).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said thank you. This site is just over 10 acres along the east side of Steele Creek Road. It is located within the Airport Noise Disclosure Overlay. They are currently zoned Neighborhood 1A, and they are proposing to go to Manufacturing and Logistics 2, and the Airport Noise Disclosure Overlay stays with both of those zoning districts when you rezone. This is a conventional petition, so there's no associated site plan. The 2040 Policy Map calls for Manufacturing and Logistics, so the M&L-2 proposal here is consistent with that. The petitioner has worked closely with the community to resolve their questions. I believe they've held two different community meetings that were fairly well attended considering some of our other community meetings. The petition would bring the site into alignment with adjacent uses, as well as the zoning, which is pretty much all Manufacturing and Logistics all along the east side of Steele Creek Road. The existing cemetery uses, just as a note, will be able to continue under the requested zoning district that they have, and there are no outstanding issues. I'll take any questions following the petitioner's remarks.

Collin Brown, 1420 East 7th Street, Suite 100 said Mayor Pro Tem, Collin Brown on behalf of the petitioner Foundry Commercial. Bill Simerville is here. As Holly mentioned and Councilmember Brown has been very instrumental, there are two related petitions. A month or so ago, you heard from a community member who said, "Hey, we didn't know about this." So, Councilmember Brown has engaged with myself and the community. We've had virtual follow-up meetings. We had a large in-person meeting last week. This is just about the cemetery rezoning, but I know folks are watching, so I will give a little more context. This is a conventional petition just for the cemetery, but Foundry's deal involves this larger area that is owned by the City of Charlotte, and also in agreement with the Historic Landmarks Commission. So, there are a lot of kind of moving parts, but some positives, and I think once the community understood that, while there's not opposition tonight, is just to really confirm there are no changes with the Historic Park. It will remain historic. Foundry is working with Historic Landmarks Commission to relocate a building from this property to the Old Steele Creek Church site. There is a commitment in the counterpart rezoning to have no access from Christie Lane, and there will be no changes to the cemetery, but in fact, there will be some improvements to that area, as well as maintenance in perpetuity. So, you don't see that in this conventional petition, but between the contract with the City on this property and Historic Landmarks Commission, those are conditions that will bind the property. So, I just wanted to give you that context, as we may have some community members watching, but thank you again for your help.

Councilmember Brown said so, thank you so much, Mr. Brown. I appreciate you and everything that you did in this process. The community members did say they were not notified, they didn't get the notification of the meeting. So, Mr. Collin called a meeting at Steele Creek Church off of 160, big turnout, a lot of concerned members with the church, the community. Foundry was very, very instrumental and very thorough in explaining to the community. I was there present. I want to read something from one of the community members that was an advocate for the entire community and advocating for them to be able to be at the meeting to express their concerns about the historic area, and the neighborhood, which she lived in, and some families members own property, but she was against it, and then she said this, she says, "Good afternoon, Ms. Brown. I wanted to write you and Mr. Collin, both. I will not be attending tonight's hearing, because I no longer wish to speak in opposition. Once the lines of

communication were opened, I thought you and your client, the Foundry, were very transparent. I also believe that this is the best solution for our community to preserve the history of the Douglas House, as well as the sanctuary and the cemetery. Councilmember Brown, thank you for all your support. I would love to partner with you to bring more transparency to the rezoning process in general. I realize that everyone followed protocol; however, navigating the process as an average citizen was challenging." I want to say to Ms. Stephanie, she was amazing, because she was resilient, she had courage, very courageous for her community, and I was happy to be an advocate for her to support her, and Mr. Brown did not push back on anything that we wanted him to do. So, this is a great example of how, when you communicate with the community, collaborate together, that the scales can be balanced, and that's what I would like to see more of moving forward. So, thank you to Foundry, did a great job, Mr. Collin. I also want to share that Foundry is [inaudible] She Built This City, which is one of the nonprofits that we've heard before. Not only do they have office space, or will have office space on site, but they also are giving them capital, is it three years or five years? It's three years capital to run their organization, and it doesn't get any better than that. These are the types of community partners that we want to look for, and the work that the women are doing, painting, just all the things that they do. Just look up, She Built This City, it's amazing, and that nonprofit is very active in our city in moving our city forward with workforce development. So, I was happy that we came to that resolution, and to hear back from a constituent that was actually heading the community engagement piece, it means a lot to me. So, I'm very happy and pleased with this.

Mayor Pro Tem Anderson said thank you, Ms. Brown. I just want to congratulate you on your leadership on this one, because that is amazing. She Built This City does great work in our city. So, thank you, Foundry Capital, for working with them and lifting them up, especially for a small business, very difficult to get access to capital, as we all know.

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

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ADJOURNMENT

Motion was made by Councilmember Anderson, seconded by Councilmember Driggs, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 9:17 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 4 Hours, 1 Minute
Minutes completed: December 10, 2024