

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, August 15, 2022, at 5:00 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Braxton Winston II presiding. Council Members present were Tariq Bokhari, Ed Driggs Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Gregg Phipps, and Victoria.

ABSENT: Mayor Vi Lyles and Councilmember Dimple Ajmera.

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Mayor Pro Tem Winston said thank you very much. My name is Braxton Winston, I serve as a City Council member At-Large. I will be presiding over tonight's Zoning Meeting. So, I'd like to call this meeting to order. Tonight's Zoning Meeting is being held in accordance with applicable law governing remote meetings with some council members participating remotely. The requirements of notice, access and minutes are met as required by law. The public and the media are able to view this meeting on the Government Channel, the City's Facebook page or on the City's YouTube page.

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INVOCATION AND PLEDGE

Councilmember Johnson 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 Pro Tem Winston explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Phil Gussman, Vice Chairperson of Charlotte Mecklenburg Planning said thank you Councilmember Winston and thank you council. I'm Phillip Gussman, Chairman of the Zoning Committee of the Planning Commission. I have virtually, all of my other members that will joining us tonight, Douglas Welton my vice chair, Keba Samuel is filling in for one of our other commissioners Erin Barbee, Ronnie Harvey, Melissa Gaston, Courtney Rhodes and Will Russell are the continuum. The Zoning Committee will meet on Tuesday August 30th at 5:30 p.m. virtually. At that meeting the Zoning Committee will meet to discuss and make recommendations on the petitions that have public hearings 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're welcome to contact us to provide input. You can find contact information, information on each petition on the city's website at charlotteplanning.org. Thank you.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Newton and carried unanimously to defer a decision on Item No. 5, Petition No. 2021-242 by Robert D. Dowdy, LLC to September 19, 2022; Item No. 19, Petition No. 2021-274 by Dickerson Realty Florida Inc. to September 19, 2022; Item No. 20, Petition No. 2021-281 by Blue Freight Transport, Inc. to September 19, 2022; Item No. 21, Petition No. 2021-285 by Clearwater Development Partners, Inc. to September 19, 2022; Item No. 22, Petition No. 2022-003 by Joy Homes, LLC to September 19, 2022; to withdraw Item No. 3, Petition No. 2021-141 by The Drakeford Company.

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PUBLIC COMMENT

ITEM NO. 2: PUBLIC COMMENT ON THE ADOPTION OF CHAPTER 15-ARTICLE XV TO THE CITY CODE TO ALLOW SOCIAL DISTRICTS IN THE CITY OF CHARLOTTE.

Mayor Pro Tem Winston said we are to receive public comment on the adoption of Chapter 15, Article XV to the City Code to allow social districts in the City of Charlotte. The proposed new ordinance and amendment to Section 15-3 which only adds reference to Article XV are planned to be presented to City Council for adoption consideration on August 22, 2022. The new ordinance would allow for the creation of social districts in the city, but does not establish any social districts. The establishment of any social district in the city of Charlotte will require future council action. That said, Madam Clerk, I have six speakers. They will have three minutes each. We will start with Nancy Pierce.

Nancy Pierce, 1637 Flynnwood Drive said hello Council, Planning Commission and everyone else in the room or virtual. Thanks for hearing us tonight. I'm Nancy Pierce. I live in the Merry Oaks neighborhood which is on the east bank of Briar Creek across from Plaza Midwood. I actually support alcohol social districts, but I am opposed to them if using single-use disposable plastic cups as the only choice. We have an ugly litter problem in this city. Mostly single-use plastic food and drink containers. Plaza Midwood business district, sidewalk, gutter and common areas already have piles of plastic that disappear only after a heavy rain into our creeks such as this picture you see in Irwin Creek degrading the looks of our beautiful greenway trails, and then into the Catawba River like this and eventually into the ocean where they live forever including in the human food chain as harmful microplastics. We now know that recycling has failed. Neither Mecklenburg County nor any private entity in the county is able to recycle this kind of cup and even if they could, most plastic cups and food containers are so dirty and mixed with incompatible plastic that they can't be recycled anyway. Recycling itself has a large carbon footprint. In fact, several countries around the world and at least 10 US states and some cities have already banned certain single-use plastic and are working on banning others.

Our prosperous and forward-thinking city should be in the forefront of banning, not encouraging the use of single-use disposable plastic cups. At best, require customers to pay a significant deposit on sturdy branded reusable cups with a QR code which when scanned upon return, will refund the deposit. At least consider biodegradable cardboard cups. They're much more comfortable to drink out of and they can be crushed to make more room in disposal containers. In its application, a district such as Plaza Midwood for example could propose to build a cup garden on a small piece of unbuildable space, for over years people could watch the cups decompose and eventually grow flowers. Public art could champion protecting the environment and human health. That's the kind of vide that Charlotte should be seeking. I realize that using single-use disposable cups is cheap and convenient, but please do what is right for the people of Charlotte. I say greenlight social districts only if single-use plastic cups are out of the picture. Thank you for listening.

Mayor Pro Tem Winston said just for those citizens that are coming to speak to us, this is your time to address us. So, you won't get any feedback from Council directly tonight,

but staff is taking notes and I would encourage you to follow up with any council members and vice versa.

Clifton Castelloe, 2630 Country Club Lane said I'd like to just echo what Nancy said and express my appreciation for that. Those images are surprising to me. I serve as president of the Plaza Midwood Merchants Association and the topic of social districts has been on our mind for quite a while now. So, I'm happy that we've reached the point we have with it and I want to express my appreciation to District 1 representative, Larken Egleston for being an excellent statesman. We're going to miss him, and we're excited for Danté Anderson to represent us very soon. I have a letter here that's from our Plaza Midwood Merchants Association in conjunction with the Plaza Midwood Neighborhood Association and the Commonwealth Morningside Neighborhood Association. I also spoke with my friend Gavin Toth from NoDa (Northern Davidson) and NoDa is definitely onboard with us with the adoption of social districts in Charlotte. So, we come to you as neighbors and businesses working together to create the spaces we wish to live, work and play in. We're in support of creating a social district in the Plaza Midwood area and in NoDa to support our small businesses and continue creating an environment that encourages diverse music, art, dining and entertainment.

Our vision is one that promotes the area as a single pedestrian destination accessed on foot, bicycle, transit, ride share, etc. with visits to multiple businesses. We do expect to be included in the process of setting the rules for the social district including times of operation, defining the boundaries, signage, additional trash collection, receptacles, acceptable containers, sustainable solutions are very important to us. In fact, I would go so far as saying that we would not support the idea of social districts if that meant using single-use plastics. So, we're certainly onboard with Nancy and our neighbors. These conversations have begun and actually been happening quite a while for us. So, we appreciate that you all have taken us to this point. Thank you.

Russell Fergusson, 2254 Farmington Lane said thank you sir. Russell Fergusson here and I know many of you recognize me from annoying you about zoning petitions which I am not doing tonight. I'm here because of part of my practice is working with small business owners in the restaurant industry and I'm also on Clifton's board with Plaza Midwood Merchants. I wanted to thank you guys for putting us on the agenda tonight. It's something that as was just mentioned that we have been excited about and interested in implementing for many, many months now. Coming out of COVID there were a many of hard knocks taken on the restaurant industry and in Plaza Midwood and in many other neighborhoods, we took advantage of the pivot opportunities that were provided by the city, by the state ABC to have drinking in public spaces such as on the street on Thomas Avenue and in Plaza Midwood. That went well for us. We were able to handle the trash, maintain the facilities and during this short term that that happened, it went well. So, we think it's a really good idea to activate this as a social district and make it more permanent. We think it's a really important way to activate the pedestrian network that this land use and zoning meeting is often talking about.

In Plaza Midwood you often have to park far away from where you are going to dine and there's a lot of folks that are biking and walking and would like to walk around and see the sites, see the murals and engage in friendly conversation on the go. Anyways, we think it's a great idea. We're really open to it. I think Clifton mentioned we have been talking about compostable cups and other recyclable options for a long time and we've also been looking at the other technicalities of this. We look forward to working with city staff and we thank you for hopefully your vote of support tonight. Thank you.

Damon Hemmerdinger, 300 Camp Road said hi everyone. Thanks for receiving our input tonight. I'm also here to speak tonight in support of the social district legislation. I think the program will lead to a more vibrant public realm, support local businesses and is line with the vision articulated in the 2040 Comprehensive Plan. There's one important point I'd like to highlight which is for this program to be successful, I encourage the council to direct its staff to resist the temptation to create a long list of maintenance and management requirements. For example, the city is already responsible for trash removal in the public rights of way and each private property

owner is already responsible for trash removal on their property. It seems to me the program doesn't need to be a lot more complicated than that on that issue. [inaudible] would enthusiastically participate in this program if the city creates a straightforward program that does not create complicated compliance requirements. Thank you very much.

Nicole Peterson, 3013 Whiting Avenue, said thank you. I'm coming from NoDa. I'm the lead of the Greenification Committee for the NoDa Neighborhood and Business Association and I believe the board supports the social districts in NoDa, but we do have the same concern that Nancy Pierce expressed quite well, which is that the plastic cups are going to create a huge problem. We do a monthly clean-up, and we pick up a ton of trash, like 8 to 10 bags of trash every month and we know that these plastic cups will just add to that trash and unfortunately, they are very unsustainable as Nancy was really great at explaining and we really look for other alternatives. Either a heavy plastic that can be rewashed and reused or something that's compostable. I like the idea of the cardboard cups that Nancy mentioned as well. So, we really hope that you take this seriously. We are in support of this, but we really don't think that the trash infrastructure and the environment can take more plastic. So, we look forward to creative suggestions from council as we move forward on something that we think will be really exciting for the neighborhood and for the businesses. Like I said, picking up after these cups is going to be a full-time job and I'm not looking forward to do it. So, I hope you do take this seriously. It does have big repercussions for how we think about single-use plastic in the city as well. So, we hope that you will take this advisement. Thank you so much.

Alyson Davis, 2709 Roswell Avenue said thank you so much for having this hearing tonight. My husband and I own two restaurants in the Gold District of South End. So, think Wilmore, Uptown. I'm here to speak in support of social districting. We feel like the neighborhood should be as diverse in use as it is our population, commiserate with a growing city. A couple of key points we'd just like for everyone to consider as you guys go through this consideration process. We feel like social districting is a niche development opportunity that provides a sense of community and space making and offers a huge bang for our buck for us to activate our neighborhood and planned programming versus more complicated and expensive public projects.

Socially spaces, the number two point is it gives us an opportunity to have socializes spaces that go past entertaining and meet some of the vital needs of residents in our densely populated neighborhood in South End. We also feel like it will encourage walkability and benefit us for how the district is perceived based on our image, the reduction and fear of crime. Four, we feel like this supports the vitality and magnetism of a live, work, play community. I certainly echo what all of my predecessor have spoken already, and we understand the concerns. If done right, we feel a comprehensive and simple strategy can lead to a sense of community in place, encourage walkability, business expansion, all with a very ecological plan for management. Thank you.

Sam Spencer, 4816 Crestmont Drive said hello council. Good evening and I hope everybody here is doing well at the dais and has had a great summer vacation. So, just want to point out one thing really quickly. It's under number two, the establishment of any social district in the City of Charlotte will require future council action. So, I don't think that there's any reason to hold this up in the time being, but I do want to make sure that we're looking out for a couple of things. As some of you know, I used to be an Uber driver and that was something I did in between campaigns to make extra money like a lot of different millennials. If you've been to South End any time in the past 10 years, you know that in a lot of ways it's already a de facto social district. Whereas we might have laws that prohibit open carrying of alcohol de-jure, de facto. Come on, we're adults here. We know what's going on.

One of the problems that I encountered as an Uber driver and as somebody in South End was that there were a lot of people who were doing very dangerous things. Walking in the roads, walking along the train tracks. Clearly there is an added element of danger for the social districts. So, once we pass social districts, as we move forward in our management plans, I hope the council will recognize that this is a terrific opportunity for us to further meet our vision zero goals. There are things that we can do in terms of

streetscape, walkability, public transportation and everything that we've worked on in the past years to prevent pedestrian fatalities. That's something that should be in every management plan for a social district going forward because we have to have a safe city and that will make it an even more fun city. So, thank you everybody for your time and glad to be on this side of the dais again.

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

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DECISIONS

ITEM NO. 4: ORDINANCE 358-Z, PETITION NO. 2021-079 BY PIEDMONT CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.88 ACRES LOCATED ON THE NORTH SIDE OF NORTH WENDOVER ROAD, WEST OF MONROE ROAD, AND EAST OF RANDOLPH ROAD FROM B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO NS (NEIGHBORHOOD SERVICES).

The Zoning Committee voted 5-1 (motion by Samuel, seconded by Harvey) to recommend denial of this petition for the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map from post hearing staff analysis based on the information from the post hearing staff analysis and the public hearing, and because: The adopted plan recommends retail uses for the site. However, we find this petition to not be reasonable and in the public interest based on the information from the post hearing staff analysis and the public hearing, and because: an additional EDEE drive thru at this location does not support environmental and sustainability policies contained in the Charlotte 2040 Plan. Site can achieve Goals 1,5 & 8 without needing drive-throughs.

The petitioner made the following changes to the petition after the Zoning Committee vote. Therefore, the City Council must determine if the changes are substantial and if the petition should be referred back to the Zoning Committee for review.

1. Petitioner shall provide a minimum of 500 SF of upfitted office space for on-site use for Crossroads Corporation, Inc. and/or affiliated Grier Heights Community Organizations (including Crossroads successors, related entities, or mutually agreed upon similar non-profit entities if applicable), offered rent free for a minimum duration of 10 years.
2. Petitioner shall provide an additional 500 SF of store front commercial space on-site for use as a community-based business incubator space, to be administered by Crossroads Corporation, Inc., (or its successor, related entity or mutually agreed upon similar non-profit entity), rent-free for a minimum duration of 10 years.
3. If at any point during the 10-year duration of the above office space and incubator space commitment, Crossroads Corporation, Inc. declares in writing that they no longer wish to receive this benefit, the condition shall be deemed as satisfied for the purposes of this rezoning.

Motion was made by Councilmember Egleston and seconded by Councilmember Phipps not to refer back to the Zoning Committee.

Councilmember Johnson said is there anyone from the Zoning Committee here?

Mayor Pro Tem Winston said yes, Mr. Gussman is here.

Ms. Johnson said okay, Mr. Gussman. I had a question. The Zoning Committee voted five to one to recommend denial. I don't know that I've seen numbers that high

recommending denial. So, I wanted to know if these changes address the concerns of the Zoning Committee, otherwise I'd like to see it go back to the Zoning Committee. Thank you. Okay, I'm asking you.

Phil Gussman, Vice Chairperson of Charlotte Mecklenburg Planning said we are not aware of the changes. At this point we have not had the opportunity to see them.

Ms. Johnson said okay. So, then I guess I make a substitute motion to send it back to the Zoning Committee? These changes seem major enough to me. The fact that there was this concern, the Zoning Committee was not aware of it. I suggest that it goes back to the Zoning Committee.

Substitute motion was made by Councilmember Johnson and seconded by Councilmember Winston to refer back to the Zoning Committee.

Councilmember Bokhari said you can just vote down this motion on the table which would do the same thing if that's what you want to do.

Ms. Johnson said okay.

Mr. Bokhari said on this one, I think based on looking at the Zoning Committee's comments on this, I think, and Phil jump in, the concern I think was more based around the drive thru use. He's nodding yes.

Mr. Gussman said correct.

Councilmember Egleston said so, I don't know that these changes directly addressed the concerns that led those commissioners to vote against it. I don't think that anyone would disagree with the fact that these changes are positive changes in terms of meeting the needs and the wants of the community that's adjacent to this parcel. So, there's positive changes based on reading the Zoning Committee's feedback. Maybe it moves to voter too, maybe it doesn't but what they called out as their motives I don't think are necessarily addressed here. I will say to the motion of sending it back or not, obviously we have the change over coming on council. This is one where I've been communicating with the petitioner, communicating with tenants in the shopping center, working with the neighborhood on it for longer than typical I would say for rezoning simply because there were a lot of moving pieces, a lot of moving parts and a lot of work that was being done with the community. My ask would be that we not send it back because I think it a bit unfair to incoming council members who have not had the benefit of having those conversations and being a part of that work to dump this in their lap and ask them to get up to speed on it.

I know there are a couple of council members that are not in favor of this petition and are going to express why they are not in favor of the petition; on balance I think that the good outweighs the bad in this petition. I think the work that's been done with the community warrants approval and tend to support the petition if we get to that point tonight. I believe it has the votes to pass. So, I think it would be simpler and more fair to have the council members who have been a part of these discussions voting on it, than bringing on four people who haven't and asking them to get up to speed on it next month. So, my ask would be that we not send it back to the Zoning Committee. I don't think it changes their recommendation more than a vote or two which would still not have them recommending it and that we vote on it tonight.

Mayor Pro Tem Winston said was that a question for Mr. Gussman to respond to Mr. Egleston?

Mr. Egleston said he can, certainly.

Mr. Gussman said certainly. The commissions as documented is predominantly all centered around the drive thru. At the end of the day looked in a lot of ways to be the right project for the space, but with the exception of that drive thru element.

Councilmember Phipps said yeah, I do not support sending it back to the Zoning Committee because in looking at the changes that have been made, they look as if they are concentrated or consist mostly of benefits that would accrue from a Community Benefit Agreement. As I recall some of the discussions that we had earlier on about community benefits, I thought we had reached a conclusion that the city is in no way has any kind of role in reviewing or approving any kind of provisions that would pertain to a Community Benefit Agreement. So, that was my recollection. If I'm wrong on that, I'm willing to hear comments in that regard. Thank you.

Mayor Pro Tem Winston said I will in no way attempt to speak for the Mayor, but in discussions that I've had she reminded that we do not have a City Council policy that relates to Community Benefit Agreements as of right now. We have it as an aspirational goal as part of the Comprehensive 2040 Plan, but we do not have a standing policy on how we deal with Community Benefit Agreements.

Mr. Egleston said just as a response to that. I believe that we're looking at this the same way we would look at an election by a developer to offer affordable housing in that the city cannot require affordable housing and base their vote on whether or not that affordable housing is included, but a developer can propose to offer it and it can be part of the notes of a rezoning. In this case, there was no demand that these community benefits be offered. They were simply offered and so I think that's where we're in the clear there because it was not a requirement of the city that they do that to get the approval of the rezoning. Though I agree these are all benefits to the community, but again, I think we're in the clear there.

Terrie Hagler-Gray, Senior Assistant City Attorney said that's correct. As long as it was voluntary.

Mayor Pro Tem Winston said thank you very much.

Ms. Johnson said yeah, I would just like to add that the Zoning Committee is volunteers in the committee. Again, this number seems very high that they're proposing that it's denied. So, I think the fact that there are these changes, I think that it's just to send it back to the Zoning Committee for them to make the recommendation to council.

Mr. Egleston said I don't want to belabor the point, but I think what Mr. Gussman has indicated is that it will come back to council more or less along the same lines as what we have today. So, I certainly think that if that and the council members' opinion merits a no vote, I think that's appropriate and I would certainly understand. It's not these changes based on what Mr. Gussman has said and what our information we have in advance said, it's not going to mean that they come back suddenly recommending it. It would likely still be five-one against, maybe it's four-two against. So, council would be in the same position as we're in tonight which is do we side with staff and the community who have reached out to us via email and said they believe this is in the best interest of the community or do we side with the Zoning Committee who has said they don't believe this is best because of the drive thru use? You'll be in the same position, making the same decision next month with four council members who haven't been privy to all the conversations and all the work that's gone into it and four less council members who have. So, to me I think this council is more prepared to make the decision than the council will be next month, and you'll be sitting with the same information and the same recommendation for denial from Zoning Committee.

Mr. Bokhari said I was going to say exactly what Larken just stated which is we're not going to get any new information beyond what we have right now, and I think it's time for us to make a decision whatever that may be.

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

pti:mt

YEAS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, Newton, Phipps, and Watlington

NAYS: Councilmembers Johnson, and Winston

Substitute motion failed.

The vote was taken on the motion not to refer back to the Zoning Committee and recorded as follows:

YEAS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, Newton, Phipps, and Watlington, and Winston

NAYS: Councilmembers Johnson

Motion was made by Councilmember Egleston and seconded by Councilmember Bokhari to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map from final staff analysis based on the information from the final staff analysis and the public hearing, and because: The adopted plan recommends retail uses for the site. However, we find this petition to not be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because: an additional EDEE drive thru at this location does not support environmental and sustainability policies contained in the Charlotte 2040 Plan. Site can achieve Goals 1,5 & 8 without needing drive-throughs, as modified.

Mr. Egleston said I'll be brief since we covered most of it in the first phase of this. I think, and it's on the screen in front of us, these are I think significant community benefits. There are others in terms of ensuring the long-term stability of the grocer that is located in this shopping center, but for that grocery store this would be a food desert. Mr. Winston and I had a good conversation earlier today on points that we largely agree on in terms of not being fans of drive thru uses and a couple of other things that I'm sure he will outline her momentarily. I don't disagree with really anything he's going to say. I simply in this case think that all these that we make decisions are, there are things we like about them and things that we don't, and I think you have to figure out on balance whether the benefits outweigh the negatives.

In this case I think they do particularly with these changes that have been made here in coordination with the neighborhood and we've heard from many of those leaders, de facto leaders and official leadership with their community development organization, with their neighborhood association that have said on balance, they believe this is a net benefit to the community. So, I want to support their wishes and I want to support what I think are really genuine efforts here to benefit the folks who live in this community and the jobs it'll create that are walkable to this community where not everybody has a car. Not everybody maybe has access to as many job opportunities as certain other parts of the city do and this will create dozens of jobs that folks can walk to. So, I think without going too far down the rabbit hole of trying to outline everything, I think it's good it this. I will simply say I think it outweighs the negatives that Mr. Winston will outline here.

Mayor Pro Tem Winston said I think that there are some really good things that happened here with this petition. As I stated earlier, we don't have policy surrounding Community Benefit Agreements and I know there was some consummation around this topic during the Comprehensive 2040 Plan process about what does this look like? How are you going to go about administering this? I think if and when council does get into those conversations, we should look towards this petition because I think this is something a Community Benefit Agreement can and should look like. The community is organized, utilizing that organizing entity to communicate effectively and efficiently with the petitioner and they came up with something that they think is mutually beneficial and

it fits within all of the confines of our standing policy. So, as we think about creating something that doesn't exist, let's bookmark this one please. I will not be in support of this. I do not think that this is the proper land use for this area. I don't think this is the proper land use for the types of urbanism that are needed in different parts of town. Obviously, this part of town has a lighter level of urbanism that is becoming more dense and needs to be more walkable, but as I've been thinking about this over the past month or so, my concern has also turned towards this idea of food deserts.

We do have in our Comp 2040 planning document the need or the desire to look at putting growth strategies on the ground that affect food deserts. I think that there are some false pretenses here. Yes, a food desert is created when you don't have access to high quality nutrient rich food, but also part of being a food desert is the abundance of high caloric, low nutrient, high sodium rich foods, specifically those types of foods that you find in places like drive thru fast-food restaurants. Somehow and for some reason we are accepting that you have to include a source of a food desert, a source of nutrition that leads to high obesity and many other different types of health outcomes and determinants of health to say that that is needed to keep a fresh food source present. Honestly, I'm going to go ahead and speak to specifically the Black community. We can't fall into the traps of practices that kill us. I fear that we are going to set a precedent here that will be used over and over and over again in different parts of town that are going to tie the need for fast food to be included in places to prevent food deserts. I believe that is an oxymoron and it should not be something that we settle for as we move forward. I hope if this passes, this is a one-time thing but I'm for sure that the development community is going to catch on and use this to back other communities into corners. I don't think this is smart development. I don't think this is going to work out for the best nature of the community.

Councilmember Watlington said I can appreciate the conversation on both sides. I have long been a proponent of Community Benefit Agreements. I have worked with several neighbors over on the west side to execute similar types of agreements through the conditional rezoning process and I must say that as we move closer and closer to essentially the elimination of conditional rezonings, we lose more and more opportunities to get agreements done just like this. We know that the city cannot enforce but at least we can document via site plan amendments or whatever else, what commitments have been made to the community. I think that we deceive ourselves if we think that we're going to eliminate opportunities for that to happen and then make progress.

In this particular instance, we have to be careful not to miss the forest for the trees. We're talking about a food desert and I'm not willing to wager an ideal of not wanting to have a drive thru with an actual grocery store because at the end of the day the community has been very clear. We need food. We don't care about whether there's a drive thru. If we don't choose to use the drive thru, we won't, but to say that on principle, I'm going to make a decision that is going to cause a grocery store to leave a community because I don't believe in drive-through, I think we're doing the very people we're serving a disservice. We have to protect the opportunity for nutritious food. We can educate, we can talk about it in the future how we can develop in such a way that we don't have to have drive-throughs, but I think that it is a place of privilege to be choosing to deny people access to food because we don't like the package that it comes in. I'm not saying that that's exactly where you're coming from, but I think we have to be careful about weighing ideals against people's basic needs. So, with that, I'll be supporting this petition and I look forward to the work that we're going to do to create opportunities for Community Benefit Agreements to keep their teeth. Thanks.

Mr. Phipps said having met with the leadership of Grier Heights Community, they have some challenges there in their community and I can appreciate in looking at the provisions of this Community Benefit Agreement, that I applaud them for the work that they have done to reach this point. Directly across the street from this site is a significant multi-family project, adjacent to the site is another significant multi-family project. Then you have the community that's adjacent to it and a host of businesses all around. So, I think you're going to have a combination of people that's willing to walk to

these places even though this Wendover Road is a major thoroughfare with about a little over 23,000 vehicles a day moving through that corridor, of course some of them are going to take the opportunity as they might drive past it to stop in. So, I agree with Ms. Watlington, and I agree with Mr. Egleston that I think the benefits far outweigh the negatives associated with this petition. So, I look forward to voting in favor of it tonight.

Councilmember Eiselt said yes, thank you. I just want a clarification. Last time I heard Food Lion did not indicate at all their existence at this shopping center had anything to do with this drive thru. Has that changed?

Mr. Egleston said I can speak to that. This is not an if this, then that. No statement to that degree has been made, but I have spoken to leadership with Food Lion several months back who indicated that they believe that this investment in the shopping center will solidify their ability to be successful there. This is, I think in comparison to other locations they have, probably currently an underperforming one. There is a revitalization going on at this shopping center that includes in part what we are voting on tonight, but also the opening a new Goodwill store just four days ago, and a lot of other improvements at the shopping center that they believe will allow them to be more successful moving forward than they have been up until now and will allow them to recommit themselves to the shopping center. So, there is no direct promise that if we approve this they'll stay, if we deny this they'll go, but it is my belief based on the conversations I've had with them that the two things are related.

Ms. Eiselt said thank you. I appreciate the updates especially from the Crossroads Corporation. We've said that we don't want to support continuing to add drive-throughs. We said that in the Comprehensive Plan, yet we make exceptions every time there is a drive thru. So, I would still be a no on this petition because I don't know that we have a commitment that Food Lion would even stay there and if the shopping center does show potential for investment, then I think that's great. Then let it continue to develop, but diverting that kind of traffic into that shopping center with drive thru lines, I can't wrap my head around that. I just wanted to confirm for sure that Food Lion did not say, "unless we know that Chik Fil A and a Starbucks is coming here, we're not staying." So, I still am not in support of this petition. Thank you.

Mayor Pro Tem Winston said thank you Ms. Eiselt. Yes, I did not receive any correspondence from Food Lion saying that. I would also point out if the business models are around drive-throughs where people don't get out and do other things like shop in supermarket, I fail to see the correlation between the retention of a supermarket and the existence of drive thru centric restaurants.

Ms. Eiselt said thank you Mr. Winston. I meant to add that as well.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Graham, Newton, Phipps, and Watlington

NAYS: Councilmembers Eiselt, Johnson, and Winston

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

Tiffany Capers, tiffany.capers@crossroadscorporation.org

The ordinance is recorded in full in Ordinance Book 65, Page(s) 137-138.

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ITEM NO. 6: ORDINANCE NO. 359-Z, PETITION NO. 2021-249 BY MILL CREEK RESIDENTIAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 25.46

ACRES LOCATED ON THE WEST SIDE OF STEELE CREEK ROAD, SOUTH OF THE INTERSECTION WITH SLEDGE ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO MX-2 (INNOV) & NS (MIXED USE, INNOVATION) AND (NEIGHBORHOOD SERVICES).

The Zoning Committee voted 6-0 (motion by Samuel, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: the plan recommends the Neighborhood 1 place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the proposed development is consistent with the Neighborhood 1 place type recommendation for lower density housing. The proposed development for attached and detached single family units is compatible with the surrounding low-density residential development in the area. The petition commits to providing right of way dedication for Steele Creek Road widening as well as left and right turn lanes at the primary access point from Steele Creek Road. The petition commits to enhancing pedestrian and bicycle mobility in the area by constructing a 12' multiuse path along Steele Creek Road and minimum 6' wide sidewalk along all internal network streets.

Motion was made by Councilmember Winston and seconded by Councilmember Egleston to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the plan recommends the Neighborhood 1 place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the proposed development is consistent with the Neighborhood 1 place type recommendation for lower density housing. The proposed development for attached and detached single family units is compatible with the surrounding low-density residential development in the area. The petition commits to providing right of way dedication for Steele Creek Road widening as well as left and right turn lanes at the primary access point from Steele Creek Road. The petition commits to enhancing pedestrian and bicycle mobility in the area by constructing a 12' multiuse path along Steele Creek Road and minimum 6' wide sidewalk along all internal network streets.

Councilmember Watlington said I previously sent to the council the comments from the Steele Creek Resident Association regarding this one. It's nothing new. We've been talking about it for quite some time, 160 is jammed packed. We're busting at the seams in Steele Creek. We are receiving no relief from NCDOT (North Carolina Department of Transportation) to date. As such, the Steele Creek Residents Association and the local neighbors have indicated that they are not supportive in any additional growth here without expansion of the state roads.

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

YEAS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, Phipps, and Winston

NAYS: Councilmembers Johnson, Newton, and Watlington

pti:mt

The ordinance is recorded in full in Ordinance Book 65, Page(s) 139-140.

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ITEM NO. 7: ORDINANCE NO. 360-Z, PETITION NO. 2021-252 BY WP EAST ACQUISITIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.10 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF SEIGLE AVENUE AND EAST 10TH STREET, NORTH OF CENTRAL AVENUE, AND EAST OF INTERSTATE 277 FROM B-2 (GENERAL BUSINESS) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the site is within a ½-mile walk of the future Central Avenue Station along the Silver Line. The existing Sunnyside Station along the Gold Line is also within a 1-mile walk of the site. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The site is along the existing Cross Charlotte Trail and future Silver Line and associated Rail Trail, making it an appropriate location for TOD development that further encourages pedestrian and transit connections. Although inconsistent with the current Place Type recommended in the 2040 Policy Map, the site meets a number of criteria that make it appropriate for a minor map amendment to change the recommended Place Type to Neighborhood Center. If approved, the Neighborhood Center Place Type at this location would allow for an appropriate transition between the adjacent Community Activity Center and Neighborhood 2 Place Types along the north side of 10th Street into the single-family residential areas under the Neighborhood 1 Place Type that are just south of the subject site. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the 2040 Policy Map (2022) from Neighborhood 2 to Neighborhood Center for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the site is within a ½-mile walk of the future Central Avenue Station along the Silver Line. The existing Sunnyside Station along the Gold Line is also within a 1-mile walk of the site. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The site is along the existing Cross Charlotte Trail and future Silver Line and associated Rail Trail, making it an appropriate location for TOD development that further encourages pedestrian and transit connections. Although inconsistent with the current Place Type recommended in the 2040 Policy Map, the site meets a number of criteria that make it appropriate for a minor map amendment to change the recommended Place Type to Neighborhood Center. If approved, the Neighborhood Center Place Type at this location would allow for an appropriate transition between the adjacent Community Activity Center and Neighborhood 2 Place Types along the north side of 10th Street into the single-family residential areas under the Neighborhood 1 Place Type that are just south of the subject site. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the 2040 Policy Map (2022) from Neighborhood 2 to Neighborhood Center for the site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 141-142.

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ITEM NO. 8: ORDINANCE NO. 361-Z, PETITION NO. 2021-254 BY JOSEPH HORTON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.18 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF GALLERIA BOULEVARD AND MONROE ROAD, SOUTH OF SARDIS ROAD NORTH FROM NS (NEIGHBORHOOD SERVICES) TO NS SPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston said this is a first that I think staff has seen that the Zoning Committee made no recommendation provided. No motion made by the Zoning Committee received the needed four votes to carry it forward. You can see the included Zoning Committee's report for a summary of that discussion. Staff does recommend approval of this petition.

To clarify Mr. Bokhari's motion. The motion would be to approve this petition and adopt the staff's statement of consistency as it appears on the screen.

Councilmember Bokhari said agreed.

David Pettine, Planning, Design & Development said it would be as presented in the staff analysis on the screen. It's just the summary of the Zoning Committee discussion.

Councilmember Eiselt said in your agenda?

Mr. Pettine said in the agenda, yes.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, to approve this petition as presented in the staff analysis as shown in the agenda.

Phil Gussman, Vice Chairperson of Charlotte Mecklenburg Planning said I did just want to clarify that not unlike the other one that we were discussing earlier, the primary reasoning for the opposition on this was due to the drive-through in the transit area. However, we were unable to get more than three votes either direction over two months' worth of meetings.

Mayor Pro Tem Winston said thank you for that context. I will make a comment as well. I will not be voting to support this, and it has to do with the existing as drive-throughs. As I look at this part of town, again it is developing with a certain level of urbanism, a certain level of density. If you look on both the Charlotte side as well as the Matthews side, you have the types of development that are moving towards more pedestrian related urbanism. Even taking out the future Silver Line, if you look at the amenities that are in walking distance, that is the type of place where we want to highlight a level of urbanism that further promotes pedestrian and bicycle traffic. Also go back to one of the first contentious rezonings that I took part on last council on Nolley Court. That was to put several apartments, 55 plus. One of the contentions there that got this approved was concerns, which always, is about traffic. One of the negotiations that Mr. Bokhari worked really hard on getting that over the finish line was that this was a population that was not going to be very dependent on car trips. Was not going to be driving their vehicles and in fact, it was because of their location in walking distance to amenities like this restaurant, City Barbecue, and other stores and amenities in walking distance. So, we have definitely made policy decisions to make this particular area more pedestrian centric and we should continue to focus on that. So, therefore I will be in opposition to this.

Councilmember Johnson said I'm not opposed to this one or the previous one just because of the drive thru. My concern in the Zoning Committee. It's a group of volunteers. It's not our city staff, these are individuals that take deep dives into these petitions. We know as district representatives, if a petition is not in our district, we're not really looking into the details on all of them. So, we have to trust our committees. We have to look at the goals for the 2040 Plan and this petition only meets two of them. So, I think that we have tools in place and checks and balances in place to help us make educated decisions and informed decisions. So, it's concerning that after two months the Zoning Committee cannot come to a recommendation either way. If you look through our book, we don't see the Zoning Committee protest or wish to deny petitions very often. So, I know that that weighs heavy on my decision. So, for that I'm not going to be supporting this one either. Thank you.

Councilmember Phipps said yes Ms. Johnson, I can appreciate your comment about the zoning book, but I guess I don't know if I'm an outlier or not, but I read the thing from cover to cover. I want to get clarity on have we adopted a policy on drive-throughs? Because I didn't think we had a prohibition against drive-throughs, I thought we were concerned maybe about the number of drive-throughs that might be in a particular project. So, if I can get a copy of our current thinking on drive-throughs if we prohibited them. I don't see that it's appropriate to start off a petition that says well it has a drive thru, boom, no go. So, I would like to get some clarity on that and would like to see what provisions that we have in our policies with respect to drive thru locations.

Alyson Craig, Interim Planning Director said that's something I think we can do a follow up for council because it could get nuanced, but I'd say the way it's proposed in the UDO (Unified Development Ordinance) is that all zoning districts except those in the commercial zoning and manufacturing logistics, a drive thru facility will only be allowed if it was located on the site the effective date of the ordinance. I can provide more details in comparison on today versus what is proposed in the UDO for full council.

Councilmember Watlington said I did. If I'm understanding this correctly, essentially this petition is just asking to be able to add a drive thru to an existing business. Is that correct Councilmember Bokhari?

Mayor Pro Tem Winston said staff is shaking their head yes.

Ms. Watlington said okay, thank you. So, this is where I struggle in regard to this whole drive thru piece and even as Ms. Craig you just explained, our UDO is going to take a position that we cannot add additional drive-throughs if you will or at least by right. I just find it baffling. We have an establishment here who needs customers. Some of those customers live within walking distance, many don't. So, the people who don't live within walking distance are probably going to drive there. They're probably not going to ride a bike down Monroe Road to get there, and when they get there if there's no drive thru, well then, they need to park, but then on the flip side we say we want to get rid of parking minimums. Where exactly do we expect these cars to go? We are going to drive and I believe the Mayor Pro Tem has a couple of examples off hand where we have seen establishments be hurt because they can't get the traffic that they need due to these lack of parking spaces or a drive thru. I just want to caution us again that we talk about these platitudes, and we talk about these goals but when it comes to practice is it really driving better outcomes for our businesses and for our people? In this case I don't see how not allowing a drive thru is going to improve the situation here. The business is going to have customers come from somewhere. So, whether or not they get out of their cars and park and leave their car somewhere which that has its own issues, or they drive thru and continue on their way, I don't see a problem with having an option. So, I will be supporting.

Mr. Bokhari said thank you and thank you Councilmember Watlington. I don't need to repeat those amazing, wonderful words you just said which is think sums up about three-quarters of the problem here. What I will add to that is very simple. It seems lately, without a policy which now we've noted with our position as an entire governing body of council on this topic, what we have is a couple of people that have become essentially activists on this front to try to abolish drive-throughs. They've made drive-throughs the enemy and I think the problem here is this. If there's some utopia out there where the urbanist that all get behind this stuff ultimately think that drive-throughs are the enemy and that needs to be a policy that we have, I will support that under one premise. Which is, aside from zoning decisions, we actually invest in the infrastructure necessary to make that utopia an actual plausible reality in the future because right now we keep having the same conversation not based in policy. The last thing that we all fought over was over there on Woodlawn where if you haven't been around Woodlawn and the walkable place, the only walkable place that's going on right now is the homeless shelter that has occurred inside that gas station.

It is not reasonable or plausible that any business that wants to invest like they're doing in my district in this case right here, to provide a resource to the people that actually live there, that they can make that work without our help. So, at the end of the day, letting them who are investing in this stuff operate I think is a no brainer and if we want to get serious about actually investing in a world that that's possible, we have to do that outside of the zoning process, not sit here and grandstand for folks because it's not fair to those people who are just grinding it out and moving our districts forward. I would make the sidenote that it has been a concerning trend to see the Zoning Committee, who we rely on, who works very very hard so much, continue to push this narrative forth and have this issue there. This is not a Zoning Committee thing we need you to weigh in on. It is our policy, and we need you to call balls and strikes inside our policy and if we want to get serious about drive-throughs, we as a body outside of zoning need to get serious about that.

Ms. Johnson said yes. I guess my follow up would be for Mr. Gussman. Was the drive thru the only reason that you all weren't able to make a recommendation?

Mr. Bokhari said this is only requesting a drive thru. It's literally the only topic.

Ms. Johnson said so, why is that the Zoning Committee is having trouble with that? Is it because there are members that are totally opposed of drive-throughs or was there an effect on the community that you all saw and weren't willing to approve?

Mr. Gussman said there was. It was the proximity to the Silver Line itself. There's an easement on this that is also an addition in this, in this site plan for the Silver Line. The Silver Line takes some of their property, appreciated, and it was specifically that you're going to be sitting in a drive thru looking at the trains as they go by idling and per our UDO goals which granted, we've been working on in the Zoning Committee and the Planning Committee of the Zoning Commission for years as all of you have. We could not in conscious the people who voted against the approval of this at least could not approve it. We also had three votes at other times that would support it. It really was a split decision over two months. So, it was a combination of the drive thru associated with the complete proximity to the Silver Line.

Mayor Pro Tem Winston said thank you Mr. Gussman.

Mr. Phipps said I was wondering, in looking at the discussion notes would you say it was also a function that two committee members were absent?

Mr. Gussman said that was part of it. There was a death and there were also thunderstorms because we were meeting virtually shut out actually a couple of people. So, we were down a man or two so to speak and that is part of probably what contributed. The next month even when we did it again, we were down one person we still could not generate four votes for it.

Mr. Phipps said we don't know those people that were absent would've voted if they were there, right?

Mr. Gussman said I would not venture to say, no.

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

YEAS: Councilmembers Bokhari, Driggs, Egleston, Graham, Johnson, Newton, Phipps, and Watlington

NAYS: Councilmember Winston

Note vote: Councilmember Eiselt

The ordinance is recorded in full in Ordinance Book 65, Page(s) 143-144.

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ITEM NO. 9: ORDINANCE NO. 262-Z, PETITION NO. 2021-266 BY SERE VENTURES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.13 ACRES LOCATED ON THE SOUTH SIDE OF ROZZELLES FERRY ROAD AT YELLOWSTONE DRIVE FROM I-1 AND B-2 (LIGHT INDUSTRIAL AND GENERAL BUSINESS) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Barbee) 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 based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends Innovation-Mixed Use place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the proposed rezoning for attached residential dwelling units is consistent with the character description for the Innovation Mixed-Use Place Type. The Innovation Mixed-Use Place Type is characterized by vibrant areas of mixed-use and employment, typically in older

urban areas, that include residential uses. There have been several recent rezonings in the vicinity of this site to allow single family attached residential. In the vicinity of this site are existing residential neighborhoods as well as new residential developments under construction, helping to transform the area from an older underutilized industrial corridor into a vibrant mixed-use neighborhood. The petition commits to improvements to Martin Luther King Jr Park including resurfacing the basketball court and refurbishing benches.

Motion was made by Councilmember Graham, seconded by Councilmember Winston, 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 based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map recommends Innovation-Mixed Use place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the proposed rezoning for attached residential dwelling units is consistent with the character description for the Innovation Mixed-Use Place Type. The Innovation Mixed-Use Place Type is characterized by vibrant areas of mixed-use and employment, typically in older urban areas, that include residential uses. There have been several recent rezonings in the vicinity of this site to allow single family attached residential. In the vicinity of this site are existing residential neighborhoods as well as new residential developments under construction, helping to transform the area from an older underutilized industrial corridor into a vibrant mixed-use neighborhood. The petition commits to improvements to Martin Luther King Jr Park including resurfacing the basketball court and refurbishing benches.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 145-146.

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ITEM NO. 10: ORDINANCE NO. 363-Z, PETITION NO. 2021-273 BY HUTTON ST 21, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.66 ACRES BOUND BY THE SOUTH SIDE OF WYALONG DRIVE, WEST SIDE OF IDLEWILD ROAD, WEST SIDE OF MARGARET WALLACE ROAD, AND NORTH SIDE OF MINTWORTH AVENUE FROM NS (NEIGHBORHOOD SERVICES) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Welton) 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 based on the information from the post hearing staff analysis and the public hearing, and because: the policy map recommends commercial place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis

and the public hearing, and because: the site is an outparcel of an existing shopping center. The previous zoning allowed two buildings on the outparcel including one with an accessory drive through. • The plan proposes 1 building, up to 4,600 square feet, for a car wash. The area is developed with a mixture of commercial uses, including gas stations, convenience stores, grocery stores, personal services, EDEEs and other retail shops. The proposed car wash will provide a service for those in the area.

Motion was made by Councilmember Newton, seconded by Councilmember Winston, 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 based on the information from the final staff analysis and the public hearing, and because: the policy map recommends commercial place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the site is an outparcel of an existing shopping center. The previous zoning allowed two buildings on the outparcel including one with an accessory drive through. • The plan proposes 1 building, up to 4,600 square feet, for a car wash. The area is developed with a mixture of commercial uses, including gas stations, convenience stores, grocery stores, personal services, EDEEs and other retail shops. The proposed car wash will provide a service for those in the area.

Councilmember Eiselt left at 6:25 p.m.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 147-148.

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ITEM NO. 11: ORDINANCE NO. 364-Z, PETITION NO. 2021-276 BY MCCRANEY PROPERTY COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 44.95 ACRES LOCATED ON I-85 SERVICE ROAD SOUTHWEST OF THE I-85/I-85 INTERCHANGE FROM R-3 AIR LLWPA (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) TO I-1 (CD) AIR LLWPA (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Russell) 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 based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Commercial Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: while inconsistent with the commercial place type recommendation, the proposed rezoning is adjacent to the interchange of I-85 and I-485, making it suitable for light industrial uses. The petition provides a Class A buffer where adjacent to residential zoning and Neighborhood 1 place type. The petition commits to dedication and conveyance of the 100' SWIM buffer of Paw Creek to Mecklenburg County for future greenway development. Access to the site is via the I-85 Service Rd, which provides a short route to the Sam Wilson Rd interchange with I-85. The petition commits to improving the I-85 Service Rd as required by NCDOT. The site is within the Airport Noise Overlay. The approval of this petition will revise the adopted Place Type as specified by the 2040 Policy Map, from Commercial Place Type to Manufacturing & Logistics Place Type for the site.

Motion was made by Councilmember Watlington and seconded by Councilmember Winston to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Commercial Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: while inconsistent with the commercial place type recommendation, the proposed rezoning is adjacent to the interchange of I-85 and I-485, making it suitable for light industrial uses. The petition provides a Class A buffer where adjacent to residential zoning and Neighborhood 1 place type. The petition commits to dedication and conveyance of the 100' SWIM buffer of Paw Creek to Mecklenburg County for future greenway development. Access to the site is via the I-85 Service Rd, which provides a short route to the Sam Wilson Rd interchange with I-85. The petition commits to improving the I-85 Service Rd as required by NCDOT. The site is within the Airport Noise Overlay. The approval of this petition will revise the adopted Place Type as specified by the 2040 Policy Map, from Commercial Place Type to Manufacturing & Logistics Place Type for the site.

Councilmember Watlington said thank you. Just wanted to say that Northwest Community Alliance is in support.

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

The ordinance is recorded in full in Ordinance Book 65, Page(s) 149-150.

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ITEM NO. 12: ORDINANCE NO. 365-Z, PETITION NO. 2021-278 BY DREAM ACRES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.33 ACRES LOCATED ON THE EAST SIDE OF HARRISBURG ROAD, NORTH OF PARKTON ROAD, AND WEST OF CEDARBROOK DRIVE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-6 (SINGLE-FAMILY RESIDENTIAL).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the Charlotte 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: the policy map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood and #9: Retain Our Identity & Charm. The petition's proposal for low-density, single-family units is consistent with Neighborhood 1 Place Type. The Neighborhood 1 Place Type may consist of smaller lot single family detached developments, small townhome buildings, and small multi-family buildings. The petition is compatible with neighboring residential uses.

Motion was made by Councilmember Newton, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Charlotte 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the policy map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood and #9: Retain Our Identity & Charm. The petition's proposal for low-density, single-family units is consistent with Neighborhood 1 Place Type. The Neighborhood 1 Place Type may consist of smaller lot single family detached developments, small townhome buildings, and small multi-family buildings. The petition is compatible with neighboring residential uses.

Councilmember Eiselt returned at 6:36 p.m.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 151-152.

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ITEM NO. 13: ORDINANCE NO. 366-Z, PETITION NO. 2021-283 BY LANE CLONINGER AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.60 ACRE LOCATED ON THE WEST SIDE OF KESWICK AVENUE, NORTHWEST OF NORTH TRYON STREET, AND EAST OF NORTH GRAHAM STREET FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Barbee) 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 based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Neighborhood 1 place type for these parcels. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the petition is aligned with the 2040 Policy Map recommendation of Neighborhood 1 - of "places for neighborhoods with a variety of housing types, where single-family housing is still the predominant use." The petition proposes to slightly increase the density at this site. While this petition increases the density for the site, this site is at the edge of the established neighborhood and helps serve as a transition between the abutting parking lot and adjacent mixed-use site, and the surrounding slightly lower-density sites.

Motion was made by Councilmember Egleston, seconded by Councilmember Winston, 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 based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Neighborhood 1 place type for these parcels. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition is aligned with the 2040 Policy Map recommendation of Neighborhood 1 - of "places for neighborhoods with a variety of housing types, where single-family housing is still the predominant use." The petition proposes to slightly increase the density at this site. While this petition increases the density for the site, this site is at the edge of the established neighborhood and helps serve as a transition between the abutting parking lot and adjacent mixed-use site, and the surrounding slightly lower-density sites.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 153-154.

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ITEM NO 14: ORDINANCE NO. 367-Z, PETITION NO. 2022-001 BY WHITE POINT PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.99 ACRES LOCATED ON THE WEST SIDE OF YANCEY ROAD AND SOUTH SIDE OF EAST PETERSON DRIVE, EAST OF SOUTH TRYON STREET FROM R-8 (SINGLE-FAMILY RESIDENTIAL) AND I-2 TS-O (GENERAL INDUSTRIAL, TRANSIT SUPPORTIVE - OPTIONAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Community Activity Center Place Type; and the Neighborhood 1 Place Type is also recommended 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 site is within a 1-mile walk of the Scaleybark Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. Immediately adjacent to the site are a number of parcels zoned TOD-NC, representing an ongoing shift in this area to more transit-supportive redevelopment projects. Though a portion of the rezoning site is inconsistent with the recommended Neighborhood 1 Place Type, the parcels immediately abut areas under the Community Activity Center Place Type on two sides and the area is very near the major transit corridors in lower South End. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the recommended place type for a portion of the site as specified by the 2040 Policy Map (2022), from Neighborhood 1 to Community Activity Center.

Motion was made by Councilmember Watlington, seconded by Councilmember Egleston, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Community Activity Center Place Type; and the Neighborhood 1 Place Type is also recommended 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 site is within a 1-mile walk of the Scaleybark Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. Immediately adjacent to the site are a number of parcels zoned TOD-NC, representing an ongoing shift in this area to more transit-supportive redevelopment projects. Though a portion of the rezoning site is inconsistent with the recommended Neighborhood 1 Place Type, the parcels immediately abut areas under the Community Activity Center Place Type on two sides and the area is very near the major transit corridors in lower South End. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the recommended place type for a portion of the site as specified by the 2040 Policy Map (2022), from Neighborhood 1 to Community Activity Center.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 155-156.

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ITEM NO. 15: ORDINANCE NO. 368-Z, PETITION NO. 2022-002 BY CAMERON CLT SOUTH END OWNER, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.50 ACRES LOCATED ON THE WET SIDE OF SOUTH BOULEVARD, EAST OF OLD PINEVILLE ROAD, AND NORTH OF EAST WOODLAWN ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 5-0 (motion by Rhodes, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Community Activity Center Place Type. 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 1-mile walk of the Woodlawn Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The existing uses on the site are incompatible with the recommended place type. If approved, this rezoning will allow the property to be redeveloped to transit supportive uses which are consistent with the Community Activity Center Place Type. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Watlington, seconded by Councilmember Egleston, 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) recommends the Community Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the site is within a 1-mile walk of the Woodlawn Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The existing uses on the site are incompatible with the recommended place type. If approved, this rezoning will allow the property to be redeveloped to transit supportive uses which are consistent with the Community Activity Center Place Type. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

David Pettine, Planning, Design & Development said Councilmember Winston, just a quick question, a matter of housekeeping. So, item number 12 was the item that Councilmember Newton made the motion on and carried and was approved. Item 13 I believe Councilmember Egleston made a motion on. Is that correct?

Mayor Pro Tem Winston said yes.

Mr. Pettine said okay, we were having some discussion here if we covered 13. I felt like we did I just wanted to make sure that we were all on the same page.

Mayor Pro Tem Winston said let me know if we need to slow down Mr. Pettine.

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Mr. Pettine said no, I'm all for it. Let's keep rolling. Thank you.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 157-158.

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ITEM NO. 16: ORDINANCE NO. 369-Z, PETITION NO. 2022-019 BY CHRIS OGUNRINDE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.74 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET AND NORTHEAST SIDE OF PRESSLEY ROAD, EAST OF INTERSTATE 77 FROM B-2 (GENERAL BUSINESS) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Commercial Place Type at this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the site is a 1-mile walk to both the Woodlawn Station and Scaleybark Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. This rezoning site is adjacent to a number of parcels in the Community Activity Center place type and in an area with an increasing number of parcels zoned TODNC and TOD-TR as the uses shift from industrial and auto-centric development to more transit-supportive projects. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the 2040 Policy Map (2022), from Commercial to Neighborhood Center.

Motion was made by Councilmember Watlington and seconded by Councilmember Egleston to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Commercial Place Type at this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the site is a 1-mile walk to both the Woodlawn Station and Scaleybark Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. This rezoning site is adjacent to a number of parcels in the Community Activity Center place type and in an area with an increasing number of parcels zoned TODNC and TOD-TR as the uses shift from industrial and auto-centric development to more transit-supportive projects. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the 2040 Policy Map (2022), from Commercial to Neighborhood Center.

Councilmember Watlington said I would like to ask Mr. Ogunrinde a couple of questions if you don't mind. Good evening. My questions surround the transition plan that you all submitted. I'd like to provide that for the benefit of the greater council and talk a little bit that. One of the things particularly with this petition is that folks are concerned in regard to what's going to happen to the families who live there currently. As we've seen a flurry of development throughout the city that has created situations where people are looking for places to stay. So, I know that you all did extensive work on that. I would like to know what your findings were and what the current status is.

Chris Ogunrinde, CEO of Urban Trends Real Estate Inc., said well thank you. We're just as concerned as everyone is with this situation that's going across Charlotte. We actually have partnered with Crisis Assistance Ministry, and they've actually brought on four other agencies to assist with this. I was actually onsite about two weeks ago meeting this resident and it's a challenge for the entire city. We committed to them that we're not going to force anybody out. So, one thing we are doing is basically collecting information from each family and then finding opportunities to help relocate them. So, our folks are just living a hard life in a hotel that is not a place you would really want your family to live in, even though that's the last resort for many of our families. We are committed to make sure everybody is properly relocated through the efforts that we've put in place. We're constantly communicating with the city. We have weekly meetings with our relocation team, and we have five agencies that we're working with. Legal Aid, Socialserve, Community Link, Crisis Assistance Ministry.

Ms. Watlington said Action NC.

Mr. Ogunrinde said Action North Carolina.

Ms. Watlington said so, I saw in the report there were about 31 families and another group of individuals, and it looked like there was a cost associated with relocation and it looked to be somewhere between \$50,000 to \$77,000 as an estimate. Right now, have you all been able to find funding for that?

Mr. Ogunrinde said we are working on making that happen.

Ms. Watlington said got it. So, you say that, but I do have a question. I know that you are a real estate attorney. So, I don't see anyone from our Housing and Neighborhood

Services that could perhaps speak to hour per dollars and what's there in terms of housing assistance. Is it possible that we could approve contingent upon that plan or how would that work?

Terrie Hagler-Gray, Senior Assistant City Attorney said actually, I was just about to say that I wanted to make sure that these questions that you're asking that it's clear that this is outside of the conventional petition that's being considered tonight. We can get some additional information for you, but the questions that he's answering actually would be outside of the rezoning process.

Ms. Watlington said got you. Okay, to the extent that this naturally occurring affordable housing is a land-use, I'll ask the question whether or not that's the best use of the land versus what the petition is. I'd like to hear a little bit from my colleagues. I get the sense that perhaps if we were able to defer this we may be able to solve two problems, but I don't want to hold you up if the will of the broader council is to approve this. So, I'd like to hear from whoever else may have a comment.

Councilmember Johnson said thank you. One of the first questions we ask when we heard this was what the plan for the tenants is when I spoke with you. What's the plan? I think we were told at that time there weren't a lot of long-term tenants, but we learned there are 31 families and 59 individuals. It looks like the plan identifies the need and identifies resources but in looking at it, we know the challenge. I think at the end of the plan it says there's a dollar amount that's needed and more affordable housing that's needed. So, I'm concerned with approving this one because when Southern Comfort was closing, all hands were on deck. The city and county were going to meetings to listen to the resident, but this is our chance to be proactive and sadly the developing is bearing the brunt of our lack of housing, our lack of resources in the city. So, if we want to defer it, I support that, but I can't support this tonight when this is an opportunity for us to be proactive instead of approving a petition. The last petition that knowingly displaced individuals wasn't even a direct result of anything that city council did. This one would be. So, for that reason I can't support it.

Councilmember Egleston said certainly understand the concern and I know there's questions and clarifications Ms. Watlington would like us to have that we aren't in a position to ask simply because of the rules we have to operate under. What I would say is that the tie breaker for me is having worked with Mr. Ogunrinde before on multiple projects in my district and having seen his heart for people. I don't have a sliver of doubt in my mind that he's going to do the right thing by the people based on what impact it will have on them as he makes decisions and as he moves forward. Were this an out-of-town developer that I didn't know, I obviously wouldn't have that confidence and would probably want to proceed with more caution but having worked with him on multiple occasions prior to this, that is not a concern of mine with this particular petitioner. So, I will be a character witness for Mr. Ogunrinde in this instance and say that for this reason I will be comfortable moving forward.

Mr. Ogunrinde said thank you sir.

Ms. Watlington said I just wanted to say thank you. I appreciate the comments from my colleagues. This one does give me heartburn for all of the reasons that Ms. Johnson said. I do, however, commend the work that you have done and I do believe that you specifically have demonstrated an ability. I hope that we can figure out something in terms of a partnership with the city in order to ensure that the residents there are successfully placed. I think for this one though from a Housing and Neighborhood Services standpoint, I'm going to have to probably withdraw my motion and then allow someone else to make the motion unless it's fine to make [inaudible].

Councilmember Watlington withdrew her motion.

Motion was made by Councilmember Egleston and seconded by Councilmember Winston to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Commercial Place Type at this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the site is a 1-mile walk to both the Woodlawn Station and Scaleybark Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. This rezoning site is adjacent to a number of parcels in the Community Activity Center place type and in an area with an increasing number of parcels zoned TODNC and TOD-TR as the uses shift from industrial and auto-centric development to more transit-supportive projects. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the 2040 Policy Map (2022), from Commercial to Neighborhood Center.

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

YEAS: Councilmembers Bokhari, Driggs, Egleston, Eiselt, Graham, Phipps, and Winston

NAYS: Councilmembers Johnson, Newton, and Watlington

The ordinance is recorded in full in Ordinance Book 65, Page(s) 159-160.

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ITEM NO. 17: ORDINANCE NO. 370-Z, PETITION NO. 2022-054 BY CAROLINA FARM TRUST AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.37 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH HOSKINS ROAD, EAST OF WELLING AVENUE, AND WEST OF ROZZELLES FERRY ROAD FROM B-D (CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL) TO B-2 (GENERAL BUSINESS).

The Zoning Committee voted 4-0 (motion by Rhodes, seconded by Welston) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the Charlotte Future 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: the Charlotte Future 2040 Policy Map recommends Neighborhood Center Place Type for this site. Therefore, we find this petition to be reasonable and in the

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public interest, based on the information from the post hearing staff analysis and the public hearing, and because: The Neighborhood Center Place Type typically includes land uses such as retail, restaurants, personal services, institutional, multi-family, and offices. The proposed rezoning to B-2 (general business) is consistent with the retail land uses typically found in the Neighborhood Center Place Type.

Motion was made by Councilmember Graham and seconded by Councilmember Egleston to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Charlotte Future 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the Charlotte Future 2040 Policy Map recommends Neighborhood Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The Neighborhood Center Place Type typically includes land uses such as retail, restaurants, personal services, institutional, multi-family, and offices. The proposed rezoning to B-2 (general business) is consistent with the retail land uses typically found in the Neighborhood Center Place Type.

Councilmember Egleston said just quickly wanted to commend the work that Carolina Farm Trust is doing and tell them to keep up all of their amazing efforts.

Councilmember Graham said I would like to echo that as well. They're doing a great job providing much needed food for a food desert. So, we look forward to their occupying the building and delivering on the promise.

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

The ordinance is recorded in full in Ordinance Book 65, Page(s) 161-162.

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ITEM NO. 18: ORDINANCE NO. 371-Z, PETITION NO. 2022-098 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 71 ACRES LOCATED ALONG THE SOUTH SIDE OF OAKLAWN AVENUE, WEST OF ANDRILL TERRACE, NORTH OF BROOKSHIRE FREEWAY, AND EAST OF BEATTIES FORD ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-5 HD (SINGLE-FAMILY RESIDENTIAL, HISTORIC DISTRICT).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Welton) 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 based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Neighborhood 1 place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the petition establishes a local historic district overlay. The underlying zoning requirements and entitlements remain. One of the goals of the Charlotte Future 2040 Comprehensive Plan is to "Retain Our Identity & Charm" and to "retain the identity of existing neighborhoods by intentionally directing redevelopment". The petition supports the Charlotte Future 2040 Comprehensive Plan objective to "Increase the number of historic districts that preserve a wide range of Charlotte's diverse history and character". Local historic districts protect the unique and vibrant character of each designated historic neighborhood; maintain the historic human scale, pedestrian orientation, and visual variety of the streetscape; preserve areas of green space and the tree canopy and manage changes to accommodate modern living.

Motion was made by Councilmember Egleston and seconded by Councilmember Phipps to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Neighborhood 1 place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition establishes a local historic district overlay. The underlying zoning requirements and entitlements remain. One of the goals of the Charlotte Future 2040 Comprehensive Plan is to “Retain Our Identity & Charm” and to “retain the identity of existing neighborhoods by intentionally directing redevelopment”. The petition supports the Charlotte Future 2040 Comprehensive Plan objective to “Increase the number of historic districts that preserve a wide range of Charlotte’s diverse history and character”. Local historic districts protect the unique and vibrant character of each designated historic neighborhood; maintain the historic human scale, pedestrian orientation, and visual variety of the streetscape; preserve areas of green space and the tree canopy and manage changes to accommodate modern living.

Councilmember Egleston said just wanted to thank all the enthusiastic engagement from the community and for being here last month, being here this month. Thank you for all the work on this and look forward to supporting it.

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

The ordinance is recorded in full in Ordinance Book 65, Page(s) 163-165.

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HEARINGS

ITEM NO. 23: HEARING ON PETITION NO. 2021-262 BY CRD DILWORTH, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.14 ACRES LOCATED IN THE WESTERN QUADRANT OF THE INTERSECTION OF EAST WORTHINGTON AVENUE AND CLEVELAND AVENUE, EAST OF SOUTH BOULEVARD FROM TOD-M (O) (TRANSIT-ORIENTED DEVELOPMENT - MIXED, OPTIONAL) TO TOD-NC (CD) (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said thank you. 2021-262. It's 1.14 acres. As mentioned, on Worthington Avenue and Cleveland Avenue, east of South Boulevard. Currently zoned TOD-M (O). The proposed zoning just to clarify if for two separate districts. It's for TOD-NC, conditional. Also, there's a portion of the property that is looking for TOD-UC conditional as well. We'll get to that slide one after this. The 2040 Policy Map does recommend a regional activity center for the site. So, the petition does not have an associated site plan but does commit to the following development standards as conditions. It does commit to a parking minimum of one space per 1,000 square feet of commercial uses and then a parking minimum of one half a space per residential unit. Also it commits to a parking minimum of one half space per hotel room. On this slide you can see where the TOD-UC district boundary is. That's the horizontal lines and then the vertical lines there going from Worthington down towards Tremont is where the TOD-NC district is being requested. So, again it's a conditional plan, but only those conditions for parking are the ones that are being presented. No site plans. Staff does recommend approval. It is consistent with the 2040 Policy Map. We'll be happy to take questions following the petitioner's presentation. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said yes sir. Councilmember Winston and Council Members, Collin Brown on behalf of the petitioner. This site has been around a bit. This actually came to public hearing last year on this petitioner. It traded hands so now there's a different property owner but as Dave mentioned fairly simple

petition. So, here we are at the corner of Worthington and Cleveland. This is a look at it. This site has been waiting for development for a number of years. I think everyone has been watching. As Dave mentioned, when this came through last year, the concern was with TOD, there is no parking minimum. With our conversations with the DCA (Dilworth Community Association), the concern is this is a little bit different because there's a historic district there. Folks literally adjacent to this site cannot add more parking.

So, the request from the neighborhood was would we do a TOD conditional which at the time was the first. We said we would add that condition to have a minimum amount of parking. So, we basically restarted this process again with just that condition. The other part of conversation came along where the neighborhood said, "Hey, would you mind since you have a condition now, would you mind adding another condition to limit height closest to Cleveland?" So, we did that. As part of that conversation, a portion of our site, if you can see that portion which is TOD-UC is adjacent to TOD UC on both sides. So, everything around it will be TOD-UC. So, the agreement was yes we would make the amendment to add another condition. So, this is essentially what we have now. We have the TOD-UC in the red which is consistent with what's on both sides on it. We have the plain TOD in the middle and then we have the darker green TOD that adds an additional height limitation transitioning to the neighborhood. We believe this has been a good response and a good compromise for the neighborhood. Happy to take any questions.

Councilmember Graham left at 6:58 p.m.

Mayor Pro Tem Winston said thank you Mr. Brown. I think everybody knows, I am not for parking minimums. I definitely have concerns about precedent. I think this is another one. I understand change is difficult for neighbors in certain situations and conditions, but again the decisions that we make sometimes have to have some vision many years if not decades down the line. So, as we try to implement these policies that have generational impact, we have to have some fidelity to them and not start creating the cutouts. This is a huge part of the reason that we set upon this pathway, is to become a planning city as opposed to a deal making city when it comes to land use development. So, I have concerns about this but maybe we can talk about this. I don't think TOD is necessarily immune from certain conditions as we put it down, but I have concerns when we start to erode some things around it. If you can respond to that.

Mr. Brown said if there's a slight question in there, I would respond to you by saying though we are offering a parking minimum, it is about half of what would typically be required. So, the neighborhood did not say, "Hey we should go full on and over park this." So, it's about half of what would be in a MUDD district.

Mayor Pro Tem Winston said I think we talked about this one in the past last year, but let's get a refresher course if you don't mind.

Motion was made by Councilmember Egleston and seconded by Councilmember Winston to close the hearing.

Councilmember Eiselt said I really do appreciate that the petitioner has kept some parking in this project. This particular parcel led to a lot of discussion around the Comp Plan frankly when we talked about the impact of having TOD next to single family neighborhoods. Full disclosure, I live pretty close to here. So, that's why I'm so aware of it. I'm not adjacent to it though. When Taiwo was here I had a lot of conversation with him about unintended consequences and how we have to have some opportunity to take a look at things when they happen in real time and say, "Okay, was that what we intended?" This street is a pretty small street. Across the street there is a by-right project. I'm not for sure if it's still on the books, but for a while it was a developer who was going to build "affordable housing" and it wasn't in fact affordable housing necessarily. He just wasn't going to include any parking at all. There are two restaurants on either end of that street. A whiskey bar and Dilworth Tasting Room that don't have any parking.

So, adjacent to that is also the Tyber Creek building that's going away. I don't know what's going to happen with parking there. We just have to be really careful when we assume that you're going to get the mix of uses in a TOD parcel that we would hope we would get. When it all turns out to be kind of the same thing with no parking at all, the market isn't really taking care of the situation. The market is doing what it gets to do. So, I do appreciate that the petitioner was open to keeping parking in this parcel given the proximity literally across the street from single family houses. So, I'll leave it at that. I just think it's important. We've talked about it with the UDO and with the Comp Plan that we have to be able to go back and say, "Okay, this isn't quite what we had in mind. We thought it was going to be something different and it's not." So, I do appreciate the petitioner including parking in this.

Councilmember Watlington said thank you. I did want to ask a follow up question based on those comments. As we think about each one of these parcels, as we move into community planning, how are we thinking about how these parcels relate to each other? For the very fact of like she said, we say this area, we're anticipating mixed-use, but if we start to see the same thing over and over and over again, what mechanisms or what policy or regulations do we have in place that takes a look at the broader view. I feel like we keep saying we're going to see it in the community and the area plans, but I'm not seeing it translate to a regulatory standpoint. For instance, if there are 10 parcels in a row and nobody is required to have any parking, where are these cars going? How are we thinking about the broader experience in that local area?

Mayor Pro Tem Winston said I think that's for Ms. Craig.

Alyson Craig, Interim Planning Director said so, this particular site is adjacent to Neighborhood 1. So, when you look at the map, there would be parking required for this particular area because of it's adjacent to Neighborhood 1. So, that was built into the UDO. In terms of the broader picture, that's certainly something that we can look at in the area planning process. We categorized things into place types so that there's some flexibility. So, you're really looking at context but you're not specially prescribing what people can do in each of those locations. If there's something that you have greater concerns about we can certainly talk about that.

Ms. Watlington said sure. I think it alludes to what Councilmember Johnson and I know. I can only speak for the time we've been on council. I've been saying for a while even as it relates to traffic and as we're looking at rezonings and how we're accessing overall traffic impact, same thing for parking. Same thing as we talk about use and ensuring that there is a mixed-use. I just want to make sure that our regulations reflect that while we don't want to be prescriptive on every parcel, that we're still getting what we intended for the broader group.

Ms. Craig said I'll add too, along with the UDO will be the Comprehensive Transportation Review. So, you will be talking about multimodal investment that's even outside of the rezoning process. So, by right, you'll be required to do that.

Ms. Watlington said okay.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2021-264 BY CHUCK PRICE FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.7ACRES LOCATED ON THE NORTH SIDE OF OAK DRIVE, EAST OF OLD STATESVILLE ROAD, AND SOUTH OF PETE BROWN ROAD FROM I-1 (LIGHT INDUSTRIAL), R-4 (SINGLE-FAMILY RESIDENTIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

Councilmember Eiselt left at 7:09 p.m.

David Pettine, Planning, Design & Development said alright, 2021-264. It's 4.7 acres on the north side of Oak Drive just off Old Statesville. The current zoning, you can see the majority of the property is zoned to I-1. There's a small portion of the back corner of the property zoned to R-4. The proposed zoning is to go to I-2, conditional. The 204-Policy Map does recommend manufacturing and logistics for the site. The proposal with this petition would allow for a max of six buildings totaling up to 60,000 square feet. That would include storage sheds, buildings, and outdoor storage for the abutting lumber company. It does prohibit the following uses. Things such as automotive service stations, auction sales, car washes, dry cleaning, truck stops, and adult establishments. It does commit to a 100-foot Class A buffer adjacent to the abutting residential properties. Also commits to a 50-foot Class A buffer along Oak Drive and lighting would also be shielded to prevent direct illumination beyond property lines. Also, something to note on the plan is that no access to the site other than emergency access which would be gated would be proposed off of Oak Drive. So, no access to the actual site. So, all that activity would continue through the existing access points north of where this proposed rezoning would take place.

Staff does recommend approval of this petition as mentioned. Just some outstanding issues to work through related to transportation and site design. It is consistent with the 2040 Policy Map recommendation, and we'll be happy to take questions following the presentations by both the petitioner and members of the public. Thank you.

Charles Price, 601 Tallmadge Road, Kent, Ohio said good evening. My name is Chuck Price. I'm Vice President of Carter Lumber Construction Development Division and what we have tried to do here is we started this location back in 2014. This is the parcel directly to the north of where our current lumber yard is. We actually acquired all this land together in 2017 I believe, and we did an expansion on the lower area in 2018 and we are maxed out of what was allowed at the time. A prior lumber yard was there prior to us moving in in 2014. So, I met with Malcolm Graham and dealt with prior community meetings with planning. Mr. Hollenbeck is my civil engineer and we felt we had met all the criteria for it. We are proposing four buildings actually on this site meeting all the setback requirements. Everything will be on the inside of the buildings itself. It's all one sided from the inside and all the traffic coming up for the storage in these buildings will be where that red arrow was shown, accessing from our existing lumber yard.

Nothing really changes as far as our store hours. All rails serve and everything else that's in the front is still being maintained on our parcel. There is nothing to be unloaded or any kind of rail spur activity on this parcel. As they have stated, there will be no truck traffic or vehicular traffic on our business abutting or near any of the residents on Oak Drive. Everything is still ingress and egress out on to Pete Brown Road.

Patricia Oliver, 8825 Oak Drive said okay. Good evening, everyone and thank you for hearing me today. My name is Patricia and I reside on Oak Drive. I'm also speaking on behalf of resident neighbor Ebony Brandon, the Robinsons who are my next-door neighbor and the family of Dora Sanders by another next-door neighbor because she is deceased. Her mother is maintaining the Sanders' home for her grandson, and she is here as well. We live directly in front of the field that Carter Lumber wants to expand its business on. Prior to beginning my speech, I'd like to say that everything said has been researched. Information has been peer reviewed before I provide it in my argument. I can provide a detailed report for every fact that I mention. So, reasons to approve the rezoning and allow Carter Lumber to expand would be an increase in revenue for Carter Lumber, an increase in tax revenue for Mecklenburg County and it keeps a billion-dollar corporation in Mecklenburg County.

Now reasons to reject the zoning and deny Carter Lumber's request for expansion is that the expansion does not improve or benefit Oak Brook homeowners. Future homeowners, which will be our kids and renters. Most importantly the negative externalities associated with Carter Lumber's expansion has the potential to lead to sickness and disease amongst the residents closest to the wood storage site and it will

cause a financial hardship for the entire community. So, health impacts. We believe that the stocked and finished wood contains [inaudible] dust, inhalable resin acids, terpene exposure and bacteria spores. The wood coating that they use to protect the wood from environmental influences such as moisture, radiation, mechanical and chemical damage and biological deterioration are harmful because they contain liquids made up of either organic solvent or water and they have a potential to emit volatile organic compounds. Those are such as chlorocarbons and they're considered a major environmental problem from both air pollution and human health, and they have safety issues.

According to a peer review article by the Oxford Charter Society for Worker's Protection, frequent and direct exposure to VOCs, chemicals and bacteria and bacterial spores can cause nasal and sinonasal cancers, possibly lung cancer, skin irritation, allergies and respiratory symptoms including lung function decline. Yes, the Clean Air Act that other policies demand lower VOCs be used in wood coatings, but this is optional, and it still puts us at risk because it lowers the exposure level, but it does not eliminate it. Our health is not worth the chance for extra revenue. Carter Lumber wishes to remove our trees and grass that cleans our air and protects us from the chemicals and bacteria in the air, mostly that comes from their company, with a big gravel lot.

One of the most damaging effects of road dust or gravel is the effects on people's respiratory health, especially that of young children. I have two, the neighbor to the right of me has two and a neighbor to the left of me has one. That's five children being exposed daily to Carter Lumber's road dust or gravel. As the report detailed, the dust from the gravel road is often fine enough to pass into the lungs and cause serious irritation or damage. This also has a particularly detrimental effect on people with existing respiratory conditions such as asthma. According, the National Library of Medicine, the respiratory system was found to be the most affected system in the human body. There was lead, platinum group elements, aluminum, zinc and other components of road dust that I can't even comprehend frequently referenced in these articles. Road dust was found to have harmful effects on the human body, which is also gravel, especially on the respiratory system and there will be acres of it directly across the street from my house. It's also an eyesore that I did not sign up for. Sadly, this eyesore can lead to mental health problems such as depression. Time spent on our front porch, running on part of the field in front of the homes, watching the sunset or rise again the field with the high tree line, different types of greens and neighborhood deer bouncing around have a calming and rejuvenating effect on our mental health.

That is what we purchased on Oak Drive and in our community for. We don't want to live across the street from four large storage buildings covered by a fence. That's not what I want my children to see when they look out their bedroom windows. The blue sky, green field and trees allow us to relax and enjoy our homes. I don't want to sit on my front porch and stare at storage buildings, wood, electrical lines and poles or people working, and I don't want to hear the noise associated with the work being done. I definitely do not want this to affect my children while they're studying or playing with their window open. We know that the wood's chemicals, removing the biggest structure of source and greenspace in our community and replacing it with a multi-acre gravel lot can lead to serious health issues, disease, cancer and even death. The expansion is not worth jeopardizing our health. The opportunity cost is too high. In addition to the health impacts, there are environmental impacts. It's an automatic increase in air pollution when you remove the greenspace. An increase in the need of storage indicates an increasing amount of wood delivery and shipped from Carter Lumber via the railroad tracks. Just during the time of our meeting, the train has gone back and forth five times stopping traffic, polluting our air and I'm sure that that will increase if they're allowed to increase.

Depending on the train's timing, there could be at least 20 cars waiting to enter the community from Old Statesville Road or exit the community from Oak Drive. This increases the potential for asthma attacks by 40 percent because trains emit an immense level of gaseous waste that is not only detrimental to the environment, but also our health. Then we have urban deforestation due to human activity which not only decreases the health and quality of life in our county, city and neighborhood, but it

worsens the effects of unpredictable climate change. It would be best to purchase a property that's already ready for this business. So, that way we're not planting any more trees or reducing anymore greenspace. Urban trees reduce pollution, stabilize temperatures and increase real estate value. So, when you remove them, you create an environment that's not only detrimental to our health and happiness, but it also has long lasting economic impact. Like most things, these impacts are not shared equally across society. Urban deforestation creates what is called the Green-Gray Divide between affluent neighborhoods with sufficient tree coverage and less wealthy areas that go without.

It's been said that the number of trees in the urban area can be used to assess the relative prosperity of the community and that is true. Drive down Myers Park or Kings Drive or any other affluent neighborhood in Charlotte and you'll notice you don't see their house because it's covered by trees. Evidence also shows that the amount of vegetation known as greenness and densely populated areas can be an indicator of the relative wealth. Replanting trees are not an option because trees struggle to reach adulthood in urban areas, plus it takes decades for them to grow to the heights that they are now. Therefore, we will be without trees. Not fair. In addition, we're going to disturb the wildlife refuge. This morning I woke up, there was a baby deer and a mom deer across the street having a good time grazing and eating. There are all kinds of animals over there. Where do they go? I can tell you where the rodents, the rats, the mice and the insects are going to come. They're going to come right across the street to our houses because you're taking their house. So, now on our homes, our porches, our garages maybe even our vehicles, there will be pest and rodent infestation when the field is cut. The mice, the rats, the bugs those also lead to extra disease. Also, in addition to environmental and health, we have economic externalities. As stated in the beginning, Carter Lumber is a financially stable company. This is a double overworking class neighborhood.

So, now we're talking there's going to be an immediate decrease in our property value or rental value. Houses next to the railroad which we're already here, we know that they devalue by about 30 percent which means that we're already going to cut our costs 30 percent when we want to sale or rent our homes. Now expanding Carter Lumber is another aggravating factor that will require us to further reduce the price of our property when selling or renting because it is an immediate eyesore. That is ugly. Would you want to live across the street from that? Would you purchase a home in a neighborhood and that is the main entrance as soon as you come in, that is what you see? If you do, you're going to expect a huge discount and that is the position Carter Lumber will be putting us first time homeowners in and for me, I want to pass the house down to my children. So, now whereas we're supposed to be giving them good debt or something that accrues wealth, I'm giving them something that will lose wealth because a company decided to put something across the street that's not only going to mess them up environmentally and health wise, but economic wise. So, we already discussed an increase in the train's activity which leads to an increase in time and gas wasted.

Mr. Price said I do appreciate the neighboring property owner's concerns. I guess just a few points I would like to make is obviously the railroad was there for many years and when we moved in here back in 2014, the property already had the lumber yard and the spur in there. Like I said, we're not doing anything else different. That railroad goes through way beyond our business. So, whether it's us having a few cars a week versus the whole train for the whole community is not something that we're creating. We don't have chemical things that you're stating. She's actually living in a house where building materials that we sell, that's what we do. It's lumber, we're not chemical treating or anything like that. It's what you'd buy at a typical home center for sale, like a Home Depot or Lowe's. That's other parties like us. I just want to make it clear that part of the I-1 zoning that is actually directly across from our street could be a lot worse uses and rezoning would not even be necessary. So, we do feel that we've taken all the concerns into consideration here and feel that we've done everything we can to keep the proper buffers and all of the existing trees in those buffers to be left alone with a mature building. We do plan on complying with any extra plannings that are necessary in these buffer areas that will help screen.

Councilmember Phipps said I want to get clarification. In our staff analysis there's a statement there that this access on Oak Drive will be restricted to fire department access only. Is that true?

Mr. Price said yes sir.

Mr. Phipps said my question is, what about the other first responder access? Police, medic?

Mr. Price said well it's my understanding sir, there would be a notched spot for all emergencies. It was requested from the fire marshal when we were laying out the plan where he wanted the access from Oak Drive. So, there would be a gate and a key for the emergency vehicles to enter if necessary.

Mr. Phipps said so, this will be accessible to other first responders as well?

Mr. Price said yes sir.

Mr. Phipps said okay. Thank you.

Mayor Pro Tem Winston said so, Ms. Oliver's comments, they illuminate a continuous land use juggle that we deal with here on council. This industrial zones and residential zones encroaching on one another. It is frustrating because we need both and I hope as we push along with the 2040 Plan implementation as we get into Community Area Planning Processes, that we identify some of these neighborhoods in areas where this conflict is particularly present and focus on it. We have an issue. I think Ms. Oliver illustrated several different legitimate concerns. Whether or not their specifically applicable to this situation, these are the concerns of homeowners and residents in communities and in fact it's a concern of the council. Council has rejected particularly residential developments, even affordable housing developments over the year because of their proximity to industrial zones. Whether I agree with those denials or not that's a different question, but there was a concern that we had. I think the petition died for residential out by the Music Factory particularly because of the conversation that we're hearing right now and the fear of what could happen in the future.

With that said, I would also say Ms. Oliver brought up a point that I would push back a little bit on. Certainly, the business owner is having a successful business and expanding and if it's their business model to continue to grow, we don't want to deny that. When development happens, you increase revenue or taxes and that's important, but there is a common good particularly with this business. When we think of lumber, as Mr. Price said, houses are built with the lumber that they supply. When we look at affordable housing crisis, when we look at the inflationary time that we're in, housing is more expensive in Charlotte because it's harder to get materials for housing. Things like lumber which is a main part of it. So, as we try to make housing more affordable or if we try to make this a better place to live, we need businesses like this to thrive, but also point out that this area up Old Statesville Road is historically an industrial corridor. That is illustrated by its proximity to the freight line that exists and still operates there. So, again, it kind of comes full circle to this encroachment as the city grows, past council has decided that it was okay to put residential that close to industrial. Now that we're losing industry, we don't have many places for those businesses to go. So, again, those are more comments, less questions. Maybe things for us to consider especially as we have new council members that are going to decide on this particular one in the next month or so. We should give both the petitioner and the residents consideration, but I don't think there's anything that's necessarily clear cut right now. Hopefully we'll continue to work on it and come to a common ground approach. Thank you.

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

Ms. Oliver said hello. We had one other person to speak Garren Oliver and I'm sorry.

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

Santania Bland, nasia_bear@hotmail.com

Jessica Lanier, jrlanier06@gmail.com

Patricia Oliver, patriciaoliver@yahoo.com

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ITEM NO. 25: HEARING ON PETITION NO. 2021-282 BY GREYSTAR DEVELOPMENT EAST, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.54 ACRES LOCATED SOUTH OF GOLF LINKS DRIVE, WEST SIDE OF MIDWAY PARK DRIVE, NORTH OF ARDREY KELL ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT - OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said thank you. Mr. John Kinley will present this one for you guys this evening. Thank you.

John Kinley, Rezoning Planner said thank you Dave. This is approximately 7.54 acres on the south of Golf Links Drive, west side of Midway Park Drive, north of Ardrey Kell Road in the Rea Farms development. There's a vacant parcel there that they're looking at developing. It is currently zoned MUDD-O, mixed-use development, optional. The proposed zoning listed here is MUDD-O, site plan amendment, mixed-use development optional site plan amendment. We'll note that one of our minor technical issues is that they'll need to clarify the proposed zoning district when they resubmit for the Zoning Committee. The 2040 Policy Map recommends community activity center for the site.

The plan proposes to change the existing plan which would allow up to 315 residential dwelling units, 307 multi-family units and eight single family attached units. It's in a location that was previously planned for office and parking structure uses. A minimum of six single family attached units would be provided as part of the petition. It allows the conversion on unused multi-family units, two additional townhome units at a rate of one townhome for every townhome unit for every two multi-family units. Maximum building height of 65 feet for the multi-family structures and 45 feet for the single family attached dwellings. Access would be from the extension of Rea Park Lane, Walnut Branch Lane and Midway Park Drive.

It maintains and constructs an eight-foot planting strip and eight-foot sidewalk on all the public street frontages. Provides architectural design standards for the multi-family buildings and architectural standards for the townhome buildings. A maximum five units per townhome style building with at least one car garage per unit. It also commits to amenitized open space and provides publicly accessible pedestrian walkway from Walnut Branch Lane, north through the site to the extension of the South Rea Park Lane with a minimum of 3,270 square feet of public open space area. You can see that indicated on the site plan. Staff recommends approval of the petition upon the resolution of the outstanding issues, and it is consistent with the 2040 Policy Map recommendation for the community activity center.

Colin Brown, 1420 East 7th Street, Suite 100 said as John mentioned, great overview. So, what you're looking at is an aerial of the Rae Farms development which this council approved that rezoning probably eight to 10 years ago. As you can see, and actually most of the Rae Farms Development has been built out. So, we have a Harris Teeter Center; we have a good bit of commercial up there in the top right corner. We have a major fitness and sporting facility. It incorporated a STEAM Academy. So, we have a CMS (Charlotte Mecklenburg School) School on site. So, a lot of mixed-use things going on. You can obviously see the portion there where the star is, and to the north is the area that has not been developed. I'll tell you why that is.

So, the area where this is, that current undeveloped area is currently basically entitled for offices and hotels. This is a look at the approved zoning plan for the area. So, the area that we're rezoning which I have on screen now, I'll show you with a star. Currently the site that we're talking about could be developed with two office buildings up to about 250,000 square feet and then a large parking deck to serve that. The same for the north. So, there's a big piece that hasn't been developed, but right now we're just working on this piece. So, currently today, office buildings and parking decks are allowed. The 2040 Plan does recognize all of this as a community activity center which will allow a variety of different uses. So, as John mentioned, our goal is our rezoning. Instead of building two large office buildings and a large parking structure, we would take this opportunity on just this seven and a half acres to incorporate some more residential. Rae Farms has a nice mixture of uses. Like I said, we're walkable to a CMS school, to a grocery store, to an atrium. A lot of things going on in the Rae Farms, Waverly area.

So, our goal is to make that change from the large office buildings to multi-family. The current version which is before you was for 315 units. That's come down a little bit. I should point out the office buildings that are currently approved could be 95 feet in height. This rezoning would take that height down to about 65 feet. So, you'll hear from some neighbors who live in some single-family homes and townhomes adjacent. We actually thought this would be a nice transition rather than tall commercial office buildings. We're lowering the height; we're having residential neighbors. You'll hear some feedback from the neighbors. We never make all the people happy all the time but we have made some changes. So, ours will have a number of townhomes. So, the neighbors have townhome units. So, we're proposing some townhome units adjacent to them to transition and then our apartments. We've broken up the townhome buildings and took a kind of better screen to the west. We've committed to full cut off lighting so that there's not light from our parking lot interfering with neighboring property owners. We're continuing to work with Lincoln Harris, the master developer. If you could remember in your mind the big Rae Farms image is extending the park on down. So, we're working with them with this development. Greystar would complete a street connection which is important and creates some of the street network on the site. It would also provide some more parking and we also try to work with the master developer to deliver the additional greenspace which would certainly serve our site as well.

I've committed to work on landscape design with the neighbors. We changed pedestrian plans. So, there's now a pedestrian connection through our site that neighbors could use to walk through our site to get to the core commercial area of Rae Farms. Next, is the commitment to construct Rae Park Lane. So, there's a pretty heavily used road called Red Rust that runs north and south that gets a lot of traffic. Then kind of the heart of Rae Farms is over here. This road will connect the two. So, there will be a new street connection between, which our folks can use, and everyone will be able to use. We've added some architectural commitments. We've added some commitments for primary entrances for these apartment buildings so that they would walk out onto that new street and face the future screen. Additionally, we have lowered the total unit count down to 306 units which I doubt that's a significant enough change to address anyone's concerns, but we have lowered that a bit by about 10 units. So, those are the changes we made. Next up, I'll show you what that site plan looks like so you can visualize it in your mind.

Again, instead of the two office buildings and large parking deck, we now have just a residential development. You can see on the left-hand side of the screen there are the eight townhome units to try and sit next to the townhome units and have a nice transition. Then you can see the multi-family. It is surface parked, but it's wrapping the site so that the building's height, all of the parking and then the next development over is another multi-family development. The next slide is a larger picture just to give you a look at how that fits in. We think it does make a nice transition between the lower density residential, the commercial activity going on and if you can see there, South Rae Park Lane would be extended. So, the idea is that extends over, connects up here with Red Rust. So, there's a new vehicular connection. With that, is new on street parking spaces which parking is something that you'll hear discussed tonight. Those would be publicly available. So, it's true that residents of the apartments could park there, also residents of the others. The ones along the new street would not be just for the tenants and folks living in our development. They would be available to the public.

Just some renderings to show. We shared these with the neighbors. The quality of the development. So, here's the comparison. In the bottom left here is what can be built today. That office development with a large parking structure there versus our proposal there on the right which we think is a nice transition. We've had a number of community meetings. There's a well-organized community organization who you'll hear from tonight. One of the main things that we've heard is traffic and parking impacts. We believe and I think C-DOT can confirm. We've now submitted our plan. We generated this but the bottom, the multi-family units, we're now down to 306. If this were developed currently under the existing zoning and that office were to develop out, that could generate about 2,500 almost 2,600 trips. With the residential, that reduction you can see is over 900 trips fewer. So, we think there would be an overall reduction in traffic if it were developed this way.

CMS, there would be a potential impact to students. So, people could live here, and they could have children in the CMS schools. They could walk to the STEAM Academy about two blocks away. There is overcrowding, however I think everyone, it's on their radar now that there are schools coming to south Charlotte. We have a new high school, an elementary school on the way and a middle school in the books. So, I think there is some CMS relief coming. For council members, we talk about CMS a lot. This is an area where we have schools on the way. A lot of talk about parking. This came up tonight, over how much parking we have. Currently we have a little over 2.6 parking spaces per unit on site if you also count the on-street spaces that are new, we'd get almost to 1.4. I think the concern from the neighbors is that's just not enough parking. Their concerns are that they don't have enough parking sufficiently and our folks will park in theirs. That's about the best we're able to do. We've lowered our numbers. We think that's ample parking.

We've given some examples. Greystar manages tens of thousands of apartments across the country. It has a good track record. So, we did share some information on similar apartments in the area that are parked at about 1.2 and that's more than the ordinance would require. So, we're parking over ordinance standards. We think that's sufficient based on Greystar's observations of the area. This is one unit. It's not total apples to apples to Rae Farms, but they find a utilization of 0.7. So, there's empty parking spaces. All that to say we do think we've provided sufficient parking. We've tried to add more that's why we've come with the commitment to build out the street which would have spaces that others could use as well. So, hopefully some of these neighbors, if they already have parking problems will have some more on street spaces that they can use. I don't know how much time I have left.

Singh Suchdev, 8216 Cornhill Avenue said good evening council members, staff. This is Singh Suchdev. I am a resident of the Rae Farms community and also a board member for our Residential Owner's Association. I've been nominated by our fellow community residents to speak on their behalf. I want to thank you for the opportunity tonight to allow us to voice our unanimous opposition to this rezoning petition to build more apartments in our community. I also want to thank the petitioner, the representatives and our District 7 Council Member, Mr. Driggs, for meeting with us a

couple of times to listen to our community concerns. We want to thank the staff for posting the pre-hearing staff analysis that allowed us to study that before coming here tonight. Today, briefly what we want to do is to share with you who we are. We want to challenge a little bit of the staff rationale for recommending approval of this petition and we want to share some of the shortcomings that we see in the petitioner and the staff analysis. Then we will have some concluding remarks.

I do have my colleague here, Mr. Bloomer. He's also a fellow resident and as needed I might request him to pitch in to redirect something if he needs to. Who are we? We are a vibrant diverse, multi-ethnicity group, multi-generational community and we have households that really are working outside of the immediate community. The Rae Farms Residential has 115 single family homes. We have 132 townhomes. We are currently 15 percent of our single-family homes and 30 percent of our townhomes are already rented. They are capped at the rental capacity. So, we have a total of 248 units. Within our own community, Rae Farms, between the Links and the Overture, we have about 640 apartments, multi-family residences. Right across the street in Waverly, between Lantower, Solis and Sawyer, we have about 1,154 units. Then just about a half a mile north of 485 where we are, we have another 564 units for a total of 2,400 apartments within a one-mile radius. So, the million-dollar question we ask here tonight is do we have enough apartments? Do we need more apartments? We do not think so.

To better align with the 2040 agenda plan, Rae Farms Community and also our neighboring communities are seeking more commercial presence, not more apartments so that we can augment the current service and retail jobs that we have with more professional jobs and really enhance and balance the life/work in the community itself. Now I want to applaud the effort made by the staff to complete the rigorous analysis, the petition. However, respectfully we disagree with your rationale and recommend approval. So, if you see one of the main sentences that you've looked at, the rationale for recommendation, you say this site is located in a community activity center. Yes. Within walking and biking distance, yes. Distinct employment, shopping and dining opportunities and transit service and the plan uses a mixture of housing types. The items that I have highlighted or underlined there, we'd like to make a comment on some of the items. We talk about walking and biking. Yes, we can do all that, but that is not safe in our community. Statistics show that greater than two times increase in auto and pedestrian accidents right at the Golf Links and the Providence Road intersection itself. We've had some fatal accidents right in our community in front of the Overture Apartments and Midway where we are at play. So, really it is not safe there. Also, our C-DOT data also shows that this is one of the 10 most dangerous intersections on Providence Road.

Mayor Pro Tem Winston said just wanted to let you know you have about four minutes left.

Mr. Suchdev said okay, sure. When we say about employment, this is only service jobs. Of the 100 businesses that are cataloged, most of them are employing hourly and service professionals. Very few professionals. The mass transit options we talk about, we love the buzz word, but those are really useless. Mixed housing, we chuckled when we saw the word because really what the petitioner is proposing is 307 apartment units with eight townhomes. Every rezoning meeting you hear about parking you hear about traffic; you hear about overcrowding. You talk about tree canopies. It's the same thing all over again, but please bear with us for a moment to [inaudible] our concerns that affect us every day. For you, it's another hearing, another meeting. We went through a bunch of them today, but for us it is affecting our lives. It's what it's doing when we build more apartments there.

So, we talk about parking overflow. This is a tremendous concern. The petitioner discussed this. They've improved it from 1.2 to 1.4. That is including the space next to the park. Most residents have multiple cars and commute. Rents are too high, mass transit stops a distance, and this is really of grave concern to us right now because when our development was built, the builder did not do any justice to us. Did not provide driveways, there's no parking in the alleys, there are bike lanes and things of that sort.

So, we are requesting today that the petitioner consider increasing this to 1.8 spaces to guarantee no overflow and we would like the city planning to consider trying to remove the unused bike lanes on one side of the Red Rust and provide more parking spaces for our residents. About mitigating the traffic. Again, we applaud, and we understand why the staff recommended not doing a traffic impact study, but things have changed in our community. The Lifetime Fitness has closed all the Charlotte area facilities, STEAM Academy enrollment has exploded, the pandemic behind us, households are commuting again. So, we really request that you do a traffic impact study again under the new conditions.

The school overcrowding, we talked about already. They recommended that the petitioner meet with the CMS planning department to discuss the mitigation alternatives. They have not done that. I'm going through this fast because of the timing. We request that the planned park that we have which is for the greenspace in Rae Farms, that be extended and that should be done simultaneously as any project is completed in this area. So, in conclusion we applaud the effort made by the petitioner to understand our concerns, address some of them and try to appease us, but fundamentally we do not see what purpose will be served by building more apartments. Our community at large including Waverly and Stone Creek already aligns with the city's multi-family intent. Current zoning as approved in 2017 is aligned with the 2040 Plan. Adding more commercial space will provide more diverse economic opportunity. Today we urge each one of you to vote no to disapprove this petition.

Mayor Pro Tem Winston said thank you Mr. Suchdev. We have your slides, and we'll make sure that everybody has them. Mr. Brown you have two minutes for rebuttal.

Mr. Brown said can I have the slide in our presentation that has an aerial and the apartments? I appreciate that this has been a very respectful back and forth with the neighborhood. I think that was very succinctly said. We've tried to have a back and forth. There's just a fundamental disagreement over the land use for this parcel. I did not know that there are a hundred businesses close to this site. I have a tough job. Every time we talk about multi-family units, no one wants them in their backyard. So, I think we have to talk about if we're going to have them, where is the appropriate place to have them. If I could get an aerial, it's just helpful to see, to look at this and say, "Okay, if we do want to get people out of cars, the way to do that I think we've talked about is to have people living where they don't have to get in a car." So, Rae Farms is an example of that. So, you can walk to a CMS school, you can walk to a fitness center, you can walk to a grocery store, you can walk to an atrium facility and then if you cross Providence you have all of Waverly. So, we think these are the right opportunities. I certainly understand the concern about parking because we talk about it all the time.

We've done our best. We've dropped our unit count; we've committed to add some on street spaces. So, I think we've tried to address that. I wish I had a wider view. I worked on the zoning for the townhomes a lot of these folks live in in the single-family homes. I just think it's a nice transition. If we're talking about where we're going to put these units for the demand that we have, and if you've tried to find an apartment, you'll know that we have a very low vacancy rate. We think this is a great location, a great opportunity to put stuff in walking distance. I don't think we want to peel off those bike lanes to put in on street parking but, if you guys decide to do that, that would create some more parking. Happy to take any questions. I just think this is the right location.

Councilmember Watlington said so, I have a question and both parties spoke to this in particular. This need, if we want people to get out of cars to have opportunities to live, work and play there. What I'm hearing and what I'm seeing in the presentation from the residents however is except if you work in one of these retail establishments, you're going to have to get in your car to go to work. Correct?

Mr. Suchdev said yes.

Ms. Watlington said okay. So, it would seem to me that the best use of remaining land would be to provide a job center here so that people truly could live, work and play in

this area. Can you speak to why an apartment complex here versus a commercial center?

Mr. Brown said I guess the most honest answer to give you is there's raving demand for residential and there's currently zero demand for office. That's the truth. Walking distance from there, there is a significant atrium facility that does have good paying jobs in walking distance. The rest of this remains under its current zoning which is entitled for a quarter million square feet of office in this location and another building here. So, those entitlements are still there. It's not to say that we won't be in front of you in another year talking about that, but currently there's still a major employment component still entitled.

Ms. Watlington said okay, so I think this goes back to this fundamental idea of what we say we want with this Comp 2040 and what we're actually doing in our transactions. If we say that what we want is walkable complete 10-minute neighborhoods, then every single parcel that we have, we have to consider that in the broader context. So, this one I have concerns about. I recognize the need for housing, but if the people who live in the housing have to get in their cars to go to work that can pay for their housing, I'm not sure how we are actually achieving our goals. Thank you.

Mayor Pro Tem Winston said thank you Ms. Watlington. Just to piggyback off Mr. Brown's point, part of the presentation if I'm not mistaken, the existing site plan has two office buildings and a parking structure. So, if the market did demand to build it, they're entitled to, and they actually have a plan. If that hasn't shown up in a couple of years, I guess the market is going to ask what does the market actually want.

Councilmember Driggs said Mr. Singh, we discussed a number of these issues when I met with you and your neighbors, and I tried to explain the city's position on a couple of them. I don't want to repeat that conversation tonight, but perhaps we should follow up and go back over the CMS questions. I do think a reduction of 900 anticipated trips in the context of the perils of traffic is a plus. I guess my question for you. You've indicated a couple of demands. So, again I think maybe we can follow up and talk about them, but I would be interested to know, not tonight but later, where the 1.8 number comes from. Why is that the magic number instead of the 1.4? The petitioner has submitted an analysis of their experience in terms of utilization of these parking spaces. So, I'm wondering if you have data of some kind from other sources to indicate that 1.8 is actually the necessary number to avoid overflow. In any case, there were a number of things you brought up tonight. We have talked about some of them before, but I would propose to follow up with you and see what more we can do outside of this meeting.

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

Unknown said may I ask a question?

Mayor Pro Tem Winston said no you may not. You can submit a question to the clerk.

Unknown said I'm just wondering about the statistics on the parking and [inaudible].

Mayor Pro Tem Winston said we have a motion that's been made and properly seconded. Unanimous. Thank you. We had a question from the audience. There are rules and procedures that I went over at the beginning. We are bound by those rules. So, we're in part of the public hearing. We have to have fidelity to the public hearing process, but that does not preclude the ability to have a conversation with council members after or to contact folks that are involved in this petition to communicate with them as well.

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ITEM NO. 26: HEARING ON PETITION NO. 2022-004 BY WHITE POINT PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 25.25 ACRES LOCATED ON THE NORTH SIDE OF THE PLAZA AND EAST SIDE OF EASTWAY DRIVE, SOUTH OF EASTWAY PARK DRIVE FROM B-1SCD (SHOPPING CENTER), B-1 (NEIGHBORHOOD BUSINESS) TO TOD-TR (CD) (TRANSIT-ORIENTED DEVELOPMENT - TRANSIT TRANSITION, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-004. It's just over 25 acres on Eastway and The Plaza. The current zoning is B-1 SCD, which is along with some B-1. That's an old shopping center district. The proposed zoning is TOD-TR, conditional. The adopt the future land use, adopt a place type is a neighborhood center in this location. That was part of the 2040 Policy Map. The proposal of this is similar to a TOD conditional we saw earlier this evening. No associated plan but just a commitment to the following development standards, and that would be to allow no more than one use with an accessory drive-through window. That could be for EDEE, bank, pharmacy, etc. It does prohibit the following uses that are included in the TR (transit) district. Enclosed vehicular dealerships, vehicular repair, parking lots as a principal use, enclosed self-storage facilities, and gas stations. It would construct a paved accessible pedestrian and bike connection from the site to the existing trail located at the end of Americana Avenue right-of-way. Also work with CATS (Charlotte Area Transit System) to provide an ADA (Americans with Disabilities Act) compliant bus amenity all The Plaza and Eastway Drive. The proposed amenities would be limited to one or more of the following: A concrete waiting pad, a concrete pad for bench, or a concrete pad for a new shelter. Staff does recommend approval of this petition. It is consistent with the 2040 Policy Map recommendation for neighborhood center. It is within a mile of that old Concord Road station just up Eastway just off that map. So, that's where the TOD request does come in. It is applicable. So, I'll be happy to take any questions following the petitioner's presentation.

Keith MacVean, 100 North Tryon Street, Suite 3300 said good evening, Mayor Pro Tem, Members of Council, Members of the Zoning Committee. Keith MacVean with Moore and Van Allen assisting White Point Partners with this rezoning petition. With me tonight virtually is Jay Levell. He'll be available to answer questions. Just a little bit about White Point Partners. Their aim is to contribute to the community and build with purpose. These are some of the developments that they have done here throughout the city. Optimist Hall, also working on the redevelopment of the Charlotte Transportation Center. I want to thank Dave and his staff for their support and help with this petition. As they have said, it is a rezoning request from B-1 SCD. The old B-1 shopping center district in B-1 to the TOD-TR CD. Mainly the conditions are to work with parks and rec to provide a trail connection to the Eastway Park to our east, work with CATS on improvements to the bus amenities along the two major roads as well as prohibit some of the more non-transit supported uses that are allowed in the TR district.

This site was rezoned in 1968 for the Eastway Plaza Shopping Center. This is the old conditional plan that was approved at that time. Over 100,000 square feet of retail. A couple of images of the existing center. As Dave mentioned, consistent with the 2040 Plan, the neighborhood center, the transit supportive uses being consistent with that place type. We do meet four of the goals of the Comp Plan as well. Again, just a little bit about the petition itself. We are within a mile of the Concord station. We are also next to Eastway Park and the currently under construction North Community Center which as part of the North Community Center they will be building a pedestrian bridge over the existing rail line which will actually improve the access from this location to the center itself but also to the transit station at old Concord. The connection to the trail to the Eastway Park will also enhance those connections Just a little bit about TOD-TR, 50-foot maximum height, [inaudible] up to 75 with a bonus provision. I'll be glad to answer any questions.

Mayor Pro Tem Winston said I have a question about the conditional aspect of this. Why does it need to be a conditional? I was talking to staff a little earlier and it seemed

like one of the conditions was as it relates to a drive thru, but the drive thru would be allowed by right in this TOD district. So, what conditions need to be met here?

Mr. MacVean said well, the other conditions are the prohibition on the climate controlled storage facility, the gas station, the auto repair and the parking lot. So, those were other conditions. We also added conditions regarding a trail connection to the park as well as working with CATS on transit amenities for transit service riders along Eastway and The Plaza. So, there are some conditions, but the main focus of the conditions was to prohibit some of the other four or five uses that are allowed in TOD-TR that we did not feel were appropriate here.

Mayor Pro Tem Winston said so, you guys just want to prohibit that. That's not something that is from the staff.

Mr. Pettine said so, we did request some of those uses out of TR be written out. The self-storage facilities, gas stations, vehicle dealerships, etc. Did have some back and forth about some drive-throughs. I don't think we've expressly said we want those written out. They are permitted in TOD-TR currently. So, not sure if there's needed additional discussion on that, but we did request some of those uses be written out of the TOD-TR district. It was kind of a look at TOD-NC and TR. It was either conditional NC with a height cap or TR with some of the use restrictions. So, that was kind of the options that we considered on this one.

Councilmember Egleston said thank you. There are just for reference, I don't know if it was obvious in the slides, but there is a gas station on the corner here that is not part of the parcel being rezoned already and there's a drive thru on the parcel already. This is a shopping center I'm pretty familiar with and it's probably not seen much investment since that rezoning in 1967. It's in dire need of some love and can be much better utilized than it is right now. It's two-thirds a sea of parking. I think this is going to be good. White Point Partners has a great track record in our community of doing really thoughtful projects that enhance the community. I will just note that another situation similar to a conversation we had earlier tonight where we have a full-service grocery store here that is one of the few walkable options for some of the communities in that corridor.

I think that will change over time given the proximity to transit. I love the connections here in the park and to the rail stop. I do hope that as this reinvestment in this property occurs that there is at minimum a maintaining of the food access that exists there now if not an increase, and certainly not a decrease in access to food as part of this project. So, obviously that's not something we can necessarily get promised in here, but I do hope that would be a goal and knowing the people involved in this project, I feel certain it will. Thank you.

Councilmember Phipps said why is there no mention of a traffic impact study for this site?

Jacob Carpenter, CDOT said so, under TOD rules, we would require a traffic study as part of the permitting for this. So, prior to going to permitting, we would go through that process with the developer.

Mr. Phipps said so, one is contemplated? There was no mention in the staff analysis. So, that's why I brought it up. I was curious.

Mr. Carpenter said so our standard is if it hits the 2,500-trip threshold during permitting, we would go through a traffic study process.

Mr. Phipps said so, do you think that's likely given what the existing trips are, the entitled trips and the proposed zoning? It says it's too many uses to determine trip generation. That's what we're talking about?

Mr. Carpenter said right, because there's no development plan. So, we would assess that at that time. Given the size of the site, it's likely that it would trip that, but it all depends on how the site's developed.

Mr. Phipps said thank you.

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

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ITEM NO. 27: HEARING ON PETITION NO. 2022-007 BY ST. CHARLES AVENUE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.34 ACRE LOCATED ON THE WEST SIDE OF CASTLETON ROAD, NORTH OF NORTH SHARON AMITY ROAD, AND EAST OF CRAIG AVENUE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said thank you. John Kinley will take on this one first.

John Kinley, Rezoning Planner said thank you. It's approximately 0.34 acres located on the west side of Castleton Road, north of North Sharon Amity Road, east of Craig Avenue. The site is currently zoned to R-3, single-family residential and has one single family home on the site currently. The proposed zoning is UR-2, urban residential, conditional. The Policy Map recommends N1 place type for the sites. The proposal to UR-2 CD would essentially allow and proposes the subdivision of the parcel to allow two single family detached homes. So, one unit on each parcel. So, going from one unit to two units basically on the parcel. It allows access from each lot via a driveway to Castleton Road. Construction of an eight-foot planting strip and six-foot sidewalk that would meander to preserve the existing trees along Castleton Road. A maximum height of 40 feet consistent with other single family residential zoning. Architectural standards related to exterior building materials and roof design, porches, stoops, garage doors and each unit would have a varied in architectural treatment from the other. Provides a 20-foot setback from future back of curb along Castleton. As I said, it is consistent with the 2040 Policy Map recommendation for the N1 place type. Staff recommends approval upon resolution of technical revisions. I'll take any questions.

David Murray, 1901 Roxborough Road, Suite 120 said thank you Mr. Winston, Council. Dave Murray, Murray Law here in Charlotte representing the petitioner. I want to thank Mr. Phipps for coming to our first council members meeting and Mr. Newton for coming to our first and second community meeting. I'm happy to answer any questions. The unresolved issue I think was just a mistake on our site plan about the water shed. So, that will be resolved but I'm happy to answer any questions. This is just for a subdivision for two single family detached houses.

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

Councilmember Egleston left at 8:15 p.m.

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ITEM NO. 28: HEARING ON PETITION NO. 2022-010 BY MAGLC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.65 ACRES LOCATED ON THE EAST SIDE OF NORTHLAKE CENTRE PARKWAY, SOUTH OF INTERSTATE 485, AND WEST OF INTERSTATE 77 FROM BP AND R-3 (BUSINESS PARK AND

SINGLE-FAMILY RESIDENTIAL) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2022-010. It's approximately 16.65 acres just off Northlake Center Parkway bounded by the on-ramp for I-485. It is currently zoned BP and R-3. Just a small portion in that top right corner zoned to R-3. The proposed zoning is B-2 conditional. The adopted place type from the 2040 Policy Map does recommend this area around Northlake and Northlake Mall as a regional activity center. The proposal with this petition is to request a maximum of 78,000 square feet which would be developed with auto sales, repair and rental uses as well as any incidental or accessory uses permitted in the B-2 district. It does prohibit the sale and repair of tractor trailer trucks on the site. Limits the maximum number of principal buildings to four. You can see those outlined in blue. It does allow for an enhanced vehicle display area with landscaping and one-way drive along the southern boundary. Commits 75-foot Class B buffer that would be reduced by 25 percent which comes out to 56.25 feet with a fence along the site's eastern boundary. You can see that there on the right side of the plan. It does convey a perpetual greenway and storm water easement to Mecklenburg County Park and Rec near the site's western boundary.

It also includes the following transportation provisions: The installation of an eight-foot planting strip and eight-foot sidewalk along the site's southern boundary and along Northlake Center Parkway. It does provide access via a future public street along the southern rezoning boundary and also commits to complete a technical traffic memorandum to be approved by C-DOT prior to the permitting of the proposed full access street connection to Northlake Center Parkway. Staff does recommend approval of this petition. They do have some outstanding issues related to transportation to work through. It is inconsistency overall with the recommendation for regional activity center on the site. Regional activity center does permit things like auto dealerships, but they would be enclosed. They wouldn't be out in the traditional sense like this one would be. This one did work to try to bring some buildings up a little bit closer to the street to offset some of the parking and inventory of the site itself. That would be more focused on the 485 side. So, I do want to at least acknowledge that. Overall staff did determine that it was inconsistent with the recommendation for that regional activity center but does still feel that it's an appropriate use there along the interstate ramp and through some of the design criteria that they did build into the petition. So, with that we will turn it over to the petitioner team and we'll be happy to take any questions following the presentation. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said Council Members, members of the Zoning Committee, my name is John Carmichael and I represent the petitioner, MAGLC, LLC. With me tonight are Jeff Cropp, the petitioner and Nick Bashon with Design Resource Group. The site contains about 16.6 acres located on the east side of Northlake Center Parkway, generally the southwest quadrant of the I-485 and I-77 interchange. This is just an aerial of the site. You can see it there, a zoomed in version. The site is currently zoned BP and R-3. You have BP zoning to the south, R-3 zoning further south. BP and R-3 to the east, UR-2 CD to the west.

As Dave said, the request is to go to B-2 CD to allow automotive sales and service facility on the site. It could contain up to 78,000 square feet of gross floor area. This is the rezoning plan. It would allow up to four buildings. There would be a new public street constructed and that's how the site would achieve its access to the building. It's being pulled up closer to the street to present a more urban edge. As Dave said, there would be a greenway easement conveyed to Mecklenburg County along the western portion of the site. I'm going to now ask Jeff Cropp to tell you a little bit about the dealership and then we can answer your questions. Jeff?

Jeffrey Cropp, 10724 Pineville Road, Pineville, said thank you John. I want to first by just thanking everyone for allowing us to share about our vision. We're a first-generation

automotive retail group that was started by our founder 18 years ago. We're one of the fastest growing automotive retail groups in the country right now. We are now in six states and we're operating 25 dealerships representing 23 brands. Everything from domestic to tier one imports and also luxury and ultra luxury. We really have a track record of being involved with the community also in a positive way with education and families throughout the southeast. We're now currently up to 1,100 team members and we once again hope that you can see that we plan to continue to grow the company but also grow in the community along with north Charlotte.

Mr. Carmichael said thank you Jeff. We're happy to answer your questions. We appreciate the planning staff's favorable recommendation and we'll certainly resolve the outstanding issues this week.

Mayor Pro Tem Winston said I have a question. I don't know if this is for staff or the petitioner. It relates to that public street. It seems like it's going to dead end onto 77. I guess my question relates to lighting that area. My concern would be overnight and after business hours. I know car lots are generally pretty well lit and they have safety concerns as well. I just wouldn't want to create some type of shadowy place that dead ends that doesn't exist. So, is there any consideration for the lighting situation on the street there from a safety perspective? Is there anything that we can condition along those lines? So, we'll start with staff.

Mr. Pettine said I don't see anything on the plan in reference to that. I'm not sure if the petitioner has any thoughts or plans on that. Jacob, if you guys have anything that's standard for street design in regard to street lighting or not. That may be a question better served by the petitioner to see if they have plans for that area specific to lighting. Mr. Carmichael said I'll let Jeff speak to their lighting. I will say that this public street will eventually connect to another public street that you can't see on this plan Councilmember Winston. [inaudible] speak at all to your [inaudible]. Jeff, can you speak to the lighting?

Mr. Cropp said yes. We'll make sure that obviously everything is in a safe nature and we're working along with Nick Bushon on that. We feel confident we'll be able to meet the needs.

Nick Bushon, 2459 Wilkinson Boulevard, Suite 200 said Jeff, I can step in as well. This is Nick Bushon from Design Resource Group. As John was trying to say, this will be continuation and public network streets. So, it's going to be a full network that connects throughout all the southern developments, existing and future. We'll have to coordinate with C-DOT to meet their public lighting standards for uniformity. So, that's going to be a big item as we get on to permitting and make sure from the public street edge. Then also we'll work with the [inaudible] group internally as well.

Mr. Pettine said is there a specific area on the plan that you want staff and the petitioner to work on to get better clarity in the notes about lighting specifically?

Mayor Pro Tem Winston said yes, I misrepresented. It's actually the public street that is running into Northlake Center Parkway. I can't really get a great idea of what it [inaudible].

Mr. Pettine said so, over by the tree save area?

Mayor Pro Tem Winston said correct, yes.

Mr. Pettine said okay. So, will there be lighting in that area or will it kind of die off at that point?

Mayor Pro Tem Winston said yes, correct.

Mr. Pettine said yeah, I think Jake, if you want to chime in on that.

Mr. Carpenter said yes. So, that's something we would typically coordinate during permitting to find a solution if they proposed it with our standards.

Mr. Pettine said [inaudible] lighting along since it's a public street? Does that get continued out along their frontage or do we want to include some notes? I think we might need to coordinate just to make sure that we have some clarity that it would at least continue down. I think that's what your kind of getting at. It doesn't just stop at the end of their property and say now we have no lights in this tree save area.

Mayor Pro Tem Winston said correct.

Mr. Pettine said we can coordinate on that.

Councilmember Phipps said yes. Let me preface my comments by saying that I mean no disrespect to staff or the petitioner. As far as the staff's recommendation is concerned, it appears to me to be a very weak argument to justify noncompliance with a Policy Map that's just recently been approved. So, my question is to both staff and the petitioner. For staff, are we getting ahead of the community planning process by potentially allowing a change to the Policy Map through this petition?

Mr. Pettine said yes, I think that's a good question. We have petitions that will change the Policy Map through the rezoning process. This certainly being one of them.

Mr. Phipps said I noticed that there's one of three in our deck this evening in terms of inconsistency with the Policy Map that's just recently approved. I know as far as the petitioner is concerned, I know Mr. Carmichael, that you saw when you filed this that this was in noncompliance with the Policy Map, but you went forward with it anyway, right?

Mr. Carmichael said well we filed this well in advance of the effective date of the Policy Map. We did meet with staff to talk about the issues, and it seemed to be a sensible use to us at least at that interchange and with access off Northlake Center Parkway. It's kind of tucked up in the corner. It seemed to us that it would fit in well with the surrounding development.

Mayor Pro Tem Winston said I would just note that this is 2022-010. So, I imagine they probably did get their petition in way ahead of the adopted Policy Map.

Mr. Phipps said okay, well that might be the case, but I did notice that in as much as staff agreed that we had the Policy Map, but still in three instances we have gone and said it's inconsistent, but we think it's reasonable in the public interest. So, I was just wanting to get some clarification on that because I know we have two others that we did the same thing with. So, those are my comments.

Councilmember Johnson said I'd like a response to that from city staff. There was a lot of work on the 2040 Plan. Whether we agreed to it or not, this is the policy. I'd like some feedback. It would seem like we wouldn't be seeing any more petitions that are inconsistent.

Mr. Pettine said I don't think that that would be really a reasonable approach to consider that every parcel would be identified on the 2040 Policy Map that would be consistent with the rezoning petitioner market trends or market conditions. So, I think we anticipated always having inconsistencies in even the 2040 Plan and I would imagine we'll still have inconsistencies even after Community Area Planning because you just can't always anticipate market demand for a property or location or what's driving a certain aspect of a development proposal. I think in this situation as well, we looked at context and consideration of what was being proposed, where it was being proposed and whether or not it would somewhat live and coexist with the activity center which could be more supported south of where this new public road would be built. I think overall when we get those inconsistencies, it's a matter of taking a look at the context of the area, what else is going on, the use being proposed, the conditions being proposed to dial it into the specifics that would serve the site. Then once we get beyond that,

looking at it and saying, "Okay, does this fit the area? Does it support some of the overall goals of the area?"

I think we're going to have inconsistencies moving forward from now until even after we get through Community Area Planning. I would still anticipate things being inconsistent. It's just how do we rectify that? How do we put together at least some idea of what to do when we come across that situation. The two others that we had this evening, it's inconsistent with the Neighborhood 1 place type, but it's surrounded by a lot of Neighborhood 2 place types and surrounded by existing development that is similar in fashion. So, that one is one aspect of it. I think in this particular petition, a commercial use up against the interstate, it may not serve the overall activity center as a whole, but it's not an inappropriate location for it. I think that's where staff was a little bit comfortable with the inconsistency being that we just adopted that. I think trying to get all of it right out of the gate citywide, I don't think we ever envisioned that we'd get every individual parcel right and everything would line up with every request. So, I think our approach is similar to what it's always been. Evaluate the request, evaluate the context, and try to work through what the conditions are and whether or not they at least provide enough mitigation to that inconsistency. Which in this case, we felt it did.

Ms. Johnson said so, if we look at the goals for the 2040 Plan, is that something that we can perhaps take a look at? That it needs to meet maybe half the goals or something because this is another one that only two goals were met. So, that's something we consider in the policy. I also have a question. You mentioned that semi parking would be prohibited.

Mr. Pettine said right.

Ms. Johnson said is that because of the type or is there going to be specific language that semi parking would be prohibited?

Mr. Pettine said there's a condition in the plan that says they wouldn't have parking for semi-trucks. So, that's a condition of the plan that they're proposing.

Ms. Johnson said because semi-truck parking is a huge parking in District 4. So, I don't know if we can start requiring that in future development proposals, but I'd like to talk to you offline about that.

Mr. Pettine said yes, we've seen that pop up in all kinds of areas. Off Monroe Road, I know there's some up in Prosperity that's had some issues with that, but that is a condition of this one.

Ms. Johnson said yes, West Sugar Creek but it's a state-owned road. It's hard to get signage because it is state-owned. So, if there's any state legislatures listening, we need some help. This is a car dealership. On the west side of it, there's an apartment complex. Is that correct?

Mr. Pettine said so, there are several apartment complexes. There's two under construction that were recently entitled. There's one that I believe was approved just south of this. So, I think there's three apartment projects that would be on the south side of where this petition is and then of course we have apartments on the other side of Northlake Drive and of course we've had a recent submittal for some of the vacant space around the mall itself to contain apartments as well. So, that's a future rezoning. It hasn't even started the process yet, but they have submitted an application. So, it's an apartment heavy area. Then this was the request for the north side of that drive. So, rather than maybe seeing apartments go all the way up to the interstate, this would be the use that kind of provides a little bit of that space between the onramp at the interstate and then the apartment communities to the south. There are three apartment projects just south of this that are either just recently approved, under construction or in permitting.

Ms. Johnson said I'm just trying to picture a car dealership next to apartments. I don't know that I've seen that anywhere. Is there going to be a required buffer or an extensive buffer between the residential and the car dealership?

Mr. Pettine said so, there is a buffer. I think it's on the planned right side. So, it's really again some of the vacant land. The road that separates from the public street, that would separate the dealership and the apartments. Zoning often looks at that as a buffer in and of itself. So, that would serve as that in this instance. There's not anything in front of that. Like I said, they did try to move the buildings up to the front to create a little bit more of that urban feel to it and keep the inventory on the back side of all that which should help. There is no buffer along that road other than the street trees along the planting strip and then the road itself and then the apartments.

Ms. Johnson said okay. Thank you.

Mayor Pro Tem Winston said if you go to the east side, if you go down Independence Boulevard and the surrounding streets, you see Legacy but also, I think we've recently dealt with a rezoning with an expansion of a car dealership that abuts new apartment construction off of Wallace Road I think. So, maybe that's something you could look at. I think Mr. Phipps brought up a great point. I think staff would say that the current Policy Map is just translating the existing status quo into the new language. The point of kind getting out in front of the Community Area Planning Process, I think that's something that us as council members should think about. I would assume that staff might also say that that doesn't preclude the Community Area Planning Process for the community, deciding what future land use they want to see with whatever changes that are made. This kind of purgatory phase is confusing and frustrating at times.

Mr. Pettine said it is. We struggled with this one obviously a little bit as well knowing the activity center does allow dealerships but maybe not in the more traditional sense. I think this one tried to blend a little bit of the new versus what you see in a normal auto dealership. So, it's not that they wouldn't be permitted in an activity center, but in this form they don't fit as well with the activity center goal. Again, I think they tried to blend as much as they could. This one I think we even met on before they submitted, and we didn't even have maybe the first draft of the policy. That may have just been adopted. So, we're also, because of the backlog of things, we've had some of these meetings with the petitioner six, eight months ago in some instances and we're just now seeing them come to hearing. So, some of our guidance at that time was also based off of older plans versus some of the new stuff. So, we're still kind of honestly stuck a little bit in between some things. So, like I said I wanted to point out the petitioner did try to blend a little bit of old and new, but this is one that I anticipated some of this conversation on it.

Motion was made by Councilmember Winston, seconded by Councilmember Johnson, and carried unanimously to close the hearing.
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ITEM NO. 29: HEARING ON PETITION NO. 2022-012 BY RANGEWATER REAL ESTATE FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.45 ACRES LOCATED ON THE EAST SIDE OF IBM DRIVE, WEST OF INTERSTATE 85, SOUTH OF WEST W.T. HARRIS BOULEVARD FROM RE-2 (RESEARCH) TO R-17 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Rezoning Planner said thank you. It's 18.45 acres on the east side of IBM Drive, west of Interstate 85, and south of West W.T. Harris Boulevard. The site is currently wooded. You'll see just to the north, property that's zoned R-17 MF CD. The site that we're looking at now is RE-2 proposing also R-17 MF CD. So, that rezoning to the north just occurred not that long ago. As well, a very similar petition as what we're looking at tonight. The 2040 Policy Map recommends community activity center for this

site. It is proposing up to 300 multi-family dwelling units with no more than six buildings on the site, a maximum building height of 72 feet. It provides a left turn lane access at one point of the site and a right in right out at another point further down. There will be a multi-use path that is constructed along the site frontage. It installs a pedestrian signal at the intersection of W.T. Harris and IBM Drive pending NCDOT's approval. It conveys a portion of the rear of the site for the Doby Creek Greenway. Provides a 30-foot setback along IBM Drive for right of way, and restricts the placement of surface parking between IBM Drive and the proposed buildings. Provides architectural standards for the multi-family buildings and commits to 8,000 square feet of open space improved with amenities. Staff recommends approval of the petition upon the resolution of outstanding issues related to greenway easement and outstanding issue is technical revisions related to transportation. It is consistent with the 2040 Policy Map recommendation for a community activity center. I'll take any questions if there are any.

Keith MacVean, 100 North Tryon Street, Suite 3300 said good evening council, members of the Zoning Committee. Keith MacVean with Moore and Van Allen assisting RangeWater. With me tonight online is Palmer McArthur and Gary LeClair with RangeWater. They're happy to answer your questions as well as Dennis Walls with LandDesign, the land planner. RangeWater founded in 2006. They've been active here in Charlotte. This will be their eighth community. They've currently constructed about 1,500 units with 600 currently construction. So, an active multi-family developer in Charlotte looking for an additional community to bring some more housing to the area. As John covered it, zoned RE-2, proposed zoning R-17 MF to allow the site to be developed with a residential community with up to 300 units. We are dedicating land to county for the Doby Creek Greenway. We will address the comments in the staff analysis and provide those additional updates in detail. As John mentioned, consistent with the activity center. We do meet several of the goals of the 2040 Plan.

Our proposed site plan, again buildings oriented to IBM Drive. We are continuing the 12-foot multi-use path along IBM Drive and we'll providing an easement for it to allow connection from the development to the future Doby Creek Greenway. Working with NCDOT to hopefully add some pedestrian improvements at the intersection of IBM Drive and Research. Again, subject to NCDOT allowing that. I'll be happy to answer any questions.

Councilmember Johnson said I met with Keith on this one and the first thing I said, "That's a lot of apartments in that area." So, because it's being built next to another complex with I think 300 apartments, right?

Mr. MacVean said it is.

Ms. Johnson said so, this is going from an area that didn't have any residential and now we're seeing a lot of growth. So, it's changed, so thank you. Mr. Pettine, this is one where I'd like to see pending an approved petition in that area. This is what I mean when I talk about the Cumulative Traffic Impact because if 300 units are going to produce 1,300 trips per day in this complex, right next door there's another 1,300 trips and neither petition would've required a traffic study. Yet, the residents in the neighborhood are impacted. So, I would like to see a pending and approved petitions in the last year in that area and find out what we can do as a city to address the traffic that's going to be generated in that area.

David Pettine, Planning, Design & Development said certainly. Jake, can we look through that?

Mr. Carpenter said yes. I'll just note that we did have the petitioner do a traffic study for this particular project, but no other outside improvements other than turn lanes at the site's driveways where required.

Ms. Johnson said okay. Yes, if we can just get what that area is looking like pending and approved because we know there's a cumulative effect and impact that we as a city need to be strategic about.

pti:mt

Mr. Pettine said yes we can put that together.

Ms. Johnson said that's all I have. Thank you.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2022-022 BY APPALOOSA REAL ESTATE PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 26.65 ACRES LOCATED ON THE EAST SIDE OF BEARD ROAD, NORTH OF MALLARD CREEK ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-22 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL), UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said thank you. 2022-022. It's 26.65 acres on Beard Road just north of Mallard Creek Road. The current zoning is R-3. Proposed zoning is R-22 multi-family, conditional and UR-2 conditional. The UR-2 is mainly that portion that transitions out to that MX-2 just to the northeast of this. The adopted place type from the 2040 Policy Map is Neighborhood 1. You can see that in yellow. The orange around that is the Neighborhood 2 place type. The proposal with this petition is for up to 347 multi-family units and 110 townhomes. That comes in at about 18 dwelling units per acre. Commits to an eight-foot planting strip and sidewalk along Beard Road, Odell School Road and Rickenbacker Road. It does provide access from Beard Road, Odell School Road and Rickenbacker Road as well. So, lots of interconnectivity to some of the existing developments that are in that area. It does provide amenitized open space as well as dedication of a one-acre park to Mecklenburg County.

It does provide multi-family architectural details that includes buildings exceeding 120 feet. It shall have modulations of the massing and façade. The building shall have a front or a side façade face along public streets. Building elevation shall be designed with vertical bays or articulated architectural façade features, and then the townhomes also have architectural details for usable porches and stoops that would form a predominant feature of the building design. Pitched roofs, no less than 4:12. Garage doors visible from the public or private street will minimize visual impact and set those garage doors back 12 to 24 inches from the front wall plane and walkways will be provided to connect all residential entrances to sidewalks along public and private streets.

Staff does recommend approval of this petition. We do have some outstanding issues with transportation to get resolved. As mentioned earlier, it is inconsistent with the 2040 Policy Map. It does recommendation the Neighborhood 1 place type. Staff did provide some considerations for making our recommendation. It's consistent with the existing multi-family uses adjacent to the site. It does add to a variety of housing options in the area with multi-family, single family attached and then transition to the existing single family around. It does commit to extending the street network via Odell School Road and Rickenbacker. Enhances the pedestrian network with an eight-foot planting strip and eight-foot sidewalk along those roads. Also commits to a one-acre park to be dedicated to Mecklenburg County which would support the Comprehensive Plan goals of protecting and enhancing tree canopy in natural areas. Again, staff does recommend approval upon resolution of those issues with transportation. We'll be happy to take any questions following the petitioner's presentation. Thank you.

Bridget Grant, 100 North Tryon Street, Suite 3300 said thank you for having me here tonight. My name is Bridget Grant. I'm a land use consultant with Moore and Van Allen. Pleased to be here tonight on behalf of Appaloosa Real Estate Partners. As the council

member mentioned, Brian Miller, Josh Wilkes and Lynn Leslie are on the line virtually. Dave did a great job as he always does of addressing most of the issues. So, I'm not going to spend a lot of time on this. I believe I'm the last speaker for the night. So, if you want to go ahead and advance to the conceptual site plan slide that's rendered towards the end. It's the second to last slide. I think the color renderings always do a much better job of showing you how the site relates to the surrounding context. So, you can see we're providing townhomes adjacent to the single family residential. So, we're able to provide that transitions towards the multi-family and the multi-family is basically to the south of all of the townhomes and aligns with the existing multi-family. This development is going to provide two street extensions that provide internal connectivity to adjacent other communities and other options to get out to Beard Road as well as that one-acre park.

One of the things that was critical to us was to provide the one-acre center with accessibility not just to this community and not pushed to the edges but central and accessible to everyone in the area. So, with that I'd like to go ahead and end it here and I'm happy to answer any questions.

Mayor Pro Tem Winston said thank you very much. I was actually going to comment on the location of that park. I think that shouldn't be overlooked. I think this is something that we're trying to deal with, with the UDO in terms of open space and making sure that it is able to be amenitized for the public and usable. Something I met with county commissioners. Oftentimes, especially in larger developments, if you're getting open space in a place that's not very accessible because of terrain or isn't amenitizable, how good is that open space? So, I think this is a good example of how that translates in land use. So, thank you for that color presentation. That pops out.

Councilmember Johnson said have you met with the residents at Alderpoint Lane?

Ms. Grant said we had our community meeting. We did not have attendees during the meeting, but it did go out to their HOA (homeowner's association) and to the adjacent property owners.

Ms. Johnson said okay, thank you.

Ms. Grant said you're welcome.

Councilmember Phipps said yes, that was one of my questions. I noticed the last one we went over and this one. A substantial multi-family development, yet we had zero people coming to the community meeting which is interesting. Is this an ETJ or in the city limits?

Ms. Grant said I believe it's in the ETJ.

Mr. Phipps said okay.

Mayor Pro Tem Winston said the zoning petition says it's in District 4, but it's adjacent to the ETJ.

Ms. Grant said yes. It's in District 4 adjacent to the ETJ.

Mr. Phipps said okay. So, it's in the ETJ it's not in the city limits?

Mayor Pro Tem Winston said it is in the city limits.

Ms. Grant said I believe it is in the city limits.

Mr. Phipps said oh okay. So, I was just curious. Is it because it's basically large swaths of land in these areas in northeast Charlotte that still exist. Well, it looks like it's close to a residential development over here. We've had other petitions tonight that people are really interested when they have multi-family developments coming in that area, but

these two parcels strike me as outliers in as much as they have no seemingly participation in the community meeting. I was just trying to figure that out.

Ms. Grant said Councilmember Phipps, from time to time I'll get a phone call where someone will call for information on this particular case. Residents who lived along Beard Road did call and reach out. They did not participate in the community meeting, but they called for basic information about accessibility, where the roads are going to go and if they'll be impacted.

Mr. Phipps said thank you.

Councilmember Watlington said I was just responding to Councilmember Phipps that oftentimes what I see and what I notice on this screen is they're adjacent to a multi-family complex. What I tend to see at least in District 3 is that homeowners are more inclined to come out because they have a stake in the land. I see it appears here that the nearest single-family resident is a little bit off or does not share the road there. I see the adjacent property at the top left-hand corner of the screen is a cul-de-sac. So, they are a little bit less inclined as long as there's a buffer to speak of, but I think that raised a point, especially as we continue to move towards this shift of rental housing versus ownership. We will see a corresponding drop in community involvement. At least that's what I've seen to date. So, something to think about.

Councilmember Johnson said I know we talked as a council, at least some of us, and I can't remember if we were going to do this, but it is expanding the proximity where notification goes out to homeowners. Is that a part of the new UDO or new zoning policy? Because we hear that from residents and then when they do find out about it, then we're working overtime to meet with the developer and trying to allow them to be heard. Another thing about recent petitions, we had several community meetings that were held on election day. So, I want to make sure that the developers that did do that, some of them will vow to have another community meeting. So, I don't know if that's one of these, but any that were held on July 26th, we'd like to have another community meeting.

Ms. Grant said I don't believe this was one of those.

Ms. Johnson said okay, it may not have been. That's fair to the residents.

Mr. Pettine said you're correct. We did have a few and that certainly raised some red flags for us. So, we'll reach out to those folks and see if they can hold an additional one. I think we heard some concerns. I think it was in your district in the Rocky River Road area that had one on the 26th which was not incredibly less than ideal for a community meeting.

Ms. Johnson said the developer said that they would have another one. So, we want to make sure they do that.

Mr. Pettine said yes, we'll follow up and see if they've followed through on that.

Ms. Johnson said good. Okay.

Mayor Pro Tem Winston said good catch Ms. Johnson.

Ms. Johnson said are we looking to expand the proximity where notification goes out?

Mr. Pettine said so, not so much the expansion of how far we go out. We still have the mailed notices. We still are using Nextdoor within a half mile. So, it would've captured that HOA Nextdoor. The challenge is, and I think Ms. Watlington was alluding to as well, the apartment complexes where we can't really mail it to every unit there, but are there ways that we can have some type of ability to make sure that it gets to not just the corporate office but it gets to the actual leasing office that can post it in the lobby, post it in the mail room where residents pick up their mail. Or is there also a sign-up system that we can continue to explore where folks, even if they live in an apartment, can

register and get city updates through some kind of electronic mailing. So, I think those are all things that we'd like to continue to explore and really should be looking to implement. Outside of that, when you have that many apartment communities in Nextdoor, they're just as impacted as a homeowner. They may not feel that they are included because they don't have that ownership stake, but they want to live there, they still want the quality of life of the community that they moved in to. So, finding ways to make sure we can capture those instances better is certainly something that's pretty high up on our radar right now.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2022-085 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.12 ACRES LOCATED ON THE WEST SIDE OF BEAM ROAD, NORTH OF SHOPTON ROAD, AND SOUTH OF CENTER PARK DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said I believe John is going to close us out with this one. I do think we have a representative from [inaudible] here.

Unknown said [inaudible].

Mr. Pettine said okay, so we do have somebody if we have questions, but it's a conventional petition for us.

John Kinley, Rezoning Planner said okay, thanks Dave. This is approximately 3.12 acres on the west side of Beam Road, north of Shopton Road, and south of Center Park Drive. You can look at the aerial there and see that there's other similar institutional uses and city services and city-owned land in the area. So, the city is looking at this parcel that's zoned R-3 single family residential and proposing to zone it too institutional. The Policy Map recommends manufacturing and logistics for the site. Staff is recommending approval of the petition. It is inconsistent with that Policy Map recommendation for manufacturing and logistics, but it is not adjacent to any residential uses or zoning districts. Development under the existing zoning would be incompatible with the site's context. The appropriate site to rezone it to institutional uses as it is surrounded by other existing government uses on the eastern side and south along Beam Road. The site is directly surrounded by areas within the campus place type that hosts existing government uses as well. So, this petition would change that Policy Map recommendation from manufacturing and logistics to campus. So, then it would be more in line with what's adjacent. I'll take any questions.

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

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ADJOURNMENT

Motion was made by Councilmember Newton, seconded by Councilmember Winston, and carried unanimously to adjourn.

The meeting was adjourned at 9:04 p.m.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 4 Minutes
Minutes Completed: November 28, 2023