

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, October 16, 2023, at 5:06 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Braxton Winston II presiding. Councilmembers present were Danté Anderson, Tariq Bokhari, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, James Mitchell, and Victoria Watlington.

ABSENT: Mayor Lyles, and Councilmember Dimple Ajmera.

ABSENT UNTIL NOTED: Councilmember Marjorie Molina.

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Mayor Pro Tem Winston said I will start by calling this meeting to order. So, welcome everybody who is joining us here today at the Government Center, and for all of those that are watching on TV or YouTube or Facebook, or however you participate with us. We will start with introductions from dais.

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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

Douglas Welton, Chairman of the Zoning Committee said thank you, Mayor Pro Tem. My name is Douglas Welton. I serve as the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my fellow committee members. With me tonight, will be Will Russell, Shana Neeley, Rick Whitaker, Terry Lansdell, Rebekah Whilden and Clayton Sealey. The Zoning Committee will meet on Tuesday, October 31, 2023, at 5:30 p.m., here at the Government Center. At that meeting, the Zoning Committee will discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome to that meeting, but please note, it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you are welcome to contact us and provide input. You can find our contact information and information on each petition at the City's website at charlotteplanning.org.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to defer: a decision on Item No. 13, Petition No. 2022-134 by Muhsin Muhammad II to November 20, 2023; a decision on Item No. 14, Petition No. 2022-148 by Third & Urban LLC to November 20, 2023; a decision on Item No. 15, Petition No. 2022-193 by Brown Group, Inc. to November 20, 2023; a decision on Item No. 16, Petition No. 2022-161 by Pulte Group to November 20, 2023; a decision on Item No. 19, Petition No. 2022-048 by Tribute Companies, Inc.; a decision on Item No. 21, Petition No. 2022-147 by SouthPark Towers PropCo, LLC to November 20, 2023; a decision on Item No. 23, Petition No. 2023-013 by Toll Brothers Apartment Living to November 20, 2023; a hearing on Item No. 25, Petition No. 2021-277 by Buildom LLC to November 20, 2023; a hearing on Item No. 26, Petition No. 2023-033 by CRD

Elizabeth LLC to November 20, 2023; a hearing on Item No. 27, Petition No. 2023-064 by Southend Walk, LLC to November 20, 2023; a hearing on Item No. 28, Petition No. 2023-037 by Shinnville Ridge Partners LLC/Courtney Sloan to November 20, 2023; a hearing on Item No. 30, Petition No. 2023-032 by The Keith Corporation to November 2023; and, a hearing on Item No. 33, Petition No. 2023-045 by Grubb Properties to November 20, 2023.

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CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 12 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.

Mayor Pro Tem Winston said are there any Consent Agenda items Council would like to pull for questions, comments or a separate vote?

Councilmember Watlington said yes, six, eight and 10, please.

Mayor Pro Tem Winston said six, eight and 10. Any others?

Councilmember Johnson said yes, three, four, seven and 12.

Motion was made by Councilmember Winston, seconded by Councilmember Mitchell, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 3, Item No. 4, Item No. 6, Item No. 7, Item No. 8, Item No. 10 and Item No. 12 which were pulled for a separate vote.

The following items were approved:

Item No. 5: Ordinance No. 632-Z, Petition No. 2022-066 by Wood Partners amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 13.50 acres located at the northeast intersection of Albemarle Road and Novant Health Parkway, west of Cresswind Boulevard from NS (Neighborhood Services), B-1(CD) (Neighborhood Business, Conditional), and R-3 (Single Family Residential) to UR-2(CD) (Urban Residential, Conditional).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is located on an arterial and is sandwiched between a Campus Place Type and Neighborhood Center Place Type. While inconsistent with Neighborhood 1's lower density residential recommendation, multi-family residential uses (Neighborhood 2) provide an appropriate transition from the Campus Place Type to the west and the Neighborhood Center Place Type to the east. The proposal limits building height to 56 feet, which is consistent with the Cresswind development to the north. Higher density residential uses are appropriate along Albemarle Road to take advantage of transit opportunities that are easier to access on the thoroughfare. The proposal commits to pedestrian enhancements such as eight-foot planting strips, a 12-foot multi-use path, existing bike lanes, and open space. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 371-372.

Item No. 9: Ordinance No. 636-Z, Petition No. 2023-035 by Alliance Industrial Partners, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 10.34 acres located north of Shopton Road, east of Sandy Porter Road, and west of Pinecrest Drive from N1-A ANDO (Neighborhood 1-A, Airport Noise Disclosure Overlay) to I-1(CD) ANDO (Light Industrial, Conditional, Airport Noise Disclosure Overlay).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Whilden) 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 final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition follows two similar adjacent petitions (2021-042 and 2022-137) which also rezoned N-1 properties to allow for industrial uses. The petition prohibits high traffic generating and noxious uses. The petition commits to transportation improvements along the Shopton Road frontage including installation of a left turn lane, buffered bike lane, eight-foot planting strip, and eight-foot sidewalk. The location of the site being within the Airport Noise Disclosure Overlay makes it less suitable for residential development as currently zoned. The proposed industrial uses will be screened from adjacent residential zoning and uses by a minimum 75' buffer with a berm. The petition could facilitate the following 2040 Comprehensive Plan Goals: 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Manufacturing & Logistics Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 379-380.

Item No. 11: Ordinance No. 638-Z, Petition No. 2023-051 by Portman Holdings amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.1 acres located on the east side of South Tryon Street, south of West Tremont Avenue, and north of Rampart Street from TOD-NC (Transit-Oriented Development-Neighborhood Center) to TOD-UC (Transit-Oriented Development-Urban Center).

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be 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) calls for Neighborhood Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is within a half-mile walk of the adopted and funded rampart station and just over a half-mile walk from the existing east/west station. This district supports a pedestrian-friendly, mixed-use neighborhood environment, allowing access to daily shopping needs and services within walking distance of nearby residential neighborhoods. The proposed zoning allows for a mix of commercial and service uses, closely integrated within the surrounding residential neighborhoods to support the concept of a complete neighborhood. • The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhood, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022), from current recommended Place Type to Regional Activity Center for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 383-384.

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ITEM NO. 3: ORDINANCE NO. 630-Z, PETITION NO. 2023-014 BY CHARLOTTE TRUCK CENTER, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.29 ACRES LOCATED ON THE SOUTH SIDE OF CANNON AVENUE, EAST OF NORTH GRAHAM STREET, AND NORTH OF INTERSTATE 85 FROM N1-B (NEIGHBORHOOD 1-B) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The uses proposed by this petition though not consistent with the Policy Map recommendation, would offer a better transition from the surrounding uses to the existing single-family properties adjacent to the proposed site. This petition contributes to the goals of the Comprehensive Plan to mitigate the condition of industrial uses adjacent to residential uses. This petition offers to provide sensitivity to the adjacent sites by proposing a 75-foot Class B buffer along the western boundary of the site. The petition proposes streetscape improvements on its frontage along Cannon Avenue, to include an eight-foot planting strip and six-foot sidewalk. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Commercial Place Type for the site.

Motion was made by Councilmember Winston, and seconded by Councilmember Anderson, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The uses proposed by this petition though not consistent with the Policy Map recommendation, would offer a better transition from the surrounding uses to the existing single-family properties adjacent to the proposed site. This petition contributes to the goals of the Comprehensive Plan to mitigate the condition of industrial uses adjacent to residential uses. This petition offers to provide sensitivity to the adjacent sites by proposing a 75-foot Class B buffer along the western boundary of the site. The petition proposes streetscape improvements on its frontage along Cannon Avenue, to include an eight-foot planting strip and six-foot sidewalk. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Commercial Place Type for the site.

Councilmember Johnson said I just had a question. Is this the truck parking that we talked about last month?

David Pettine, Planning, Design & Development said this particular petition is expanding the parking area for the operations of the Truck Center. I do not believe that it is going to be for trucks themselves. It would be for the employees and staff that work on site, but it will not be for parking of heavy trucks.

Ms. Johnson said oh, okay, alright. That was my question. Okay, thanks.

Councilmember Anderson said so, this particular petition is for the extension of a parking lot of a business that creates the actual trucks and maintains those trucks, not

the trailer. So, they're extending the parking lot and they're actually adding a sidewalk and a barrier of greenspace as well for parking, but not of trucks, for their employees. So, it doesn't address the issue of truck parking at all.

Ms. Johnson said okay, thank you. That's all I had.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 367-368.

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ITEM NO. 4: ORDINANCE NO. 631-Z, PETITION NO. 2022-005 BY TRIBEK PROPERTIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.97 ACRES LOCATED ON THE WEST SIDE OF WEST W.T. HARRIS BOULEVARD, SOUTH OF MT. HOLLY-HUNTERSVILLE ROAD, AND NORTH OF INTERSTATE 485 FROM NS (NEIGHBORHOOD SERVICES) TO NS SPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-1 (motion by Winiker, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends commercial 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 site is located in a node of commercial development among single family neighborhoods along Mt. Holly-Huntersville Road and West W.T. Harris Boulevard. This area has close proximity to I-485 and the petition would allow for uses that are compatible with the surrounding retail development as well as the adopted Commercial Place Type for the area. The proposal is mindful of the adjacent single-family homes and commits to a 45-foot landscape area along the southern and western boundaries which will include plantings to a Class B Buffer standard as well as a 6-foot wooden screening fence. The scale of any structures on the subject site would align with heights allowed in the neighboring single family zoned areas and also conforms to the height built out in the adjacent commercial structures. There is a lack of existing pedestrian infrastructure on the site which this petition proposes to address through the installation of a 12-foot multi-use path and eight-foot planning strip along the site's frontage on West W.T. Harris Boulevard. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Johnson, and seconded by Councilmember Mayfield, to approve this petition and adopt the following statement of consistency: This petition is found to be 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 commercial 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 site is located in a node of commercial development among single family neighborhoods along Mt. Holly-Huntersville Road and West W.T. Harris Boulevard. This area has close proximity to I-485 and the petition would allow for uses that are compatible with the surrounding retail development as well as the adopted Commercial Place Type for the area. The proposal is mindful of the adjacent single-family homes and commits to a 45-foot landscape area along the southern and western boundaries which will include plantings to a Class B Buffer standard as well as a 6-foot wooden screening fence. The scale of any structures on the subject site would align with heights allowed in the neighboring single family zoned areas and also conforms to the height built out in the adjacent commercial structures. There is a lack of existing pedestrian infrastructure on the site which this petition proposes to address through the installation of a 12-foot multi-use path and

eight-foot planning strip along the site's frontage on West W. T. Harris Boulevard. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity.

Councilmember Johnson said I just had a question for staff about this petition. According to my understanding, is this a legal nonconforming use already, and we're just rezoning this due to a technicality, because of the 2040 Plan? Is that correct?

David Pettine, Planning, Design & Development said that's a later petition in our agenda. This is for the establishment of an EDEE (Eating/Drinking/Entertainment Establishment) with a drive through.

Ms. Johnson said oh, okay, that's right.

Councilmember Molina arrived at 5:18 p.m.

Mr. Pettine said yes, it's currently vacant. It was already entitled for, I believe, multi-family. They are changing those entitlements to allow for retail uses.

Ms. Johnson said okay, alright. That's all I wanted.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 369-370.

ITEM NO. 6: ORDINANCE NO. 633-Z, PETITION NO. 2022-218 BY MATTAMY HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.93 ACRES LOCATED ON THE WEST SIDE OF MILHAVEN LANE, SOUTH OF JUNIPER DRIVE, AND EAST OF INTERSTATE 77 FROM N1-B (NEIGHBORHOOD 1-B) TO R-8MF(CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Neeley, seconded by Winiker) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes to add to the variety of housing options in the area. • The petitioner commits to constructing an eight-foot-wide planting strip and six-foot-wide sidewalk along the site's frontages of Milhaven Lane and along internal public streets. The petitioner proposes to enhance connectivity with two stub connections on the north edges of the site. The petition proposes connecting the new proposed street to the existing, adjacent Meadow Knoll Drive. The site would be well served with transit access from the CATS bus route along Statesville Road and two stops within a half-mile of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes to add to the variety of housing options in the area. • The petitioner commits to constructing an eight-foot-wide planting strip and six-foot-wide sidewalk along the site's frontages of Milhaven Lane and along internal public streets. The petitioner proposes to enhance connectivity with two stub connections on the north edges of the site. The petition proposes connecting the new proposed street to the existing, adjacent Meadow Knoll Drive. The site would be well served with transit access from the CATS bus route along Statesville Road and two stops within a half-mile of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Councilmember Watlington said I've just wanted to make sure that I was clear about the traffic patterns, because I noticed a couple of what seemed to be, routes coming out of this development or going into people's homes. So, I wanted to understand what the thought process was around there. I see the 20 trips going up to 640. I realize it's 20 less than the entitlement, but just the map, I want to make sure I understand what the plan is future forward.

David Pettine, Planning, Design & Development said sure. They've got connections proposed to Meadow Knoll Drive, which is an existing road. They'll have a stub to the north if there's any redevelopment of those parcels that front along Juniper that could potentially provide a connection over time up to Juniper Drive, and then the final connection is to Milhaven Lane. There's also a stub to some vacant property that's kind of landlocked back off Juniper Drive as well. So, two potential future stubs and then two connections, one to existing Meadow Knoll Drive and one to existing Milhaven Lane.

Ms. Watlington said and given that these are stubs that would generally only be cul-de-sacs really, given what's left there to develop, the existing pass through then, even if those other stubs weren't there, is sufficient?

Mr. Pettine said can you repeat that?

Ms. Watlington said what I'm trying to say is that, if there are two stubs that, based on what's remaining here that's unbuilt will essentially just be cul-de-sacs, they're not going to be pass through roads unless you raise those houses, I'm wanting to know if the connection that was made between Meadow Knoll and Milhaven Lane is sufficient for the expected volume increase?

Mr. Pettine said it should be sufficient. I'm not sure what the volumes are on Meadow Knoll. Obviously, it's a residential street, but it should be sufficient, and Milhaven would be the main point of access, probably providing the most direct point of ingress and egress out the site, since that gets you over to Statesville a little more directly. I would envision Meadow Knoll being a little bit more of a potentially used road, not probably as much, because it does take a little bit of a roundabout way to get over to either Juniper or down to Cindy Lane. So, that would be more of probably a secondary point of ingress/egress, and the primary one would be off Milhaven.

Ms. Watlington said okay, thank you.

Mr. Pettine said, and the other stubs will both have approved fire turnarounds. So, one will have more of a hammerhead, so fire trucks can get in and back out, and the other stub has enough radius to back in and out of there.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 373-374.

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ITEM NO. 7: ORDINANCE NO. 634-Z, PETITION NO. 2023-024 BY CHILDRESS KLEIN PROPERTIES, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 83.65 ACRES LOCATED ALONG THE NORTH SIDE OF RIDGE ROAD, SOUTH OF MALLARD CREEK ROAD, AND EAST OF INTERSTATE 485. (COUNCIL DISTRICT 4- JOHNSON) CURRENT ZONING: N1-A (NEIGHBORHOOD 1-A), CC (COMMERCIAL CENTER), INST (INSTITUTIONAL), I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) PROPOSED ZONING: I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL), MX-1 (MIXED USE) WITH 5-YEAR VESTED RIGHTS.

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map recommendation for the Neighborhood 1, Campus, and Manufacturing & Logistics Place Types with a portion of the site consistent with the recommendation for the Neighborhood 1 Place Type based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1, Campus, and Manufacturing & Logistics Place Types for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed uses of this petition would increase the variety of housing options in the area. This petition also proposes to support the goal of economic opportunity set out by the Comprehensive Plan through the development of warehouse, distribution, and other industrial uses on a portion of the site. The petition proposes to better align the area with the vision of the 2040 Policy Map. The plan proposes the concentrating of manufacturing uses with adjacent sites designated for Manufacturing and Logistics. Additionally, the proposed residential uses align the area with the adjacent, existing residential sites. This petition proposes to contribute streetscape improvements including a 12-foot multi-use path and eight-foot planting strip on its frontage along Ridge Road. Additionally, the petition proposes the construction of an internal network of public roads with pedestrian connections for tenants and streetscape elements of planting strips, sidewalks, and multi-use paths. The petition proposes 75-foot and 100-foot buffers between the site and adjacent properties providing sensitivity from manufacturing uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1, Campus, and Manufacturing & Logistics Place Types to the Neighborhood 1 and Manufacturing & Logistics Place Types for the site.

Motion was made by Councilmember Johnson, 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 recommendation for the Neighborhood 1, Campus, and Manufacturing & Logistics Place Types with a portion of the site consistent with the recommendation for the Neighborhood 1 Place Type based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1, Campus, and Manufacturing & Logistics Place Types 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 proposed uses of this petition would increase the variety of housing options in the area. This petition also proposes to support the goal of

economic opportunity set out by the Comprehensive Plan through the development of warehouse, distribution, and other industrial uses on a portion of the site. The petition proposes to better align the area with the vision of the 2040 Policy Map. The plan proposes the concentrating of manufacturing uses with adjacent sites designated for Manufacturing and Logistics. Additionally, the proposed residential uses align the area with the adjacent, existing residential sites. This petition proposes to contribute streetscape improvements including a 12-foot multi-use path and eight-foot planting strip on its frontage along Ridge Road. Additionally, the petition proposes the construction of an internal network of public roads with pedestrian connections for tenants and streetscape elements of planting strips, sidewalks, and multi-use paths. The petition proposes 75-foot and 100-foot buffers between the site and adjacent properties providing sensitivity from manufacturing uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1, Campus, and Manufacturing & Logistics Place Types to the Neighborhood 1 and Manufacturing & Logistics Place Types for the site.

Councilmember Johnson said I wanted to make sure that residents knew that there was some discussion about this. This is 83 acres in District 4, and this is pretty much a technicality for a previously approved large petition. I'm pulling that up right now. Yes, it's just making changes to a previously approved Petition 2021-028. So, this will create a better alignment and distribution of the allowed residential and non-residential uses. So, I just wanted to get that on the record.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 375-376.

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ITEM NO. 8: ORDINANCE NO. 635-Z, PETITION NO. 2023-031 BY CRESCENT COMMUNITIES, LLC, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.766 ACRES LOCATED ON THE WEST SIDE OF S TRYON STREET, NORTH SIDE OF CARSON BOULEVARD, AND EAST SIDE OF WINNIFRED STREET FROM UC (URBAN CORE) TO UMUD-O (UPTOWN MIXED-USE DISTRICT, OPTIONAL).

The Zoning Committee voted 6-1 (motion by Sealey, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Regional Activity Center Place Type. We find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition is appropriate and compatible for the location it is located one block south of I-277 just outside of the Uptown core surrounded by a dense network of streets. The site is located within a quarter-mile the Carson Street Lynx Blue Line Station and the Rail Trail. The site is served by the number 16 CATS local bus providing service between the Charlotte Transit Center and the CMC-Steelecroft Hospital. The UMUD district permits a variety of uses that align with the recommendations of the Regional Activity Center Place Type from 2040 Comprehensive Plan such as vertically integrated mixed-uses including office, multi-family, retail, restaurant, entertainment, institutional and personal care services. UMUD standards include requirements for enhanced streetscape treatment, building entrances, urban open space, architectural requirements, distinguished base of high rises, and screening. The requested district is complimentary in nature to the surrounding UMUD, UC, and TOD districts. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

David Pettine, Planning, Design & Development said just a quick point of clarification. The outstanding issues have been addressed.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs, 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 Regional Activity Center Place Type. We find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible for the location it is located one block south of I-277 just outside of the Uptown core surrounded by a dense network of streets. The site is located within a quarter-mile the Carson Street Lynx Blue Line Station and the Rail Trail. The site is served by the number 16 CATS local bus providing service between the Charlotte Transit Center and the CMC-Steelecroft Hospital. The UMUD district permits a variety of uses that align with the recommendations of the Regional Activity Center Place Type from 2040 Comprehensive Plan such as vertically integrated mixed-uses including office, multi-family, retail, restaurant, entertainment, institutional and personal care services. UMUD standards include requirements for enhanced streetscape treatment, building entrances, urban open space, architectural requirements, distinguished base of high rises, and screening. The requested district is complimentary in nature to the surrounding UMUD, UC, and TOD districts. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Councilmember Watlington said yes, that was the question that I had. I noticed the transportation summary said that there were some outstanding uses that needed to be hashed out.

Mr. Pettine said yes, we've gotten that addressed. It actually was addressed at the time of printing. I just must have missed in the agenda print to change that recommendation, but it is recommended in the staff analysis as just straight approval. It shows them being addressed, but the analysis didn't update that part of the recommendation. Everything has been squared away. They did work with C-DOT (Charlotte Department of Transportation) to talk through what that final item was. Everybody's satisfied on all ends. So, everything's marked as addressed, but my apologies for not updating the recommendation accordingly.

Ms. Watlington said okay. I'm just curious, to go from 40 trips to 6,700 trips.

Mr. Pettine said yes. So, there was a traffic study that was done. So, this project's a little bit unique. It went through permitting and actually received permits for construction. Part of that process involved a transportation study and traffic study that was approved by all parties, and so they've since come back to ask for some relief on a few items from a design standpoint, and that's what the optional provisions are, but all the traffic's been captured and traffic study's been reviewed and approved and sign off on. So, you see that large number, but it has been mitigated through that study.

Ms. Watlington said and just, if you've got it, what should the community expect in terms of traffic improvements on this one?

Mr. Pettine said that's a question I would probably have to look over to our colleagues at C-DOT for some clarification on, but we can have them come up and try to get some of that info for you.

Mayor Pro Tem Winston said that would be great.

Jacob Carpenter, C-DOT said so, the primary improvements for this development included were a traffic signal on the rear of the site, and some additional pedestrian crossings, as well as upgrading of the cross section along their frontage along Tryon. We worked extensively with the Riverside Development across the street to update the cross section to include bike lanes, and some other improvements generally along that area. So, those were the primary improvements for this development.

Ms. Watlington said and last question. Your trips, you mentioned bike lanes. Do you know what the breakdown of the multi-modal trips were, or are these all vehicular?

Mr. Carpenter said so for these summaries, we only provide vehicular trip estimates. The data that we have from our standards that we review doesn't provide bicycle or pedestrian trips, but we do consider some multi-modal reductions in some instances. I'd have to look at this one, but we don't have trip numbers that are provided by those estimates.

Ms. Watlington said gotcha, thank you. So, only thing I'll say on this one is that I am very happy to see this mixed-use piece. The assumption is that we will get a couple of things that would provide a little bit more balance in terms of the use, than what we would've gotten from urban core. So, I'm glad to see that. I'm concerned about the volume difference here, and to hear that the improvements are a traffic signal that doesn't necessarily feel like it's going to keep a good flow there based on what's existing. Thank you.

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

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

NAYS: Councilmembers Mayfield, and Watlington

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 377-378.

ITEM NO. 10: ORDINANCE NO. 637-Z, PETITION NO. 2023-044 BY MORRIS HOLDINGS II, LLC, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 63.22 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF MORRIS ESTATE DRIVE, EAST OF NORTH GRAHAM STREET, AND WEST OF IBM DRIVE FROM RE-3 (RESEARCH) TO I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing & Logistic Place Type. We find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is currently zoned for and developed as a facility for light industrial uses. The site is within an area designated by the 2040 Policy Map for the Manufacturing and Logistics Place Type. The site has access to four exits of I-85 within two and a half miles along existing major thoroughfares. The site is located along the future alignment of the Doby Creek Tributary greenway and is proposing to dedicate an easement for that greenway. The site is located along the route of the number 22 Graham Street local bus providing service to the Charlotte Transportation Center and the JW Clay Park and Ride. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Graham, and seconded by Councilmember Winston, 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 Manufacturing & Logistic Place Type. 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 currently zoned for and developed as a facility for light industrial uses. The site is within an area designated by the 2040 Policy Map for the Manufacturing and Logistics Place Type. The site has access to four exits of I-85 within two and a half miles along existing major thoroughfares. The site is located along the future alignment of the Doby Creek Tributary greenway and is proposing to dedicate an easement for that greenway. The site is located along the route of the number 22 Graham Street local bus providing service to the Charlotte Transportation Center and the JW Clay Park and Ride. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

Councilmember Mayfield said Mr. Pettine, I forgot to ask this when we had our noon call. Do we know what this is, because when I read the summary, it's to allow the 325,000 square feet of light manufacturing assembly, warehouse and climate control, self-storage, offices, outdoor storage, wireless communication, as well as other principle and accessory uses permitted in I-2 but is currently developed with manufacturing and warehousing. So, what is this?

David Pettine, Planning, Design & Development said so, they're essentially going to maintain the existing use, which is somewhat of an industrial based use, but it's not a heavy industry, and they're going through this rezoning process to expand for some outdoor storage area along the back side of the property. There's still at least 100 feet plus of buffering to any residential up to the north. So, really, everything will stay the same on the site through this petition, outside of expanding some of the property that's kind of behind the building towards the north side of Mallard Creek Road, with some additional outdoor storage and parking that would be screened and buffered from the view of the road, as well as some of those neighboring properties, which again, are well over 100 feet away to the north.

Ms. Mayfield said so, what was it last week, week before last, we approved a development that that particular business has a humming. I'm thinking about the environmental. We've got the 100-foot buffer. I just want to make sure that what we're approving, once it's built out, is not something that environmentally could impact residents that are surrounding.

Mr. Pettine said looking at the site plan and the conditional notes and what's out there, I don't that will be really a significant concern. The outdoor storage area is generally there as a grassed area. They will make some improvements to it, but they'll have to enhance any stormwater control measures, any run-off measures, as a result of expanding that storage area. It would all have to get captured in permitting. Again, there's a pretty substantial buffer between this potential use and the uses, residential to the north. So, I think they have it pretty well hemmed into where they kind of already are existing. It's just going to be improving the area that's already out there for that outdoor storage, but all that's got to go through permitting and meet all the stormwater [INAUDIBLE].

Ms. Mayfield said and that's when we'll identify hours of business, because unfortunately, I've received a couple of calls where, in a different part of town, it seems like trucks are running 3:00 a.m., 4:00 a.m., 5:00 a.m., and because of where the location is, it's not necessarily getting a lot of attention. So, I just want to make sure that as we move forward, that we have some very clear language as far as business hours, when those trucks are entering and exiting the property.

Mr. Pettine said certainly, yes.

Ms. Mayfield said thank you.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 381-382.

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ITEM NO. 12: ORDINANCE NO. 639-Z, PETITION NO. 2023-099 BY BEACON PARTNERS, ABMAR GK TWIN LAKES, LLC; ES 10,000 TWIN LAKES, LLC; AND TKC XIX LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 64 ACRES LOCATED ON THE SOUTH SIDE OF VANCE DAVIS DRIVE, EAST OF TWIN LAKES PARKWAY, AND WEST OF OLD STATESVILLE ROAD FROM OFC (OFFICE FLEX CAMPUS) TO ML-1 (MANUFACTURING AND LOGISTICS - 1).

The Zoning Committee voted 7-0 (motion by Winiker, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Manufacturing and Logistics 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 would align the site with the surrounding area and the Manufacturing and Logistics place type recommendation for the area. The proposed petition is more compatible than the existing office zoning and helps to achieve what is envisioned for the Manufacturing and Logistics Place type. The ML-1 (Manufacturing and Logistics) district will allow some manufacturing and logistics uses that are not allowed in the OFC (office) zoning. The ML-1 zoning district is intended to accommodate a range of warehouse/distribution and light industrial uses which aligns with the surrounding area uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse and Resilient Economic Opportunity.

Motion was made by Councilmember Johnson, and seconded by Councilmember Winston, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Manufacturing and Logistics Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition would align the site with the surrounding area and the Manufacturing and Logistics place type recommendation for the area. The proposed petition is more compatible than the existing office zoning and helps to achieve what is envisioned for the Manufacturing and Logistics Place type. The ML-1 (Manufacturing and Logistics) district will allow some manufacturing and logistics uses that are not allowed in the OFC (office) zoning. The ML-1 zoning district is intended to accommodate a range of warehouse/distribution and light industrial uses which aligns with the surrounding area uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse and Resilient Economic Opportunity.

Councilmember Johnson said this is the one that I was thinking about earlier. Can you just explain that a little?

David Pettine, Planning, Design & Development said sure. So, properties were previously zoned, I think they were zoned BP, which is an old Business Park zoning that the city had. That zoning district did used to allow some industrial uses, which is how this industrial park was essentially established under that old zoning. In the UDO (Unified Development Ordinance) translation, that went to the OFC district, which doesn't allow some of the uses that actually occupy some of these buildings that have been existing for many years. So, this is somewhat of a corrective rezoning. I think this is the third rezoning we've seen out of this business park too on the north side by Wells

Fargo and another petition as well out here. So, this will basically take them to the M&L-1 zoning district, which would allow them to continue to operate not as nonconformities as they are now. So, it'll allow them to be expanded or rebuilt and reestablished, and it just corrects that OFC zoning to the desired Place Type of M&L.

Ms. Johnson said thank you. So, my question is, can we look forward to seeing these routinely?

Mr. Pettine said I think we'll continue to see some of these that come in that may have gotten translated to a district that may have allowed a use earlier this year, but after June 2023 that use may have changed or been modified under the UDO, just things that you don't necessarily think through every scenario or capture every scenario in that zoning translation. So, we may see some more of these. This is also what we're working on through alignment rezoning, is trying to identify these areas to bring them forward more on a wholesale base over the next couple years, but that will be a little ways out. So, that's why we're starting to see these come in individually, either as a group of parcels like this one, or just individual petitions like we've seen, for the two other ones that are here.

Ms. Johnson said so, if there's a small business that's not looking to rezone or may not have an attorney that might be impacted by that, is that something that we should be doing outreach about, or is that something that a business owner needs to worry about or question?

Mr. Pettine said I think it's challenging for us to get into that level of detail, because we don't know the exact uses in all these buildings, and whether or not they're still permitted use under the UDO versus what the old zoning districts were, particularly in these business parks that may have translated. So, it is something that we're trying to get our arms around a little bit better, but we don't have a good breakdown right now of where some of these issues may be, and if it's just this business park or if there's a few others. It is on the list of things that we're going through in that alignment rezoning process, which we're already starting the analysis on now.

Ms. Johnson said so, for the public of business owners, should they look at the app to find out how their property is zoned?

Mr. Pettine said yes, they can always check zoning either on the Charlotte Explorer, Polaris, the Development Near Me App. They can reach out to staff. We can walk them through if they have any questions on that front, but that's probably the best way for them to be a little bit more ahead of it, probably than staff can be just given the size and scope of it.

Ms. Johnson said okay, alright. Thank you. That's all the questions I have.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 385-386.

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DECISIONS

ITEM NO, 17: ORDINANCE NO. 640, PETITION NO. 2023-106 BY CHARLOTTE PLANNING, DESIGN AND DEVELOPMENT, FOR A TEXT AMENDMENT TO ALLOW MULTI-FAMILY ATTACHED, MULTI-FAMILY STACKED, AND MULTI-DWELLING DEVELOPMENT IN THE GENERAL COMMERCIAL (CG) AND REGIONAL COMMERCIAL (CR) ZONING DISTRICTS WHEN LOCATED IN A CENTERS PLACE TYPE.

The Zoning Committee voted 7-0 (motion by Winiker, second by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition

is found to be consistent with the 2040 Comprehensive Plan based on the information from the post-hearing staff analysis and the public hearing, and because: The petition could facilitate the 2040 Comprehensive Plan goal of encouraging multi-family residential development in Centers Place Types. 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: A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, and add clarity; The UDO does not currently allow multi-family uses on parcels translated to a UDO commercial zoning district (CG and CR) even when a site is located in a Centers Place Type; The 2040 Comprehensive Plan encourages multi-family residential development in a pedestrian-oriented environment through a mix of commercial, residential, and civic uses in the Neighborhood Center, Community Activity Center, and the Regional Activity Centers Place Types; and this text amendment corrects this issue by allowing multi-family uses with prescribed conditions in the CG and CR zoning districts if the property is located within a Centers Place Type per the adopted Policy Map.

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. Text Amendment Petition 2023-106 has been updated to reflect changes resulting from Council's approval of UDO Text Amendment Petition 2023-093 on August 21, 2023. This previously approved text amendment made changes to allow single-family and duplex dwellings existing legally prior to the UDO effective date to be allowed in the general commercial (CG) and Office Flex Campus (OFC) zoning districts. The approved changes are now incorporated into pending Text Amendment Petition 2023-106.

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

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

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

NAYS: Councilmember Mayfield

Motion was made by Councilmember Mitchell, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan based on the information from the final staff analysis and the public hearing, and because: The petition could facilitate the 2040 Comprehensive Plan goal of encouraging multi-family residential development in Centers Place Types. 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: A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, and add clarity; The UDO does not currently allow multi-family uses on parcels translated to a UDO commercial zoning district (CG and CR) even when a site is located in a Centers Place Type; The 2040 Comprehensive Plan encourages multi-family residential development in a pedestrian-oriented environment through a mix of commercial, residential, and civic uses in the Neighborhood Center, Community Activity Center, and the Regional Activity Centers Place Types; and this text amendment corrects this issue by allowing multi-family uses with prescribed conditions in the CG and CR zoning districts if the property is located within a Centers Place Type per the adopted Policy Map as modified.

Councilmember Mayfield said Mr. Pettine and I spoke earlier. The concern that I have is with this language to update, I think we have a different opportunity here, because we've already seen a number of unintended consequences with the 2040 Plan, as well as the fact that we say that it's a living document. The concern that I have is, when we talk about near commercial area, for me, I would like a little bit more clarification of what that could be and what it isn't. So, what we know, fast forward many years later, hindsight is 20/20. We should've never let communities be built that were next to quarries. We have other types of commercial uses where we allowed residential to be built that probably shouldn't have. As those particular businesses have grown and expanded, it's created impact in residential neighborhoods, and a lot of times, it's not necessarily disclosed what is nearby when you're looking to make an investment.

So, I think we have an opportunity to really clarify what this is. Even though staff, and I spoke to the Chair as well, committee looks at this amendment as a way to clean up some language. I think we have an opportunity to further clarify the language, so that we don't keep coming back to community to say, "Oops, unintended consequence on this," when we had an opportunity to really clarify what type of commercial, what type of businesses that we're saying you will be allowed to build residential, especially when a lot of our development, to be perfectly honest, is from outside of our City. So, once that development comes, they complete their project, they're gone. Government, unfortunately, is who is relied upon to try to address any challenges that come after the fact. I'm not going to submit an amendment to the motion, but I will be voting against, because I think we're missing an opportunity to have a real conversation that addresses the language that we use for unintended consequences.

Councilmember Johnson said thank you, Councilmember Mayfield. I had a discussion earlier with Ms. Babson, and we talked about that term, unintended consequences, and I think we should just work to eliminate that. As leaders, some things are foreseeable. So, if we're looking at things, unintended consequences, I think our voters elect us to mitigate those as much as possible. So, we just had that discussion today. I don't know why that's such an acceptable term. So, I'll be supporting what you said. I think we should take opportunities to really improve our policies and take a step back and look at these things. So, thank you.

Councilmember Driggs said so, we talked about this in committee, and I think we were all in agreement there, I seem to recall. The point about this is, it basically addresses a technical issue, which is we wanted to have Residential in a Centers Place Type, but the conversion, the translation, meant that certain zoning categories that were in Centers Place Types might exclude that. So, we're just kind of cleaning up a conflict as a technical issue. I think the questions that are being raised are valid, but they are the subject of a policy conversation that goes way beyond the scope. I'm not sure this is the occasion to try to answer all those questions. So, personally, I hope we can just put this Band-Aid on and then continue to debate what type of residential and the questions that you've raised. Thank you.

Councilmember Molina said I'm listening to the dialogue, and I actually was talking to Councilmember Mayfield earlier today about some information that I'd read about how we grow responsibly as a City. Listening to Councilmember Driggs, inevitably, I think we do have to take on the policy discussion at some point, to make sure that we're as responsible as we possibly can with the living document. I'm supporting the band-aid, but I'm I guess encouraging my colleagues. I don't know to what committee chair is at the table, would actually hold that conversation about the responsibility of our growth, and how we don't experience some of those unintended consequences that some of our peer cities have already experienced, and I know we have the brain capacity at the table to do it. I know we have the ideas at the table to do it. So, I'm ready to entertain that whenever we're ready to do so.

Mayor Pro Tem Winston said I certainly encourage our colleagues to start policy discussions and have policy discussions, whether it's amongst ourselves, on the phone, in person, or trying to recommend to the proper committee so that we can work with

staff on that policy work. So, let's just keep that in mind, make sure it's not just kind of a throwaway comment that is made at the dais tonight.

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

YEAS: Councilmembers Anderson, Bokhari, Driggs, Graham, Mitchell, Molina, Watlington, and Winston

NAYS: Councilmembers Johnson and Mayfield

Councilmember Watlington said I wanted to know, to your point about it not being a throwaway, if there is will around the dais at this point to go ahead and just vote for that deferral to go to the Planning Committee?

Mayor Pro Tem Winston said what referral?

Ms. Watlington said the referral that was being requested just now, this policy discussion.

Ms. Mayfield said Mayor Pro Tem, if I may. I did not put it in the form of a motion to refer it to committee. So, if you refer it to committee now, then I will gladly second so that we can have it in, because it was based off of Councilmember Driggs's comments of which the chair has [inaudible].

Mr. Driggs said I would just like to submit that a referral like this should be very clearly stated as to what it is we're going to talk about, and so on, and therefore, it would make more sense to me for a member to bring forward a written motion, so that we can all be together and clear, because this is something that could go off in a bunch of different directions. So, I would appreciate it. I don't think there's incredible time sensitivity. I would just appreciate it, as the Chair of the Transportation and Planning Committee, if I had better instruction on exactly what it was that we're talking about referring.

Mayor Pro Tem Winston said I would also say, we do not have on our agenda committee referrals here on our agenda tonight. So, in order to get that on the agenda, we would have to have a unanimous vote of the Council to do that on the next one, or a majority for a future meeting. We have those first Monday meetings to do that.

Mr. Driggs said you don't put committee referrals on the agenda generally, so I think they're something that can come up in the course of Council conversation. So, I don't believe it would be out of order. I just wish that we had a thoughtful, clear, written statement about what the referral is, because this gets into pretty deep water. You're now starting to talk about more of the substance of what we decided in our policy, and not as was the original proposal here, a kind of technicality. So, I'm very open. If anybody wants to create that, bring it forward at a future meeting. We can act on it, we can get the committee working on it, but we just need to know exactly what it is.

Mayor Pro Tem Winston said yes, and Council members can speak to each other definitely [inaudible] chairs [inaudible] figure out what's [inaudible].

Mr. Driggs said yes. I mean let's work together. I'll look at a draft. We should talk to each other more anyway, but this is something we should approach thoughtfully. Thank you.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 387- 388AZ.

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ITEM NO. 18: ORDINANCE NO. 641-Z, PETITION NO. 2021-256 BY NVR, INC., AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 150.78 ACRES LOCATED ON THE NORTH SIDE OF OLD CONCORD ROAD, EAST OF NORTH TRYON

STREET, AND SOUTH OF WEST ROCKY RIVER ROAD. (COUNCIL DISTRICT 4 - JOHNSON) CURRENT ZONING: N1-A (NEIGHBORHOOD 1 - A), N1-B (NEIGHBORHOOD 1 - B), AND R-6 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) PROPOSED ZONING: MX-2 INNOV (MIXED USE, INNOVATIVE) WITH 5-YEAR VESTED RIGHTS.

The Zoning Committee voted 5-1 (motion by Neeley, seconded by Winiker) 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 petition is consistent with the 2040 Policy Map recommendation for the Neighborhood 1 Place Type for Development Area A, and consistent with the Neighborhood 2 Place Type for Development Area B and a portion of Development Area C. The petition is inconsistent with the Neighborhood 1 Place type along Concord Road for a portion of Development Area C. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes a variety of housing types. Lower density housing is proposed for the northern portion of the site in the area recommended for Neighborhood 1, while higher intensity housing is proposed closer to Old Concord Road with a transition to single family housing where it abuts single family housing. The petition commits a minimum six-acre portion of Development Area A to Mecklenburg County for a future neighborhood park. The petition commits to constructing a pedestrian connection from the site to the future greenway trail. The proposal commits to a range of transportation improvements, including upgrades to traffic signals and a 12-foot-wide multi-use path along the site's frontage on Old Concord Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map from the Neighborhood 1 to Neighborhood 2 Place Type for a portion of Development Area C.

Motion was made by Councilmember Johnson, 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 petition is consistent with the 2040 Policy Map recommendation for the Neighborhood 1 Place Type for Development Area A, and consistent with the Neighborhood 2 Place Type for Development Area B and a portion of Development Area C. The petition is inconsistent with the Neighborhood 1 Place type along Concord Road for a portion of Development Area C. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes a variety of housing types. Lower density housing is proposed for the northern portion of the site in the area recommended for Neighborhood 1, while higher intensity housing is proposed closer to Old Concord Road with a transition to single family housing where it abuts single family housing. The petition commits a minimum six-acre portion of Development Area A to Mecklenburg County for a future neighborhood park. The petition commits to constructing a pedestrian connection from the site to the future greenway trail. The proposal commits to a range of transportation improvements, including upgrades to traffic signals and a 12-foot-wide multi-use path along the site's frontage on Old Concord Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map from the Neighborhood 1 to Neighborhood 2 Place Type for a portion of Development Area C.

Councilmember Johnson said thank you, Mayor Pro Tem. This petition is huge in District 4. It's 150 acres of greenspace that's going to be changing. This was the one

that's been deferred for two months, because I was waiting on the tree canopy report, and I sent an email to Council and just said that we need to be responsible about this decision. Although, we don't have the written report that was due in September 2023, we don't have it yet. I have received information from the City Manager about the preliminary numbers. Staff is not ready to share them, but I do want to let Council know that I have enough information, and although we should have it in writing, and I've even asked another petitioner to defer their petition for 182 acres, because we don't have it in writing. So, this petitioner has deferred it twice, like I said, and this will be a third time. So, based on the information I have from the City Manager, I think we can say we've done our due diligence for this one, but I'm comfortable that we shouldn't move forward on the other one, because we don't have it in writing. The two of those petitions together would be over 300 acres of development. If you look at District 4 petitions tonight, they total up to 500 acres of tree space that's changing in District 4.

So, when I talk about cumulative impact and responsible and infrastructure, there is a reason that we need to do that, and we know what's good for our districts, is good for the city. We need to be looking at the development City wide from that lens. So, I've been told by the staff, I talked to Ms. Babson for a long time today, that we will have the numbers for the tree canopy report, because we haven't had a tree canopy report since 2019. So, my concern is making current decisions using information that's not current, but I will say for this petition, based on the information I've received from the City Manager, that I'm recommending approval.

I also want to thank NVR and John Carmichael for working so closely with the neighborhoods. They've had multiple meetings, and I mean, probably five meetings. They've been very responsive to the neighbors. They've reduced the overall number of dwellings on the site from 683 to 649. They're single-family for sale units. They've added 51-foot lots, and that was based on feedback from the residents, and they've increased the depth from all the lots from 96 feet to 120 feet. They also have added a minimum 40-foot wide landscape area that's going to meet the landscape standards. They're donating I think 20 acres. So, there's a total of 29 acres of tree save, and they've just worked very, very closely with the residents. So, I just want to applaud this developer and thank them for helping to raise the standard of development in District 4. I've met with City staff numerous times, the City subdivision department, and we've just been working on this development, as you see the petition number is 2021-256. So, I'm supporting this. Again, this is a huge change for the residents, but the developer has worked closely and made a lot of concessions and improvements, and I want to thank them for that. That's all I have. Thank you.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 389-390.

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ITEM NO. 20: ORDINANCE NO. 642-Z, PETITION NO. 2022-109 BY URBAN TRENDS REAL ESTATE, INC., AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.09 ACRES LOCATED ON THE NORTHEAST SIDE OF THE PLAZA, SOUTH OF BRIDGEPORT DRIVE, AND WEST OF BARRINGTON DRIVE FROM B-1 (NEIGHBORHOOD BUSINESS) AND R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Neeley, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: While inconsistent with the 2040 Policy Map recommendation for density, the petition for single family townhomes are an appropriate

transition between adjacent single family, multi-family, and retail uses. Neighborhood 2 at this site helps to achieve the Place Type goal of providing a variety of housing types such as townhomes and apartments alongside neighborhood serving shops and services. The petition commits to enhancement of the pedestrian environment via an eight-foot planting strip and eight-foot sidewalk on both sides of the Plainfield Drive extension and connecting to an internal network. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to the Neighborhood 2 for the site.

Motion was made by Councilmember Molina, and seconded by Councilmember Driggs, and to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: While inconsistent with the 2040 Policy Map recommendation for density, the petition for single family townhomes are an appropriate transition between adjacent single family, multi-family, and retail uses. Neighborhood 2 at this site helps to achieve the Place Type goal of providing a variety of housing types such as townhomes and apartments alongside neighborhood serving shops and services. The petition commits to enhancement of the pedestrian environment via an eight-foot planting strip and eight-foot sidewalk on both sides of the Plainfield Drive extension and connecting to an internal network. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to the Neighborhood 2 for the site.

Councilmember Molina said I just want to make sure that I give reference to the community. This particular petition is adjacent to the Hampshire Hills neighborhood, and Ms. Erica Frazier leads that courageous charge. She is an excellent woman, who I admire deeply, and we've held a few community meetings. I'm looking at the representative for the petitioner who's in the audience, and they were some tough cookies, weren't they? They had some specific asks, but I want to make sure that I let the community, and my colleagues know some of the updates that were made as a result of the petition.

Actually, some trees save was added, so they agreed to add a tree save area on the north side of the project that's adjacent to the existing homes in Hampshire Hills. They added some screening and fencing to buffer for the community as a result of the petition. I wanted to make sure, because there were some specific concerns around stormwater the last time that we spoke about this particular petition, and I want you guys to know that that's actually been taken care of. We acknowledge the stormwater control measures that are needed, and there's some existing review. I know that Mr. Pettine, you can speak to this way better as far as the stormwater is concerned, because I spoke to him earlier today, and we talked about those updates. So, if you can clarify that.

David Pettine, Planning, Design & Development said yes, sure. So, they did add some notes about having to acknowledge and meet the stormwater ordinance, which we think they know going into that development process, that they have to do that. They did add some language in there about having to review potentially the existing streams on site that would all get coordinated during permitting, and essentially have those notes in there also stating that there's an understanding that that may also impact the project itself. They may lose units. They may have to make modifications. They may have to upsize stormwater aspect of the site that they weren't maybe anticipating during the rezoning process. So, essentially, just acknowledges that there's still a lot of review

and work that they'll need to put into that part of it, and it may change the outcome of the project to some degree. They may have to, like I said, look at those existing streams on site, but that's all been captured, and they'll have to go through all that in pretty good detail in permitting before they can start turning the first bit of dirt out there.

Ms. Molina said and so, with that being said and that clarification, I feel comfortable supporting it, because we've addressed the outstanding issues. Actually, some of these are preexisting for the neighborhood, but I feel comfortable making sure that we are addressing those concerns, and even willing to make any modifications necessary for the community members.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 391-392.

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ITEM NO. 22: ORDINANCE NO. 643-Z, PETITION NO. 2022-160 BY PENLER DEVELOPMENT, LLC, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 24.13 ACRES LOCATED ALONG THE SOUTH SIDE OF MOUNT HOLLY ROAD AND EAST SIDE OF CRESTON CIRCLE, WEST OF INTERSTATE 485 FROM ML-1 (MANUFACTURING AND LOGISTICS), CG (GENERAL COMMERCIAL), N1-A (NEIGHBORHOOD 1 - A) TO R-12MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 4-3 (motion by Sealey, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 and Manufacturing & Logistics place types. However, we find this petition to be reasonable and in the public interest based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed project could provide additional housing options in the area. The petition commits to improving Mount Holly Road and Creston Circle in addition to dedicating land to Mecklenburg County for future greenway development. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 and Manufacturing & Logistics Place Types to Neighborhood 2 Place Type for the site.

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

1. The site plan was revised slightly to better reflect the existing topography and proposed grading plans. This includes some shifting of building and parking areas on the interior of the site.
2. Eliminated commitment to provide \$125,000 to the Housing Trust Fund and replaced that with commitments to provide no fewer than 10 affordable units. No less than 5 provided at 80% AMI, and no less than 5 provided at 120% AMI both for a period of no less than 15 years.

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

Motion was made by Councilmember Anderson, and seconded by Councilmember Graham, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 and Manufacturing & Logistics place types. However, we find this petition to be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because: The proposed project could provide additional housing options in the area. The petition commits to improving Mount Holly Road and Creston Circle in addition to dedicating land to Mecklenburg County for future greenway development. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 and Manufacturing & Logistics Place Types to Neighborhood 2 Place Type for the site as modified.

Councilmember Mayfield said I want to take a moment to thank, not only Keith MacVean, but also Wil McGuire. We had a very detailed and long conversation last week, where they were able to hear my concerns with the development, full transparency, I live in that part of District 2, so I've seen some of the impact. So, I had some very specific questions regarding egress and regress, and I appreciated the fact that they accepted my recommendation that opposed to giving money to the Housing Trust Fund, keep that money in the project, and give me some units. Where if we think about who would have access, as our City is becoming extremely expensive for a number of workers.

I also appreciate the fact that we were able to have a real conversation about what does school bus entrance look like on the interior of the property versus having a school bus stopping on Mount Holly Road, because there is a middle school if you were to go left. We talked about the right turn lane, and since they would be utilizing their property, they would be able to do a road widening in an area that basically is one lane each way, as well as the commitment for the left turn lane, which is a little further up from the actual site. I believe, Mr. McVean, it was at least about 100 or 150 feet, which would give enough time for if there's an individual that needs to go left, they can go down, there's a side street that goes into the neighborhood, and that interior actually brings you out a little further down Mount Holly-Huntersville Road.

So, I wanted to say thank you for hearing and for setting an example, because this is an opportunity in development to create some diversity in our house price points without asking for government assistance on it. It is just a matter of opposed to doing a fee in lieu incorporating it into your development, this could lead other conversations. So, I hit them with a lot of questions during the hearings publicly. So, I wanted to publicly also say thank you for hearing and for making adjustments to try to make as good of a project as we can have. I know staff has concerns this is a heavily residential area. It also is a commercial center. We literally have two gas stations, a grocery store, sit down restaurant, a fast-food restaurant, a number of entertainment related access right up on the corner.

So, when we talk about, that we want to have this connectivity and this accessibility, yes, I would've loved to see single-family there, but we have a multi-family development that's literally a mile and a half up from where this project is going. It's just on the backside of the railroad tracks, and we've approved a gas station to go in front of a major community off Mount Allen and some other things. It took a minute for me to get to the place of accountability, but thanks to the agreements, and I'm not even going to say concessions, the win is for the community. I am in support of this, and I did want to publically thank both Mr. McGuire, as well as Mr. MacVean, for hearing my concerns.

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

YEAS: Councilmembers Anderson, Bokhari, Graham, Johnson, Mayfield, Mitchell, Molina, Watlington, and Winston

NAYS: Councilmember Driggs

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 393-394.

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ITEM NO. 24: ORDINANCE NO. 644-Z, PETITION NO. 2023-088 BY ON CLEVELAND, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.517 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF CLEVELAND AVENUE AND EAST WORTHINGTON AVENUE, SOUTH OF EAST BOULEVARD FROM NS HDO (NEIGHBORHOOD SERVICES, HISTORIC DISTRICT OVERLAY) TO NC(EX) HDO (NEIGHBORHOOD CENTER, EXCEPTION, HISTORIC DISTRICT OVERLAY).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent 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 Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Located on the edge of the Dilworth Historic District, this corner lot sits among adaptively reused structures that house a variety of commercial and office uses servicing surrounding residents. Although in close proximity to the dense transit-oriented development along South Boulevard, projects in this area must balance historic preservation and contextual sensitivity with the demands for new development. The site is currently designated as the Neighborhood 1 Place Type, however, this does not reflect the previous uses on the site as a restaurant and church nor does it reflect the building form in place. This lot is adjacent to a strand of Neighborhood 1 designated lots but does not abut any single detached homes. The application of the Neighborhood Center Place Type on this parcel would more accurately convey the previous uses on the parcel and establishes a transition for this area which is located against TOD-zoned parcels in the Regional Activity Center Place Type to the west and south and more the moderately-dense zoning and uses to the north and east which are under the Neighborhood 1 and Neighborhood Center Place Types. Conditional rezonings requesting EX (exception) provisions allow flexibility in quantitative zoning and cross-section standards if a petition is able to provide community benefits. This type of rezoning grants the consideration of unique and innovative projects that can further the goals of the 2040 Comprehensive Plan but may not otherwise fit typical ordinance standards. The use of an EX (exception) conditional rezoning petition is appropriate for this proposal given the historic relevance of the Leeper & Wyatt building as the oldest surviving retail brick commercial building in Dilworth's old business district. This building was constructed in 1903 and is designated as a local historic property by the Charlotte-Mecklenburg Historic Landmarks Commission and its relocation to the Dilworth Historic District ensures its continued preservation. In addition to the adaptive reuse of the existing building on the site and the Leeper & Wyatt building, this petition proposes publicly accessible open space along East Worthington Avenue. The majority of the EX provisions being requested are to accommodate the historic design of the buildings and existing development footprints. Zoning standards such as minimum transparency levels or blank wall requirements cannot be met in this proposal without modifying the historic design, negating the purpose of the project. The site currently sacrifices approximately half of its area for a surface parking lot. In densifying communities such as these, surface parking lots are not preferred uses and do not mirror the pedestrian environment envisioned for the Neighborhood Center Place Type. This petition does, however, still provide parking spaces through a combination of off-street, on-street, and off-site leased parking spaces while proposing a site design that uses the lot area with much greater efficiency. This project will be reviewed by the Historic District

Commission and must comply with all historic district regulations. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood Center for the site.

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

1. The appearance of the proposed equipment enclosure will be subject to Historic District Commission approval.
2. An 18-inch planting strip will be located between the building's foundation and any areas of concrete.

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

Councilmember Anderson said so, Mr. Pettine, I understand that the HDC approved this project overall, but it hasn't gone completely through the HDC process. There are some aspects of the project, such as how the excavation permit will be exercised, and other parts of the COA (Certificate of Appropriateness) that I think are of relevance and of import to the Dilworth community. I think they would've liked to have seen this project completely go through the HDC process before we vote on this this evening, but they are not opposed to the project. There's been significant progress since the public hearing in that regard, so they are not opposed. Is there any type of notes or any type of additions, amendments that we could ensure that there is continued collaboration with the DCA (Dilworth Community Association) as it relates to the nuances of the HDC process?

David Pettine, Planning, Design & Development said so, if the rezoning got approved this evening, they still wouldn't really be able to do any of the work related to relocating that building on the site without HDC approval, and if they don't ever get there through HDC, then the building never gets relocated. So, this essentially gives them the ability to do it, but HDC still has that final authority. So, they still have to make sure they meet any of the design elements that they're looking for, for the facade of the building. If they're doing any building additions or renovations, they have to go through and make sure they meet all those processes. They can't get any kind of permits to do any work on the site until that process is complete. So, we still have a bit of a check and balance built in there.

We've done this on a couple of other petitions that have HDC requirements, the most recent one I think, and I talked to Dilworth earlier this morning, was the Vanlandingham Estate, also in District 1, that basically got to the same point where there was no real challenges to the project other than just kind of design elements of the buildings, and that went through, got approved, and they still had a couple iterations, they had to work with HDC. We unfortunately have seen some that have gotten approval too early, and then had to go back through a complete rezoning, because HDC made some significant changes, but I don't feel like that's going to be the path with this one. There's still a lot of opportunity for that collaboration and going through the HDC process and making sure that all of those elements that are looked for, for the historic district, can still be met before they can move forward with the project. So, this is really just kind of giving them that set of keys to move forward with it.

Ms. Anderson said thank you for that. I wanted to just be clear with the community around the next steps after we get through the stage gate, that there's opportunity for plenty of collaboration and working with the petitioner to ensure that it's the right outcome for the neighborhood.

Mr. Pettine said yes, thank you, and I'll just say, our apologies on our end for maybe not making it as clear. We were looking mainly for almost a blessing from HDC that there's not any significant changes that would happen before it went to decision. I think there may have been some difference in how we worded that, to say full approval. So, our apologies for creating any of that confusion, but it's in a spot where those changes that HDC's looking for, wouldn't lead us to that point of having to rezone again down the road.

Ms. Anderson said no problem. I communicated with Mr. Clark, the head of the HDC. So, I appreciate that explanation.

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

Motion was made by Councilmember Anderson, and seconded by Councilmember Molina, 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 Neighborhood 1. 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: Located on the edge of the Dilworth Historic District, this corner lot sits among adaptively reused structures that house a variety of commercial and office uses servicing surrounding residents. Although in close proximity to the dense transit-oriented development along South Boulevard, projects in this area must balance historic preservation and contextual sensitivity with the demands for new development. The site is currently designated as the Neighborhood 1 Place Type, however, this does not reflect the previous uses on the site as a restaurant and church nor does it reflect the building form in place. This lot is adjacent to a strand of Neighborhood 1 designated lots but does not abut any single detached homes. The application of the Neighborhood Center Place Type on this parcel would more accurately convey the previous uses on the parcel and establishes a transition for this area which is located against TOD-zoned parcels in the Regional Activity Center Place Type to the west and south and more the moderately-dense zoning and uses to the north and east which are under the Neighborhood 1 and Neighborhood Center Place Types. Conditional rezonings requesting EX (exception) provisions allow flexibility in quantitative zoning and cross-section standards if a petition is able to provide community benefits. This type of rezoning grants the consideration of unique and innovative projects that can further the goals of the 2040 Comprehensive Plan but may not otherwise fit typical ordinance standards. The use of an EX (exception) conditional rezoning petition is appropriate for this proposal given the historic relevance of the Leeper & Wyatt building as the oldest surviving retail brick commercial building in Dilworth's old business district. This building was constructed in 1903 and is designated as a local historic property by the Charlotte-Mecklenburg Historic Landmarks Commission and its relocation to the Dilworth Historic District ensures its continued preservation. In addition to the adaptive reuse of the existing building on the site and the Leeper & Wyatt building, this petition proposes publicly accessible open space along East Worthington Avenue. The majority of the EX provisions being requested are to accommodate the historic design of the buildings and existing development footprints. Zoning standards such as minimum transparency levels or blank wall requirements cannot be met in this proposal without modifying the historic design, negating the purpose of the project. The site currently sacrifices approximately half of its area for a surface parking lot. In densifying communities such as these, surface parking lots are not preferred uses and do not mirror the pedestrian environment envisioned for the Neighborhood Center Place Type. This petition does, however, still provide parking spaces through a combination of off-street, on-street, and off-site leased parking spaces while proposing a site design that uses the lot area with much greater efficiency. This project will be reviewed by the Historic District Commission and must comply with all historic district regulations. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood Center for the site as modified.

Councilmember Driggs said so, Ms. Watlington, I think you shared with us that the residents are opposed?

Councilmember Watlington said oh, yes, that's a different one.

Mr. Driggs said is that the next one? Okay. I'm good with this one.

Ms. Anderson said okay, thank you Mr. Driggs. I want to be clear that largely, there is considerable support for this particular petition, and prior to all of the progress that we've made and to the petitioner's credit, they have worked very closely with the DCA and other community members to ensure that the issue of parking and the stress on those residents that don't particularly have driveways, due to the historical nature of their homes and their residences, that they were able to largely appease and collaborate with those residents. So, there has been significant movement on that particular challenge, and we do have support from the DCA as well as the Zoning Committee unanimously supporting this initiative. So, I'm happy to see something like this. Being a Charlotte native, born and raised, and spent tons of time in Dilworth as a kid, to see one of the historic buildings in that neighborhood be preserved and potentially used in a unique manner on a go-forward basis without overwhelmingly burdening the residents of Dilworth. So, I will clearly be supporting this Mayor Pro Tem. Thank you.

Councilmember Mayfield said Mr. Pettine, as was mentioned by Councilmember Anderson, I'm trying to get a little more clarification on the parking, since the emails that we received overwhelmingly were in concern of the parking in residents. You can remember, and Councilmember Mitchell will remember, a time where we had to go out to a facility in the evening, because that particular facility, when they would have parking, the parking ended up into residential neighborhood, we have noted on here, the site currently sacrifices approximately half of its area for a surface parking lot, [inaudible] community such as these. Surface parking lots are not preferred uses and do not mirror the pedestrian environment envision for the Neighborhood Center Place Type. What we're seeing, though, in a number of neighborhoods, is that pedestrians are not able to safely maneuver, because of the way vehicles are parked, whether that vehicle is blocking the sidewalk, because of the way the driveway is set at, or we have vehicles that literally park in bicycle lanes, as if that is okay. So, help me understand where in the language it does address the parking issue, when the biggest concern was parking within the residential neighborhoods, and creating a negative impact?

Mr. Pettine said so, they did add a conditional note on the plans for off-site vehicle parking. It states that parking areas for nonresidential uses can be located in an off-site lot or parking structure no more than 800 feet walking distance from the development. That off-street parking would have to go through the zoning review process, and the petitioner would provide 10 lease spaces for five years. In the event that public parking becomes available, then they reserve the right to have staff rereview that and make sure if that is going to be met through public parking, then they can negate those lease spaces that they had, but there's a commitment to those lease spaces, like I said, for at least five years. They also have, I believe, four spaces on site, there's eight on-street spaces. So, they do have, like I said, 10 leased, four on-site, eight on-street, and the language that they had for the lease spaces, our zoning administrator did review, and they were comfortable with that language.

Ms. Mayfield said so, for clarification, it still needs to go through zoning review. So, if we move forward tonight, what you're saying is there is a contract for lease spaces for five years. We've seen the impact of growth in this City in a three-year period, much less five years. What's the written plan after the five years, because if this is a restaurant that has employees, that hopefully will be successful as far as having patrons, unless you're saying that this is really just for the interior for the people that live there to patronize it, and you're not anticipating anyone from outside of that immediate area to patronize this particular business, I'm trying to understand how you're comfortable with just a five-year plan for a handful of parking spaces.

Mr. Pettine said so, there is some potential public parking that would be coming online. I think part of this project that is going to impact the Leeper-Wyatt building on South Boulevard and Tremont, which is why that building's being moved to this site, is anticipated to have publically available parking in their deck. So, that's probably less than like 800 feet away from this site. So, long-term, there will be public decks that should become available, and we'll evaluate those as they come online. That project should be completed within that timeframe. If there's a need to continue to have those spaces, we can revisit that at some point, but the commitment is for those five years, and they've had a close relationship with the folks developing that site, because again, that's where the historic building is being moved from. So, the timing of that project and how it impacted the historic building, is also based on the timing of the development of that site into, I think, either a residential building or mixed-use building. Again, that will have public parking and that's one of their areas that they're also envisioning that could help to serve this site and other businesses in that general part of the community.

Ms. Mayfield said thank you.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 395-396.

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ITEM NO. 24B: ORDINANCE NO. 645-Z, PETITION NO. 2022-204 BY JAY JEET, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.19 ACRES LOCATED ON THE SOUTH SIDE OF SUNSET ROAD, WEST OF BEATTIES FORD ROAD, AND EAST OF PEACHTREE ROAD FROM N1-B (NEIGHBORHOOD 1- B) TO MUDD(CD) (MIXED-USE DEVELOPMENT DISTRICT, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Winiker, seconded by Lansdell) to recommend denial of this petition: 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) recommendation for the Neighborhood 1 Place Type. 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: There are transportation issues concerning the ability for pedestrians to cross Sunset Road in order to access goods and services in the area. Transportation concerns regarding ingress and egress of vehicles accessing the site and leaving the site, especially during peak hours. Concerns regarding proximity to Manufacturing and Logistics facilities in the area, most notably the quarry to the south of the site, to the proposed residential development impacting the air quality among other environmental concerns.

Motion was made by Councilmember Mayfield to deny this petition as it is found to be inconsistent per Zoning Committee.

Without a second, the motion was not considered.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommendation for the Neighborhood 1 Place Type. 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: There are transportation issues concerning the ability for pedestrians to cross Sunset Road in order to access goods and services in the area. Transportation concerns regarding ingress and egress of vehicles accessing the site and leaving the site, especially during peak hours. Concerns regarding proximity to Manufacturing and Logistics facilities in the area, most notably the quarry to the south of the site, to the proposed residential development impacting the air quality among other environmental concerns.

Councilmember Mitchell said Dave, I think for clarity for Council members for one it did come to our package late, and I think we need some clarity. Very seldom do we have with the Zoning Committee saying deny and staff is in approval. So, Mayor Pro Tem, if it's okay if we hear the argument from the Zoning Committee, just so we can be clear of issues that they saw.

Mayor Pro Tem Winston said you can certainly ask the Zoning Committee a question.

Mr. Mitchell said Mr. Chairman, can you share with us just the finding from the Zoning Committee perspective why you all voted 7-0 for denial?

Douglas Welton, Chairman of the Zoning Committee said thank you, Mr. Mitchell. The discussion in this particular case, there were a number of issues that we touched on. The connectivity to the surrounding commercial areas was a concern. We also had a concern about the proximity to the industrial site, which is a quarry which was nearby, and those were issues that significantly swayed the temperature of the room, and so those were our primary concerns. Is that enough for you?

Mr. Mitchell said so, a rock quarry, and then connectivity. What district is this in?

Mr. Welton said it's in district 2.

Mr. Mitchell said Councilmember Graham, so, is this the rock quarry on Beatties Ford Road?

Councilmember Graham said I think that's the one he's referring to.

Councilmember Driggs said I would just say I respect the opinion of the Zoning Committee. It felt to me as if the petitioner actually did offer some pretty good responses to the concerns, and so I find myself on the side of the staff on this one. Thank you.

Mayor Pro Tem Winston said thank you. I'll make a comment real quick, because I think this came up last month. I don't totally understand the Zoning Committee's desire to see this not happen. It's currently zoned under a district that housing is able to be built here. So, this rezoning allows for a mix of uses at it. So, we're not necessarily preventing housing from being built there, which is a by-right option, and I believe that this is actually very close in walking distance to a very well-marked, lit and signaled intersection, so that residents or visitors can walk across the street to access many, many different services and amenities that are right literally across the street from this. So, while somebody might find living here less than desirable, it is an already allowed use. So, I don't see why we would deny an improvement to, again, add not just housing, but other jobs and goods and services that would be on this site with this rezoning. So, I'll be voting in favor.

Councilmember Watlington said I just wanted to know, what is the status of the Community Area Plan that covers this spot?

Mayor Pro Tem Winston said I think all their Community Area Plans are being done.

Mr. Driggs said they've been superseded by the Policy Map.

Ms. Watlington said I'm talking about the Community Area Planning process that we're doing for each one of these. There's the southwest.

Unknown said oh, the 14 regions.

Ms. Watlington said yes. The reason I ask is because looking at this and considering the proximity to the quarry, it would be reasonable, in my opinion, that we would change these residential lots as part of that planning process. So, that's why I'm asking, where are we in the planning process for this particular region within our City, because if there's an opportunity to go through and update it in a way that reflects what we believe is desirable here, then I would rather we execute that work, so that the policy would line up with the intention.

Liz Babson, Assistant City Manager said so, I will need to get back to you on those details, but I believe we are starting the second phase of that engagement process in January 2024, and it's likely going to take about 18 months to get through that entire process, where you would start to see changes as a result of that. Dave, do you know anything?

David Pettine, Planning, Design & Development said yes, this particular area, I'm not sure what some of the timelines are. They still have some other meetings to get through, through this fall, and then they will be back out with the community on some of those projects into early next year, but I don't know where this one falls. I'm trying to find some of the schedule. This is, I believe, on the west middle part of the areas that they're doing out of those 14, but I don't have the calendar for that batch right in front of me.

Ms. Watlington said gotcha. Okay, thank you.

Mr. Graham said I'm going to reiterate the points that the Mayor Pro Tem gave. I think he was very accurate in his assessment. It's my assessment as well, and I went to the site several times, and so I'm very comfortable with it. There's been no opposition to speak of from the neighborhoods in close proximity. The quarry is a distance away on the other side, and so I hope that we would approve it, as this has been lingering for months now.

Mayor Pro Tem Winston said any further questions or comments from the Council?

Councilmember Johnson said and this is just as a policy. Can we start getting maybe something, a recommendation or in writing, so we have the minutes or a summary from the Zoning Committee when they deny something outright?

Mr. Pettine said you have the Zoning Committee report.

Ms. Johnson said the report's in here? Okay. Also, do we have anything from the county from an environmental perspective? Are there environmental concerns being that close to a quarry?

Mr. Pettine said they shared some concerns about just general air quality, that they don't have an ability to regulate that beyond what they've already got in place, and I think, let me go back and see if there's anything else outside of that. Yes, they had some concerns of just about, like I said, general air quality. There was a groundwater comment provided, but again, that's only if they're proposing well and septic systems. This would be tied into public utilities, so that's more of an advisory comment. They did talk about the truck traffic from the quarry itself may produce some dust and noise, and they don't have any ability to mitigate noise and truck traffic or deny any new air quality permits if they choose to expand that facility, if the ordinance requirements are met. So, just more of an advisory note, that if they do expand or do continue to operate, they're only limited to what they can regulate as far as noise and air pollution and truck traffic.

Ms. Johnson said thank you.

Mayor Pro Tem Winston said would also point out, I believe the Zoning Committee meetings are streamed online, and therefore, able to be accessed on video, any time after that meeting concludes.

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

YEAS: Councilmembers Anderson, Bokhari, Driggs, Graham, Mayfield, Mitchell, Molina, and Winston

NAYS: Councilmembers Johnson and Watlington

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 397-398.

HEARINGS

ITEM NO. 29: HEARING ON PETITION NO. 2023-067 BY CHILDRESS KLEIN PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.28 ACRES LOCATED ON THE EAST SIDE OF APEX DRIVE AND NORTH SIDE OF COLTSGATE ROAD, WEST OF CAMERON VALLEY PARKWAY FROM MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) AND N1-A (NEIGHBORHOOD 1 - A) TO RAC(CD) (REGIONAL ACTIVITY CENTER, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2023-067, that's 2.28 acres on Coltsgate and Apex over in the South Park area. It's currently zoned neighborhood 1-A, and MUDD-O. Proposed zoning is to take both of those parcels to RAC, Regional Activity Center, with Conditions. Adopted Place Type is for Regional Activity Center. So, this petition would be consistent. The proposal is for up to 425 multi-family residential units, along with accessory uses allowed in that Regional Activity Center district. Maximum height would be 250 feet. Also, it provides stormwater notes related to water quality treatment and volume and peak control, and also it commits to an eight-foot planting strip and eight-foot sidewalk along Coltsgate Road. Staff does recommend approval of this petition. Just have some outstanding items related to transportation and some technical revisions to clean up. As mentioned, it is consistent with the 2040 Policy Map recommendation for regional activity center. So, we will take any questions that you may have following Mr. MacVean's presentation. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean with Moore & Van Allen. Bridget Grant of our firm and I are assisting Childress Klein Properties with this petition. As Dave has mentioned, the site's located in South Park, just slightly over 2 acres. It's actually the second phase of the Apex development. A portion of the site that was zoned MUDD was rezoned as part of Apex, and was approved for 200 residential units and some ground floor retail. This petition adds another three quarters of an acre, based on the adjacent parcel, to increase the size of the site, and as Dave mentioned, allows a new residential community with just over 400 units consistent with the area plan. We will be working with Dave to address the remaining site plan issues. With me tonight, representing the petitioner, is Kelly Dunbar and Fred Klein with Childress Klein Properties. We're happy to answer questions.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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ITEM NO. 31: HEARING ON PETITION NO. 2023-028 BY CHILDRESS KLEIN PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 48.21 ACRES LOCATED WEST OF QUAY ROAD, SOUTH OF MALLARD CREEK ROAD, AND NORTHEAST OF RIDGE ROAD FROM R-22MF(CD) (MULTI-FAMILY RESIDENTIAL- UP TO 22DUA, CONDITIONAL) AND C-2 FOR THE CITY OF CONCORD PORTION TO R-22MF(CD) SPA (MULTI-FAMILY RESIDENTIAL- UP TO 22DUA, CONDITIONAL, SITE PLAN AMENDMENT) AND R-22MF(CD) WITH 5-YEAR VESTED RIGHTS (MULTI-FAMILY RESIDENTIAL- UP TO 22DUA, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-028. It is for approximately 48 acres. This is a petition that is both in Charlotte and it's not reflected on the map, because we don't have the parcel boundary here, but there is a portion that does stretch over the county line into Concord. So, we're looking at both of those. It is currently zoned R-22 MF, conditional, and as we mentioned, C-2 for the City of Concord portion. The proposed zoning is to take both of those to R-22 MF, conditional, with the five-year vested rights. That is a bit of a five-year carryover. That R-22 piece in the Charlotte side was approved as part of the larger King's Grant Petition under 2021-028. So, the five-year vested rights would be somewhat conducive between both projects. The adopted Place Type is for Neighborhood 2. So, this petition, again, would be consistent with that.

Getting into the proposal, you can see we've got two different development areas, both A and B. This petition doesn't increase the entitled units from what was allowed under 2021-028, including reference to this portion in Concord. They did capture that in the notes for that initial petition, as well as any of the traffic impacts that were studied back when that petition was going through the process and ultimately approved. So, all of that is folded in. This is essentially just bringing them both under the same R-22 MF zoning. So, again, 700 multi-family units, which is what was entitled initially on that rezoning a couple years ago, limits the principle number of buildings to 24. Height was capped at 65 feet. Five percent of the units would be provided at 80 percent AMI for a minimum of 15 years. That's the affordable component that's built in. It does dedicate a minimum of 12 acres of open space to Mecklenburg County Park and Rec, that's part of the overall project, as well as, a trail network linking this multi-family portion to some of those adjacent uses would be a minimum of six-feet wide. There's buffering that's been provided. Also, it commits to working with Concord Mills to create a pedestrian access to the existing bus stop there, and architectural standards have been incorporated into the project along those facades on public road A and B.

As mentioned, staff does recommend approval of this petition, just some issues related to transportation and site and building design to be coordinated. It is consistent with the Policy Map recommendation. We will take any questions you may have following the petitioner's presentation. Thank you.

Jeff Brown, 100 North Tryon Street, Suite 4700 said thank you, Mayor Pro Tem and members of Council and Zoning Committee. They did a really great job of summarizing this particular petition. It is an opportunity to bring in the Concord piece into a unified development in a way that we think makes a lot more sense, and we appreciate the Council's efforts earlier this year in facilitating that along with Concord, which allows us to be able to have the Charlotte zoning applied to this piece. Happy to answer any questions. This was really contemplated back in December 2021, that we would bring this piece in. Again, we really appreciate working with staff on this. It's a little unique situation, and we thank Dave and his team for working with us on this.

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

ITEM NO. 32: HEARING ON PETITION NO. 2023-043 BY DRAKEFORD COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.01 ACRES LOCATED SOUTH OF ALLEGHANY STREET, WEST OF ASHLEY ROAD, AND NORTH OF BULLARD STREET. (COUNCIL DISTRICT 3 - WATLINGTON) CURRENT ZONING: UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND N2-B (NEIGHBORHOOD 2 - B) PROPOSED ZONING: UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND UR-2(CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-043. It's about 7 acres off Alleghany Street. It does get all the way down into Bullard Street as you go a little bit farther down Ashley Road. This petition is currently zoned N-2B. There is a UR-2 conditional, that was previously approved for some majority of this site. Proposed zoning is to do a site plan amendment to that UR-2 conditional, to incorporate a little bit more acreage and a few more units. So, the end zoning would still be UR-2, conditional, with that site plan amendment. The adopted Place Type, I do want to just spend a quick minute on this. It is recommended currently for Neighborhood 1; however, the entitlements are for a Neighborhood 2 project. This was adopted in a little bit of that in between phase of the new Policy Map being developed, and previous rezonings changing the old maps. It didn't necessarily get folded into this. So, essentially, this should be a Place Type of Neighborhood 2 on the map currently. So, that inconsistency, again, stems from it being approved kind of in that in between the old Policy Map and development of an adoption of the new one. So, just wanted to point that out.

This proposal is to really add just about a half acre to this site. If we get to the next slide there, you can see kind of down in that bottom corner, there's a small portion there in blue that's added acreage. That would result in additional 16 single-family attached dwelling units. So, that would bring our total up from 107 to 123 single-family attached dwelling units for this project. It does incorporate some conversion rights that they could take some of those single-family attached and transfer them into single-family detached. So, you would do that at a rate of 2:1. So, if you want to do a single-family detached, that means you take two attached units and create one single-family detached unit. So, building height continues to be limited to 50 feet, similar to what it was approved for under the previous rezoning. The architectural standards that were incorporated have been folded into this petition as well. It does commit to construction of an ADA (Americans with Disabilities Act) compliant bus pad along Ashley Road, and also commits to transportation improvements, including the extension of Haywood Avenue as a public street with eight-foot planting strip and eight-foot sidewalk. Also, improvement of Bullard Street with eight-foot planting strip and eight-foot sidewalk, and then implementation of a buffered bike lane, eight-foot planting strip and eight-foot sidewalk along Alleghany Street.

Staff does recommend approval of the petition. Do have some outstanding issues related to transportation and site and building design. As mentioned, it is inconsistent with the Policy Map, but again, this was approved for this UR-2, and so that Policy Map recommendation really should read as that Neighborhood 2. So, in some ways, it's consistent with what's been entitled. So, staff did not have any significant concerns with the request to just add this small half acre addition to the project. So, with that, we'll turn it over to Mr. Brown, and take any questions you may have following his presentation. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said Mayor Pro Tem, Council members, Collin Brown on behalf of the Drakeford Company. With me tonight is Mr. Bobby Drakeford and Matt Langston, the site designer. They did a great job with that overview. So, I can expedite our presentation. Really, just wanted to point out, when you look at this, this seems like a great big rezoning, but as Dave mentioned, the majority of the site is already entitled. It's got the UR-2 zoning. It's got 107 homes approved. We're adding in this little piece. There's been a lot that the Drakeford Company's had to deal with, with dealing with the right-of-way of Bullard Street and its impact. So, we're kind of

making up for that. So, just to do a side-by-side, here's the currently approved zoning plan, and this is the new zoning plan, very difficult to see the difference between the two. As Dave mentioned, we would be able to get some more housing on the site, 16 units. We continue to work with staff and the Urban Design Department on some layouts of the frontages of these units, and we expect we will have those resolved and get a revised plan submitted for the Zoning Committee's consideration. Happy to answer any questions.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2023-052 BY PROVIDENCE GROUP CAPITAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.447 ACRES LOCATED ON THE EAST SIDE OF WEST SUMMIT AVENUE, NORTH OF SOUTH MINT STREET, AND WEST OF WINONA STREET. (COUNCIL DISTRICT 3 - WATLINGTON) CURRENT ZONING: ML-2 (MANUFACTURING AND LOGISTICS-2) PROPOSED ZONING: TOD-UC (TRANSIT ORIENTED DEVELOPMENT-URBAN CENTER).

Mayor Pro Tem Winston declared the hearing open.

Joseph Mangum, Planning, Design & Development said this is Petition 2023-052. It is just shy of half an acre, located to the east side of West Summit Avenue, north of Mint Street and west of Winona Street. The current zoning is ML-2. Proposed zoning is TOD-UC. The 2040 Policy Map recommends the Regional Activity Center Place Type for the site. Petition is consistent with that Policy Map recommendation. Staff recommends approval. I'd be happy to take any questions after the petitioner's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of Zoning Committee. Keith MacVean with Moore & Van Allen, assisting Providence Group Capital with this rezoning petition. As Joe mentioned, just slightly less than a half acre, located on West Summit Avenue adjacent to a number of parcels already zoned TOD-CC, also a little more neighborhood just to our southwest. We have been in contact with Grayson Hawkins with the Wilmore Neighborhood, and they don't oppose this petition. They'd like the change from industrial to TOD Urban Center. As I mentioned, a lot of Urban Center zoning already around it, really moving in the direction for the South End Gold District that is envisioned by the 2040 Comp Plan as Joe mentioned, that looks for Regional Activity Center as being the right Place Type here, consistency again with that. The development of this site under that district implements that vision. We're happy to answer questions.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2023-054 BY SMITH CHELSI BJORKLUND HENDRIC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.79 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF SARDIS ROAD NORTH AND NOLLEY COURT, WEST OF MONROE ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N1-D (NEIGHBORHOOD 1-D).

Mayor Pro Tem Winston declared the hearing open.

Joseph Mangum, Planning, Design & Development said petition 2023-054 is approximately 0.79 acres, located at the southwestern corner of the intersection of

Sardis Road North and Nolley Court and just west of Monroe Road. Current zoning is N-1A. Proposed zoning is N-1D. The 2040 Policy Map recommends Neighborhood 1 Place Type for this site. Petition is consistent with the Neighborhood 1 Place Type recommendation. N-1D and N-1A allow the same exact permitted uses. N-1D would just do so on smaller lot sizes. Staff recommends approval of the petition. Be happy to answer any questions after the petitioner's presentation.

Chloe Helms, 1442 Sardis Road, North said thank you. I am representing my mother, who's also Chelsea Smith, and what we are requesting is a change from zoning Neighborhood 1-A to 1-D. So, currently this is the lot lines, and this is our requested vision for the lot split. Our plan is for three to five single-family homes. It allows them to face Nolley Court, which is conducive to the other new developments that have also happened on Nolley Court. I'm happy to answer any questions that may come up. Thank you.

Councilmember Mayfield said I do have a question for staff. So, we're just basically trying to split the lot up to put three small family? That's what the question is.

Mr. Mangum said so, N-1D would allow single-family. It will allow duplexes, triplexes. The distinction between N-1A and N-1D is just N-1D allows smaller lot sizes. It's a conventional petition.

Ms. Mayfield said right. When we say smaller lot sizes, what are we talking, like 0.11?

Mr. Mangum said 3,500 square feet.

Ms. Mayfield said okay.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2023-059 BY QUEEN CITY AIRSTREAM, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.85 ACRES LOCATED ON THE NORTHEAST SIDE OF WEST W.T. HARRIS BOULEVARD AND SOUTH SIDE OF HENDRY ROAD, NORTH OF LAKEVIEW ROAD FROM I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO ML-1 (MANUFACTURING AND LOGISTICS - 1).

Mayor Pro Tem Winston declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-059 is located on the northeast side of West W.T. Harris Boulevard, south of Hendry Road, north of Lakeview Road, and the site is approximately 6.85 acres and is currently undeveloped. The site is currently zoned I-1 (CD), Light Industrial, conditional. Proposed zoning is ML-1, Manufacturing and Logistics, a conventional district. The 2040 Policy Map recommends Manufacturing and Logistics Place Type. The ML-1 district is consistent with M&L Place Type. This is a conventional district, and there's not an associated site plan, and would permit any use allowed in the ML-1 district. Staff recommends approval of this petition. I'm happy to take any questions after Mr. Murray's presentation.

David Murray, 5950 Fairview Road said Mayor Pro Tem and Council, David Murray. I represent the petitioner, and I'm happy to answer any questions ya'll may have.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2023-061 BY COUCHELL/TSAHAKIS PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 35.03 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF EAST ARROWHEAD DRIVE, EAST SIDE OF NORTH TRYON STREET, AND SOUTH SIDE OF HEATHWAY DRIVE FROM ML-1 (MANUFACTURING AND LOGISTICS-1) AND ML-2 (MANUFACTURING AND LOGISTICS-2) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER), TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER), AND TOD-UC (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER).

Mayor Pro Tem Winston declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-061 is located on the north and south side of East Arrowhead Drive, east side of North Tryon Street, and south side of Heathway Drive. The site is approximately 35.03 acres and consists of several undeveloped parcels. The site is currently zoned ML-1 and ML-2, Manufacturing and Logistics 1 and 2. The proposed zoning is TOD-CC, which would be along this side of the property, TOD-NC, and the center portion of TOD-UC here. They are all conventional districts. The 2040 Policy Map recommends the Manufacturing and Logistics Place Types. The TOD district's are inconsistent with the M&L Place Type; however, the site is located within a half mile of the Tom Hunter LYNX Blue Line Station. The site is additionally supported by bus transit, and the TOD district would provide a gentle transition from adjacent single-family developments on the north to the existing Manufacturing and Logistics type uses to the south. This is a conventional rezoning petition. There's not an associated site plan, and would permit any uses allowed in the respective TOD districts. Approval of this petition would revise the recommended Place Type from M&L to Community Activity Center. Staff recommends approval of this petition. Happy to take any questions after Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you, Mayor Pro Tem, Council members. Collin Brown on behalf of the petitioner. Good overview by Maxx, because this is a conventional petition, and I don't have a great deal of detail to go through. I can say we did host a community meeting, and shared with the community, this is a family that has owned this property for many years. They're looking to the future of the property. There's not an immediate development plan. So, I can't say, okay, here's where we were going. They're just trying to figure out the future of the property. As Maxx mentioned, the current zoning calls for heavier industrial type uses. This is in close proximity to TOD. It would seem like a TOD use is a better fit. So, we're proposing that so they can plan going forward. Happy to answer any questions.

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

ITEM NO. 38: HEARING ON PETITION NO. 2023-063 BY BMPI-EM801 LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.998 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF EAST MOREHEAD STREET AND ROYAL COURT, WEST OF INTERSTATE 277, AND NORTH OF SOUTH MCDOWELL STREET FROM NC (NEIGHBORHOOD CENTER) TO UE (UPTOWN EDGE).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under an acre at the intersection of East Morehead and Royal Court. As you can see on the aerial image on that next slide, it has close proximity to the ongoing Pearl Redevelopment Project, as well as other projects in that area. The parcel's currently zoned NC, Neighborhood Center, and that's a reflection of the previous pedestrian overlay that was on this site, and the surrounding area. So, the B-1 zoning designation, previously on the site, to

June 1, 2023, because of that pedestrian overlay automatically translated to NC. They are requesting to go to UE, Uptown Edge. The application of the Uptown Edge district is intended for areas such as this, which transitions the high intensity environment of the uptown core into the less dense mixed-use areas along Morehead Street in the surrounding Dilworth neighborhood. The request for Uptown Edge is consistent with the Policy Map's recommendation for Regional Activity Center, and this is a conventional petition, so there is no associated site plan. Staff recommends approval of this petition given that it is consistent with the Policy Map. The district maintains high design and pedestrian standards for the UE district, and the UE district would entitle development at a comparable scale to the adjacent projects that are underway. I'll take any questions after the petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown again, on behalf of the petitioner, Beacon. Mike Carroll is with me tonight if you have questions, but Holly has given a great overview. She's exactly right. This is a conventional petition, so we don't have specific details to share. It is consistent with the 2040 Plan and consistent with other zoning and development we're seeing in the area. Happy to answer any questions.

Motion was made by Councilmember Anderson, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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ITEM NO. 39: HEARING ON PETITION NO. 2023-065 BY ATC PROPERTIES & MANAGEMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.89 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF STATESVILLE AVENUE AND SYLVANIA AVENUE, WEST OF NORTH GRAHAM STREET FROM ML-2 (MANUFACTURING AND LOGISTICS - 2) TO CAC-2 (COMMUNITY ACTIVITY CENTER - 2).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is a little under 4 acres, located just south of Camp North End, along the east side of Statesville Avenue. As you can see on the aerial image, most of that immediate area is houses, industrial uses, and there are several projects, such as Camp North End being the largest, that are converting those structures to activity center friendly projects that serve as a hub of activity in that changing community. The parcel is currently zoned Manufacturing and Logistics 2, and it is requesting CAC-2, Community Activity Center 2. I'll just note that this is part of the North Graham/North Tryon Street Corridor of Opportunity, and the Corridor's program aims to revitalize areas with a mix of uses that service those surrounding communities. So, this rezoning, that would shift it away from industrial uses, instead to a district that allows a number of uses that could be utilized by the neighbors and aligns with those goals of the Corridors of Opportunity.

The request for CAC-2 is consistent with the Policy Map recommendation for Community Activity Center, and this is a conventional petition, so there is no associated site plan. Staff recommends approval of this petition given the consistency with the Policy Map, and the redevelopment trends in the broader area that are shifting away from industrial uses and to entitlements that allow a range of commercial office and residential uses. I'll take any questions after the petitioner's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 said thank you, Mayor Pro Tem, members of Council. Good evening. Keith MacVean with Moore & Van Allen, Bridget Grant of our firm and I are assisting ATCO with this rezoning petition. With me tonight representing ATCO is Tommy Mann. Holly, I think, has covered this request completely or concisely, consistent with the area plan and recommendation of community activity center, also supports the vision for the Corridors of Opportunity by eliminating industrial

zoning and coming back with a more appropriate CAC-2 zoning, consistent with what Camp North End has been doing in the area. We're happy to answer questions.

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

Councilmember Mayfield said I did want to just say a thank you to Tim Hagler and a congratulations, because Charlotte was one of the cities chosen in partnership with Camino, which is doing a lot of outreach to our growing Latino community. My colleague, Councilmember Watlington, as well as representative Susan Rodriguez-McDowell, and our State Representative Diamond, were at an event yesterday at Concord Motor Speedway, hence, my el [inaudible] Latino, the future is Latin T-shirt on. So, I want to congratulate them, and look forward to hearing what Camino is doing in our community with building relationships in our religious community, because overwhelmingly, number one, the Latino community utilizes the religious institutions for assistance and guidance. So, look forward to seeing how we can partner with the City of Charlotte.

Mayor Pro Tem Winston said thank you very much.

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ADJOURNMENT

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

The meeting was adjourned at 7:02 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 1 Hour, 56 Minutes
Minutes completed: August 22, 2024