

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, April 21, 2025, at 5:08 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Danté Anderson presiding. Council members present were Dimple Ajmera, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, Marjorie Molina, and Victoria Watlington.

**ABSENT:** Mayor Vi Lyles, Councilmember James Mitchell

**ABSENT UNTIL NOTED:** Councilmember Tiawana Brown

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**Mayor Pro Tem Anderson** said welcome to the City Council Zoning Meeting for April 21, 2025. We will begin with introductions.

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### INVOCATION AND PLEDGE

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

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### EXPLANATION OF THE ZONING MEETING PROCESS

**Mayor Pro Tem Anderson** explained the Zoning Meeting rules and procedures.

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### INTRODUCTION OF THE ZONING COMMITTEE

**Councilmember Brown arrived at 5:12 p.m.**

**Andrew Blumenthal, Chairman of the Zoning Committee** said thank you very much, Mayor Pro Tem, and thank you Council. My name is Andrew Blumenthal, and I'm serving as the Chairman of the Zoning Committee of the Planning Commission. Please allow me to introduce my fellow committee members here this evening. We have Theresa McDonald, Erin Shaw and Shana Neeley. We have three other members that are following online this evening as well. The Zoning Committee will next meet on Tuesday, May 6, 2025, at 5:30 p.m. At that meeting, we will discuss and make recommendations on the petitions that have public hearings this evening. The public is welcome to attend that meeting; however, please note that it is not a continuation of any of the public hearings that are being held here tonight. Prior to that meeting, you are welcome to contact us to provide input. You can find all of our contact information, as well as the information on each petition, on the City's website at [charlotteplanning.org](http://charlotteplanning.org). Thank you, Mayor Pro Tem.

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### DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to defer: a decision on Item No. 3, Petition No. 2024-064 by JF Lawrence Properties, LLC to May 19, 2025; and a decision on Item No. 17, Petition No. 2024-137 by Wilkes Asset Management to May 19, 2025.

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## CONSENT AGENDA

**ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 14 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 Anderson** said please note that these petitions meet the following criteria. They have had no public opposition to the petition at the hearing, staff recommends approval, and the Zoning Committee recommends approval, and there are no changes after the Zoning Committee's recommendation. Are there any consent items Council would like to pull for question, comment, or a separate vote?

**Councilmember Molina** said I would like to pull Item No. 8 and Item No. 9 for comment.

Mayor Pro Tem Anderson said okay, thank you.

**Councilmember Mayfield** said I would like to pull Item No. 12.

Mayor Pro Tem Anderson said alright.

**Councilmember Brown** said I would like to pull Item No. 3, 4 and 10 for comment.

Mayor Pro Tem Anderson said okay, Item No. 3 has been deferred.

Ms. Brown said oh, okay.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 3, which was deferred, Item No. 4, Item No. 8, Item No. 9, Item No. 10, and Item No. 12, which were pulled for a separate vote.

The following items were approved:

**Item No. 5: Ordinance No. 955-Z, Petition No. 2024-106 by Drakeford Communities amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 5.83 acres located along the north side of Rocky River Road, west of Pickering Drive, south of Back Creek Drive from N1-A (Neighborhood 1-A) to N2-A(CD) (Neighborhood 2-A, Conditional).**

The Zoning Committee voted 7-0 (motion by Winiker, 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 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 site is adjacent to several recently developed multifamily attached products along Rocky River Road designated as the Neighborhood 2 Place Type. The site is within a half mile of goods and services to the east with an assemblage of Neighborhood Center properties at the intersection of Rocky River Road and WT Harris Boulevard. The subject property is within a housing gap according to the Equitable Growth Framework. This petition proposes up to 65 dwelling units. The petition includes a connection to the future Back Creek Greenway. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 019-020.

**Item No. 6: Ordinance No. 956-Z, Petition No. 2024-110 by Flournoy Development Group amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 51.78 acres located east of Claude Freeman Drive, north of Davide Taylor Drive, and west of Senator Royall Drive from O-1(CD) (Office, Conditional) and RE-3(O) (Research, Optional) to CAC-1(EX) (Community Activity Center-1, Exception).**

The Zoning Committee voted 7-0 (motion by Sealey, seconded by McDonald) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: EX petitions are a type of conditional rezoning that allow for flexibility in quantitative zoning and streetscape standards in exchange for the commitment to public benefits in at least two out of three categories: city improvements, public amenities, and sustainability measures. EX petitions should be reserved for situations where extenuating circumstances make meeting ordinance standards an undue burden. The public benefits proposed in support of this EX petition include dedicating two acres for open space to Mecklenburg County, construction of buildings to meet NGBS bronze standards, and a contribution of \$10,000 to Mecklenburg County Park & Recreation. Proposed public benefits in support of the requested EX provisions must exceed minimum requirements. The site has unique circumstances which include challenging topography, water quality buffers, wetlands, and established mature tree canopy. Access to housing is the highest priority need in this area according to the EGF Community Reports. The site is primarily surrounded by nonresidential developments and the immediate area has relatively little housing. The proposed plan would increase the number of housing types in the area. Access to essential amenities, goods and services is also a high priority in this area as the subject property is within Access to Essential Goods, Services & Amenities Gap. The petition may help address this need with the proposal of up to 7,500 square feet of commercial space and provisions for future non-residential uses on the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 021-022.

**Item No. 7: Ordinance No. 957-Z, Petition No. 2024-131 by Pulte Homes amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 35.26 acres located on the northwest and southeast side of Moores Chapel Road, south of Charlie Hipp Road, and north of I-85 from N1-A (Neighborhood 1-A) and ML-2 (Manufacturing and Logistics-2) to N1-E(CD) (Neighborhood 1-E, Conditional)**

The Zoning Committee voted 5-0 (motion by Shaw, 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 final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes a mix of single-family detached units and triplex units, which are building forms consistent with the N1 place type. The proposed triplex units will provide another housing option in area of mostly single-family detached dwellings. The petition commits to several transportation improvements, including the extension of Performance Road, which will ultimately connect to Whitewater Center Parkway. The majority of the dwelling units are accessed from public streets, with stubs provided for future extension to the northeast and southwest. The petition proposes to contribute \$40,000 to Mecklenburg County Park &

Recreation for future parks in the vicinity of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 023-024.

**Item No. 11: Ordinance No. 961-Z, Petition No. 2024-139 by True Foundation | True Homes amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 4.91 acres located on the east side of Beatties Ford Road, north of Cindy Lane, and west of Cindy Woods Lane from CG (general Commercial) and N1-B (Neighborhood 1-B) to N1-E(CD) (Neighborhood 1-E, Conditional).**

The Zoning Committee voted 7-0 (motion by McDonald, seconded by Shaw) 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 final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate as the site is within an area designated by the 2040 Policy Map for the Neighborhood 1 Place Type and is consistent with the surrounding single-family character of the area. The plan includes provisions that the dwellings will be House Charlotte eligible, providing attainable housing. The site is within a quarter-mile of a commercial area providing access to medical office, retail, restaurant, and religious uses. The site is served by the number 7 and 13 CATS local buses providing service between Northlake Mall and the Charlotte Transit Center (CTC), as well as the McCrorey YMCA and the Sugar Creek Blue Line Station. The petition could facilitate the following 2040 Comprehensive Plan Goal: 3: Housing Access for All.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 031-032.

**Item No. 13: Ordinance No. 963-Z, Petition No. 2024-146 by Panthers Stadium, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 25.30 acres located east of West Morehead Street, north of South Mint Street, and west of South Graham Street from UC (Uptown Core) to UC(EX) (Uptown Core - Exception).**

The Zoning Committee voted 7-0 (motion by Stuart, 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 final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for the Regional Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Developments such as stadiums and their associated facilities result in unique zoning scenarios that challenge typical ordinance regulations and prompt innovative solutions to contend with regulatory limitations. Exception (EX) conditional rezonings are a mechanism by which quantitative and some qualitative zoning and streetscape standards may be modified in exchange for the commitment to public benefits in at least two out of three categories: city improvements, public amenities, and sustainability measures. EX petitions should be reserved for situations where extenuating circumstances make meeting ordinance standards an undue burden. A stadium and its associated facilities have atypical site and building designs that do not adhere to the base standards of the UC zoning district. Consequently, this proposal requests EX provisions to modify standards such as blank wall areas and transparency levels. This petition would allow the site to be redeveloped and updated under a UDO zoning district to better utilize the property and enhance public use of a site that serves as an economic hub and community focal point. The petition commits to several public benefits in exchange for requested EX provisions. Publicly accessible open space that amounts to at least 25% or greater above ordinance requirements will be reserved across the site and adequately amenitized to function as public plazas and festival spaces. The petitioner also commits to provide two

pedestrian pathways, one between Morehead Street and Mint Street and one that is a continuation of a shared-use path from the practice facilities site which will extend from the existing tunnel under the railroad underpass to connect to Graham Street. These are vital connections that will enhance pedestrian functionality across the subject site while also providing mobility options to surrounding areas. Alternative pedestrian improvement public benefits may be provided if the petitioner is unable to construct the first priority pathways for reasons outside of their control. This site is located directly along the proposed LYNX Silver Line. Development of areas along what will be a major transit corridor will help to support the transit infrastructure while also providing a mechanism for the public to easily access a site that is in the densest part of the City. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 035-036.

**Item No. 14: Ordinance No. 964-Z, Petition No. 2024-147 by Cristina Septimio amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately y 2.11 acres located along the east side of North Graham Street, north of Kennedy Street, and south of Johnson Road from ML-2 (Manufacturing and Logistics-2) to IMU(CD) (Innovation Mixed-Use, Conditional).**

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for the Manufacturing & Logistics Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This portion of the North Graham corridor houses longstanding industrial uses among smaller areas of commercial activity. However, it is also part of the North Graham Street/North Tryon Street Corridor of Opportunity (NGNT). The NGNT is one of six identified corridors in the Corridors of Opportunity (COO) program which aims to revitalize areas with a mix of uses that provide critical resources and businesses to its neighbors, creating more prosperous and safe communities. This rezoning would allow the site's entitlements to be shifted away from only manufacturing and logistics uses to a more balanced mix of uses that could better align with the goals of the NGNT Corridor. This petition includes one condition to prohibit residential uses on the site. Given the surrounding industrial context and anticipated future uses in the immediately adjacent area, residential development would not be appropriate at this location. The Innovation Mixed-Use zoning district allows for a range of uses such as commercial, office, and artisan industrial development. This zoning district is intended to be applied at sites such as these that have housed industrial uses previously but are transitioning away to a broader array of uses. 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 Manufacturing & Logistics Place Type to the Innovation Mixed-Use Place Type for the site.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 037-038.

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**ITEM NO. 4: ORDINANCE NO. 954-Z, PETITION NO. 2024-073 BY CLT OPERATIONS HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.519 ACRES LOCATED ALONG THE NORTH SIDE OF ALLEGHANY STREET AND THE WEST SIDE OF ASHLEY ROAD, SOUTH OF LINDBERGH STREET FROM B-1(CD)ANDO (NEIGHBORHOOD BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY DISTRICT) TO CG(CD)ANDO (GENERAL COMMERCIAL, CONDITIONAL, AIRPORT NOISE OVERLAY DISTRICT).**

The Zoning Committee voted 7-0 (motion by Shaw, seconded by Stuart) 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 (2022) recommends the Commercial Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed rezoning is reasonable and in the public interest as the site is within an area designated by the 2040 Policy Map for the Commercial Place Type. The site is currently zoned B-1(CD) (Neighborhood Business, conditional) and is entitled to develop with neighborhood retail uses, commercial, office, and personal service uses. Drive-through establishment uses are permitted under prescribed conditions in the CG district. The proposed site plan and conditional notes meet the prescribed conditions and further limit the allowed uses while providing design standards above and beyond those laid out in the Unified Development Ordinance to better mitigate the impacts of the proposed uses on adjacent properties. The site is abutting a 4+ lane avenue and a 2+ lane avenue and is a short drive from a 6+ lane boulevard with access to I-85. The Commercial Place Type calls for standalone retail and restaurant uses located on high-volume arterial streets and near interstate interchanges and is intended, generally, for auto-oriented developments while also accommodating other travel modes. The site plan proposes streetscape and pedestrian access improvements such as eight-foot sidewalks along Alleghany Street and Ashley Road. The site is located along the route of the number 2, 30, 34, and 235 CATS local buses providing access to the Charlotte Transportation Center (CTC), SouthPark Community CTC, Goodwill Campus, West Boulevard Library, and the Lynx Blue Line among other destinations. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Brown, and seconded by Councilmember Ajmera 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 (2022) recommends the Commercial Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed rezoning is reasonable and in the public interest as the site is within an area designated by the 2040 Policy Map for the Commercial Place Type. The site is currently zoned B-1(CD) (Neighborhood Business, conditional) and is entitled to develop with neighborhood retail uses, commercial, office, and personal service uses. Drive-through establishment uses are permitted under prescribed conditions in the CG district. The proposed site plan and conditional notes meet the prescribed conditions and further limit the allowed uses while providing design standards above and beyond those laid out in the Unified Development Ordinance to better mitigate the impacts of the proposed uses on adjacent properties. The site is abutting a 4+ lane avenue and a 2+ lane avenue and is a short drive from a 6+ lane boulevard with access to I-85. The Commercial Place Type calls for standalone retail and restaurant uses located on high-volume arterial streets and near interstate interchanges and is intended, generally, for auto-oriented developments while also accommodating other travel modes. The site plan proposes streetscape and pedestrian access improvements such as eight-foot sidewalks along Alleghany Street and Ashley Road. The site is located along the route of the number 2, 30, 34, and 235 CATS local buses providing access to the Charlotte Transportation Center (CTC), SouthPark Community CTC, Goodwill Campus, West Boulevard Library, and the Lynx Blue Line among other destinations. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

**Councilmember Brown** said so this Petition 2024-073, CLT Operations Holdings, LLC. Is Mr. Murray here? Okay, thank you so much. I greatly appreciate that. I've been speaking with Mr. Murray and the community extensively about this, and so we were able to work that out. We got a last minute email at the 11<sup>th</sup> hour, and I always like to

recognize when the constituents send something in at the last minute, letting them know that their voices do matter, even if it's at the very last moment. So, we did address that, and it was about the parking for the Zaxby's restaurant, which is going to go inside of the Food Lion parking lot. With zoning approving and staff approving, I support it as is, without any opposition from the community, except for the last minute email that we got in the 11<sup>th</sup> hour. We do recognize your concerns. We will be more than happy to speak with you and address those accordingly and appropriately, but I just wanted to acknowledge that they work hard with the community trying to engage in development and make sure that we push and move forward with this. So, thank you so much for reaching out to me, and I'm excited and happy to support it. It's going to bring jobs in the area where the students walk to school where they can get lunch. Also, I think community will benefit from this, because the jobs will probably be in the community. Most restaurant jobs, Manzana's, Zaxby's, Chick-fil-A, a lot of those students walk to work. A lot of those employees are employed early, at the age like 16, 17, 18, trying to work their way through school and get extra money. So, I'm excited to support this.

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

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 017-018.

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**ITEM NO. 8: ORDINANCE NO. 958-Z, PETITION NO. 2024-134 BY ST. CHARLES AVENUE LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.47 ACRES LOCATED ALONG THE EAST SIDE OF CASTLETON ROAD, NORTH OF NORTH SHARON AMITY ROAD, AND WEST OF CRAIG AVENUE FROM N1-A (NEIGHBORHOOD 1-A) TO N1-C (NEIGHBORHOOD 1-C).**

The Zoning Committee voted 5-0 (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 based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This portion of this Cotswold neighborhood has long been established with single family homes. Goods and services can be accessed by residents along the intersection of Monroe and Sharon Amity to the east and the intersection of Sharon Amity and Randolph to the West of the site with several transit stops found along North Sharon Amity Road, Monroe Road, and Randolph Road The proposed zoning represents a slight increase in intensity over the existing N1-A entitlements, creating a gradual transition between the lower-intensity N1-A and the higher-intensity multi-family zoning districts (R-12MF(CD) & UR-2(CD)) to the south and west of the site. This ensures a development pattern that prevents sharp zoning contrasts while maintaining the overall character of the neighborhood. The site of this proposed rezoning has N1-C entitlements very close to the site. The primary difference between N1-A (current zoning) and N1-C (proposed zoning) is in dimensional standards, such as lot size and lot width. The site is located near two Activity Centers along the intersection of Monroe and Sharon Amity to the east (about one mile) and the intersection of Sharon Amity and Randolph to the West of the site (about one mile) and near transit stops on North Sharon Amity Road, Monroe Road, and Randolph Road. Therefore, future residents will have convenient access to shopping, dining, and essential services without relying heavily on cars. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

Motion was made by Councilmember Molina, and seconded by Councilmember Graham 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 (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This portion of this Cotswold neighborhood has long been established with single family homes. Goods and services can be accessed by residents along the intersection of Monroe and Sharon Amity to the east and the intersection of Sharon Amity and Randolph to the West of the site with several transit stops found along North Sharon Amity Road, Monroe Road, and Randolph Road. The proposed zoning represents a slight increase in intensity over the existing N1-A entitlements, creating a gradual transition between the lower-intensity N1-A and the higher-intensity multi-family zoning districts (R-12MF(CD) & UR-2(CD)) to the south and west of the site. This ensures a development pattern that prevents sharp zoning contrasts while maintaining the overall character of the neighborhood. The site of this proposed rezoning has N1-C entitlements very close to the site. The primary difference between N1-A (current zoning) and N1-C (proposed zoning) is in dimensional standards, such as lot size and lot width. The site is located near two Activity Centers along the intersection of Monroe and Sharon Amity to the east (about one mile) and the intersection of Sharon Amity and Randolph to the West of the site (about one mile) and near transit stops on North Sharon Amity Road, Monroe Road, and Randolph Road. Therefore, future residents will have convenient access to shopping, dining, and essential services without relying heavily on cars. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

**Councilmember Molina** said so there was a reason that I pulled this. I sent an email to you all today to discuss what my concerns were, and I want to make sure that I explain this for those that are interested, because there's more than one petition on the agenda tonight for this type of zoning change. This is a Neighborhood-1A, which means that's a single-family house, for anyone who's interested, and based on the current UDO (Unified Development Ordinance) you could actually, on that Neighborhood-1 type, put a duplex or a triplex by itself. So, if you wanted to create some type of income earning potential on a single-family plot right now as is, under most conditions, based on the UDO, you can put a multi-family unit. When someone says that they would like to go from N-1A to N-1C, if certain conditions are met and you split, that's basically saying I'd like the potential to take an existing lot, split it in more than one, and then on those two units, if that is permissible, you could actually create double density. So, instead of there being one multi-family unit, you could actually now have two multi-family units potentially, based on the space that allotted. That is not the case in all situations. There are conditions that have to be met in order for that to be a reality, but I think as we make those types of decisions on an individual basis, the one thing that has to be intact is that we have to make sure that we've done our due diligence as leaders to reach out to the community, to at least at minimum, let them know that this is coming, inform them of what the potential changes could be to their neighborhood and their stake in this, and find out what their feedback is.

Actually, I'm going to sound like I'm repeating myself, but for Item No. 8, Petition No. 2024-134, the reason why I'm in support of it, besides the fact that it was unanimously approved by staff and the Zoning Committee, is that there was already a very similar petition approved on the street. So, I've been talking to the attorney representative that is representing both No. 8 and No. 9, to find out first what the feedback was directly from the community, which it appears to be favorable. There were about three people to attend the community meeting. In that community meeting, what they had were questions, from what I can tell, and really just more inquisitive, but it wasn't real opposition to what this opportunity presents. So, it's for that and for the precedent that was already set, which means that there was already a parcel that was approved and split, but into two single-family units. So, this is close to the Sharon Amity Corridor that's



already experiencing a lot of changes. It's actually happening pretty fast, where more petitions are coming into that area, because of the type of Corridor and the anticipated transit that's going to come adjacent to that Corridor.

So, I don't want to belabor a point, but I want to make sure that I'm clear in saying that for this particular petition there's already been a precedent set, in that we as a Council, made an approval for a very similar petition, where this one single-family lot that was larger in size was split into two single-family lots, and there are two single-family houses, and there was no opposition from the community in those changes. So, it appears, based on the feedback from the community and the homeowners that surround this area, that they were in favor of this change. So, I wanted to make sure I pulled that, I spoke clearly to it, so that the community could be aware of what is taking place, and ask the neighbors that are engaged to really pay attention when you see that sign with the yellow Z, and if you don't know what that means, please call one of us. Call anyone that you trust, ask questions. Zoning is not an easy thing to understand. It can be very complex, and for the average neighbor that's going to work every day, they've got their own things to be bothered with. When they see that yellow Z, they don't always understand that that means that someone has asked the Council for permission to do something close to your neighborhood. So, the best advice I can give to anybody when you see that Z, is to call the City and ask, I've seen a Z, it was on this street. Even if you've got to just describe it, it was on this street. We can look it up, we can figure it out, and we can try our best to tell you what it is, if it affects you, how we know so far where it affects you, so that we can kind of get your engagement and get your feedback as quickly as possible. So, thank you for that, Mayor Pro Tem, and that's all I have on that one.

**Councilmember Mayfield** said I definitely appreciate Ms. Molina's work on this. I do have a challenge, for the simple fact that we will be having another discussion later regarding splitting lots. I am also concerned with the potential of us continuing, because once we say yes that first time, then that sets a precedent regardless, but us continuing to counter our own language. Meaning we say that we want to protect and support aging in place, as well as neighborhood continuity. So, you have one of, honestly, the few communities left in the City that have brick homes, that have nice-sized lots, because people, if they have children or pets, they actually like playing outside, versus what we're seeing being built through the City that has literally five feet between the housing that's being built. Even though I could support the idea of a lot being split, based on neighborhood and community, I have a concern when the language is utilized that, well, we have a precedent set. Yes, it was done. Did we learn a lesson from that being done, regarding how that changed the look of community? Because if you've lived in Charlotte more than a decade, or if you're one of the handful of natives, I've been here since 1988, so I've seen a lot of changes myself with how communities are being built, how communities are being developed, and at the end of the day, it's our policy language that is opening the door for it to happen. I wish that our Manager was here, but I will be asking our representative later, regarding a referral to committee. Yet, for this project, as well as the next one, as well as a third one, that is going to be asking us to split a lot in a historical community, and in a neighborhood that is seeing transition, at the same time where we are also approving voluntary annexation and bringing hundreds of acres into our perimeter, I think it is a challenge to continue down that road just because someone else was able to do it, but I do respect all of the work that the district rep has done on this. Thank you.

**Councilmember Johnson** said thank you, Councilwoman Mayfield for requesting that referral. I would second that if needed. You're absolutely right. How do we address these policies? It's up to Council members. So, I wouldn't be supporting this petition, because it does set that precedent that we were so concerned about when those of us voted against the UDO. As a Council, we know that 117 people are moving here per day, but we still have to manage for our current residents and their quality of life. I failed to acknowledge a developer earlier on the Consent Agenda who's adding to the community in Petition No. 5 on our agenda, and I know we've already approved it, but I do want to acknowledge, this is the kind of development we want. He's contributing \$25,000 to the Back Creek HOA (Homeowner Association). He's providing a 12-foot-

wide multi-path. So, that's we want to see developers adding to the quality of life for our current residents, and we've got to be careful in approving petitions that displace our residents and reduce the quality of life. So, I hope that we can also see this in the committee, and really take a deep dive and take a look at how our policies are affecting individuals. I had a discussion with a petitioner earlier today, and we were talking about a petition, and we compared it to fear factor. Which is worse? Do you want to have this type of petition or this type of petition? Because this is what's allowed by-right. So, that's totally on us. So, I'm happy to see this go to committee, and I won't be supporting this one or No. 9 or the other one, because it's our responsibility to balance managing for the current situation, while leading for the future, but we still have to know that location does matter in our petitions, and we've got to be careful of the precedent that we're setting, So, thank you.

**Councilmember Driggs** said I think this whole conversation reflects the dilemma in which we find ourselves. So, we are attempting something incredibly difficult, which is basically to accommodate the growth we're seeing in our City, to pursue certain goals we have, like the creation of housing in order to slow down the rise and the cost of housing, and that means that we have to contend with disruption. The fact is, in my district, there have been developments that took place, and people didn't like the changes that were occurring around them. The question is not can we achieve what we want to do without any disturbance to anybody. The question is how do we minimize the disturbance that is created by the growth that we're experiencing? Now, maybe we haven't done everything we can yet. So, I don't disagree with the idea that we go back and we take another look, or we learn from this experience, and then we ask ourselves questions about our policies. The difficulty is that, on an ongoing basis, we have to be governed by the policy that's in place. So, I appreciate that, in my mind, Ms. Molina has done the right thing. She has looked at this in the context of our currently existing policies, and has found that it is consistent with the adopted goals of the Council. Now, it might be an occasion to then say, okay, but let's go back and think about whether those goals are right, but this is a zoning night, this is not a policy night. So, we can identify needs that there are to revisit our policies on an occasion like this, but we can't make the policies on the fly and implement them in a haphazard fashion.

So, I just want to say, I'm in support of the petition and of the recommendation that we make a referral. My only concern is, I don't know if we are going to be able to pass it tonight, because three of our members are absent, one has departed, and two are not here. There are eight of us here. So, you can't lose more than two people, and I think we do not want the outcome where it fails, and then that sets in motion other things. So, I'm just going to say, I hope and wish that we could get this done, because I believe properly, we should do it tonight, and then we should also take up the issues that have been raised by my colleagues.

**Councilmember Brown** said so I've definitely taken into consideration what my colleague Councilwoman Mayfield and Councilwoman Johnson have said. It means a lot, and also Councilman Driggs. We work so hard. We have so much that we're responsible for. So, the dais is an opportunity for the colleagues to express how they feel, and to address it accordingly and appropriately. So, if it's at the dais, if it's upstairs, if it's in 267, wherever it's at, it needs to be addressed. So, I support them addressing it in this atmosphere and on record publically. With that being said, because I respect my colleagues, and there is no I in team, and Councilmember Molina has worked really hard with her due diligence, and she spoke doing the work in District Five, is who and what she represents, I will support her, because I feel in my heart that she went out and she did do the due diligence in this particular petition. I spend a lot of time with my constituents, and I care about my constituents deeply, when they call on me to show up, so much that they've labeled me as their superhero. So, I understand how it is when you go out and you fight hard to work on something. So, I would have to just support it in that aspect, because she has done the work.

**Councilmember Graham** said and I'll be short. I think Councilwoman Brown and Councilmember Driggs really kind of summed it up. I mean, we've got two issues on the table, but really one, whether or not we approve it or we don't by existing policy, and

done the work, the policy is in place. I think this is what we said we wanted to do. So, I think we should vote for it and then move on.

Ms. Mayfield said so I want to make sure that we understand. As this elected body, we have three choices, vote to approve, vote to deny, or we can move to defer. There's not a situation, nor do I want to support a precedent of, let's defer until we get more people so that we can ensure that this is approved. There's already a challenge in the idea of our language of Consent Item 13 to 75 can be approved in one motion. There was a time we did not have such language. There was a time, way back when in the olden days, six years ago, where actually the district rep would make a motion. What would be stated is, I will accept the motion for that rep to either make a motion to approve or deny versus I will accept a motion to approve X. Yes, there has been a lot of policy language that has been created, but we also say this is a living document. If it is a living document, that means as this baby continues to grow, we're going to make corrections to it. Kind of keep you, if you were that little toddler, keep you from putting that fork inside the socket and getting electrocuted. If we do not have the conversations, and if we do not recognize as an elected body what our responsibility is, and that we have the value of a yes vote, a no vote, or a recommendation to defer, then there's a challenge if there's an expectation that everything that comes before us should automatically be a yes, because we are seeing the impact in our neighborhoods based on policy language that may have been approved years ago. So, we have the opportunity to look at that language to see if that language still serves us, as a community, and serves us with the direction that the City is growing in.

We have a lot of development that's going on right now. We have a lot of multi-family that's happening. Some of it we are going to see come to a complete halt, to be perfectly honest, just looking at the financial constraints that are happening outside of us and what we're doing. Those of us that were around in 2008, 2009, 2010, 2011, we saw entire neighborhoods that ended up filing bankruptcy and came to a complete halt, and what that impact was. So, this isn't for me a, hey, we'll get to it later. How many items are we going to approve before we finally have the conversation? By that time, it's kind of like with an HOA, you say you only want 10 percent of renters in the community, but then the homeowners don't participate in the HOA discussion, and next thing you know, 45 percent of the community are renters, and unfortunately, they're not as engaged, so you can't get anything moved forward. We can't keep saying we'll do it later if we never get the chance to have the conversation. So, this isn't new. This is not the first time I brought it up. This is not the first time Councilmember Johnson's brought it up. This is not the first time any of us have said, hey, we need to look at this on the frontend, but here it is, we're in April 2025, we're looking at another decision. So, if not now, when do we exercise the ability of the vote that the people elected us to take, based on all the information that we can?

We've all got to make the decision that we think is the best decision based on the information that's provided. I want to make sure that the community doesn't have a misunderstanding that, just because you present it, it should automatically be a yes. We're doing our due diligence, but we also have to take into consideration that sometimes it's a no, because it might be something that would benefit later, but not necessarily right now in this particular instance. That's not saying I'm asking any of you to change your decision. I'm going to vote the way that I feel is the best representation, yet, I want to make sure that, because of the comment being made, well, let's not move forward, because we don't have enough people here. I don't want the community having this idea that, just because it's presented to us, we are an automatic yes. Our responsibility is to actually come up with a decision that we truly believe is the best decision for our entire community. The district reps, you're the ones that's on the ground day-to-day, but that does not mean that, as someone who's now serving in this seat as at-large, after serving in a district for eight years, that I should be an automatic yes. We still have to make sure that our vote is one that we are comfortable speaking about, whether it's tomorrow, two years from now, or six years from now.

Ms. Brown said so I second what, again, my predecessor, one being in the district for eight years, and my colleague, Councilmember Mayfield, has stated. Also, I bear the

responsibility of being the district rep with a lot of development going on in District Three, a lot of hard work, a lot of due diligence, showing up for community meetings, showing up for my constituents, showing up to meet with developers, answering my emails, doing all the stuff that I do. I would have to put some trust in my colleague to be able to move forward and do her due diligence. So, in this particular situation, the language that was developed, the UDO, the living documents, and things that were approved before I got in this seat. I'm in this seat now, but I do not, and don't ever want it on public record, to say that it's always going to be a yes for me or anybody in this seat. I do want people to understand that when we move forward as a team, as a collective body, that we're entrusting in our colleagues that took an oath, the same way we took an oath, to do their due diligence and to be able to move forward and represent, not just District 5, but the entire community, all 900,000, almost a million, folks that live in the City of Charlotte. So, I want to be able to support her in this particular manner for this particular petition, as she stated, as she moved forward with the information that she shared. So, thank you so much, Mayor Pro Tem.

**Mayor Pro Tem Anderson** said thank you for sharing that. I think we've had a robust discussion. I'm going to pass it back over to the District Representative, Ms. Molina. Before I do, I did want to say, just acknowledge as a Council member, that Councilmember Molina has done a tremendous amount of work and due diligence on this particular item, and the next one to follow. So, I know that we're having policies discussions and implications of policy, as it relates to directly this particular item on the agenda, but I just wanted to acknowledge the work that the district rep has done.

Ms. Molina said first, I want to tell you all I appreciate your comments, all of yours, and I appreciate your support. Councilmember Mayfield, I think I understand what your position is. I know you well. I was at your first oath of office. I was knee-high to a grasshopper, but I remember, and I've watched your evolution as a leader, and it has been something that I respect as a colleague. That's why I took the time to send you guys the information to tell you what all I've done, to make sure that I gave you the information incrementally as we went along. So, what I want to iterate here is that there are actually four, not one, but four petitions. So, I want you to think about this, and like Councilmember Driggs said, from a by-right perspective, on N-1A existing right now, if you wanted to create density, you could tear down the house and make a triplex. So, let's say we didn't allow them to put it in two, and put two single family's, they could literally, with an N-1A right now, make a triplex if they wanted to. So, instead of having two single-family's on smaller lots, you would actually then have a complete change in the neighborhood where you've got a single-family here and a triplex here and a single-family there.

So, I thought through all that, I promise. I thought about the actual character of the neighborhood. I thought about the feedback from the residents. I actually have the emails here that I'm happy to share with all of my colleagues, that I got today from both petitioners, that assured me that with this approval they're only going to do single-family. They are not going to do additional density on the two lots, they said single-family, and it would be absolutely in line with what's already being done in the neighborhood. So, there's not just one, there's four, that are already in this area on the street, because there's another one that we're going to talk about, where there was complete opposition by the community, and then that yes means something different if we set a precedent. In this case, the reason why I arrived, through a deductive reasoning process, is that there have already been multiple lots that have set a precedent across the street. So, I have no choice but to take that as a voluntary change by the community, because I haven't heard opposition yet. Now, again like I said, when I communicated to all of ya'll today, I have no way to take that, but no opposition, because I haven't yet heard from the community opposition. Once they give me that opposition, then I bring it back to ya'll, and I tell you like, hey, you know what? Or some of them show up, and they're like, look, we hate this. That makes it great for us, but when it's us going out to the neighbors to say, hey, how do you feel about this, collecting that information, then to some degree we're left at just the disposal of what we get as far as feedback is concerned. So, that is the reason why. I promise you it was a full deductive reasoning process to say, there's already four on the street, they've

already been made into smaller lots, and they're single-family, not density, as far as multi-level units. So, that's why I asked for you all's support.

I do realize, again, that we're going to talk about another petition that is much different than this one. I mean, I'm willing to defer. Let me make sure that I'm clear, because I even was telling Councilmember Johnson, we do need to have additional discussion after this, and I think we all can agree that at some point we have to put this in a policy discussion, so that a committee can make some recommendations to us about how we move forward, and we're learning. This is a brand-new document, we're undergoing a brand new process, and we're learning as we go. I think this one is a learning experience, and I think we've got another one on here that's going to be a learning experience, but I think it does tell us, as a body, that it is time for a hefty discussion around some of these changes. So, I don't disagree with that.

**Councilmember Watlington** said my question is for Alyson. I heard Councilmember Molina say that right now a triplex could be built on this lot by-right, was that correct?

**Alyson Craig, Assistant City Manager** said so, technically yes, but it depends on a lot of different things, if the lot is wide enough to actually fit a triplex, if it can manage where you park the cars, things like that. So, I mean, in theory, yes, but you have to look at each lot individually to be able to assess whether or not you could put a triplex on there.

Ms. Watlington said because that was going to be my question. If the lot is subdivided, even though today the plan is to put single-family, does that mean in the future by-right on the smaller lot, triplexes could then be built?

Ms. Craig said a triplex needs a pretty wide lot in order to be able to fit one on there. So, again, in theory, yes, but I mean a smaller lot actually makes it probably less likely.

Ms. Watlington said so, I think that answers my question, because I realize that, to your point, you have to meet lot dimension sizes, but moving to this next level density, does that make these smaller lots eligible within that category for triplexes?

Ms. Craig said I may lean on a Planning staff member to help me out, but I mean, you do have to have a much wider lot in order to fit essentially a triplex on that lot. So, subdividing it into smaller lots, in this kind of situation, probably actually makes that more challenging, but I don't remember the lot dimensions for that.

**David Pettine, Planning, Design & Development** said I mean, that's correct. Technically, it's a permitted use, but you have to meet all the lot dimension standards, setbacks, parking requirements. So, the smaller the lot, the more challenging that gets, but is it a permitted use in the N-1C District? Yes.

Ms. Watlington said but there's no way for me to know from this information whether or not these sizes would actually allow that?

Mr. Pettine said not unless they did a fit test, and provided us plans, and went into permitting with it, so.

Ms. Watlington said okay, thank you.

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

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

NAYS: Councilmembers Johnson, Mayfield, and Watlington

Mr. Driggs said so it carries.

Mayor Pro Tem Anderson said it does, it was approved.

Mr. Driggs said just to be clear.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 025-026.

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**ITEM NO. 9: ORDINANCE NO. 959-Z, PETITION NO. 2024-136 BY KEEN BUILDING COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.51 ACRES LOCATED ON THE WEST SIDE OF CRAIG AVENUE, EAST OF CASTLETON ROAD, AND NORTH OF NORTH SHARON AMITY ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N1-C (NEIGHBORHOOD 1-C).**

The Zoning Committee voted 5-0 (motion by Winiker, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This portion of this Cotswold neighborhood has long been established with single family homes. Goods and services can be accessed by residents along the intersection of Monroe and Sharon Amity to the east and the intersection of Sharon Amity and Randolph to the West of the site with several transit stops found along North Sharon Amity Road, Monroe Road, and Randolph Road. The proposed zoning represents a slight increase in intensity over the existing N1-A entitlements, creating a gradual transition between the lower-intensity N1-A and the higher-intensity multi-family zoning districts (R-12MF(CD) & UR-2(CD)) to the south and west of the site. This ensures a development pattern that prevents sharp zoning contrasts while maintaining the overall character of the neighborhood. The site of this proposed rezoning has N1-C entitlements very close to the site. The primary difference between N1-A (current zoning) and N1-C (proposed zoning) is in dimensional standards, such as lot size and lot width. The site is located near two Activity Centers along the intersection of Monroe and Sharon Amity to the east (about one mile) and the intersection of Sharon Amity and Randolph to the West of the site (about one mile) and near transit stops on North Sharon Amity Road, Monroe Road, and Randolph Road. Therefore, future residents will have convenient access to shopping, dining, and essential services without relying heavily on cars. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

Motion was made by Councilmember Molina, and seconded by Councilmember Anderson to approve this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This portion of this Cotswold neighborhood has long been established with single family homes. Goods and services can be accessed by residents along the intersection of Monroe and Sharon Amity to the east and the intersection of Sharon Amity and Randolph to the West of the site with several transit stops found along North Sharon Amity Road, Monroe Road, and Randolph Road. The proposed zoning represents a slight increase in intensity over the existing N1-A entitlements, creating a gradual transition between the lower-intensity N1-A and the higher-intensity multi-family zoning districts (R-12MF(CD) & UR-2(CD)) to the south and west of the site. This ensures a development pattern that prevents sharp zoning contrasts while maintaining the overall character of the neighborhood. The site of this proposed rezoning has N1-C entitlements very close to the site. The primary difference between N1-A (current zoning) and N1-C (proposed zoning) is in dimensional standards, such as lot size and lot width. The site is located near two Activity Centers along the intersection of Monroe and Sharon Amity to the east (about one mile) and the intersection of Sharon Amity and Randolph to the West of the site (about one mile) and near transit stops on North Sharon Amity Road, Monroe Road, and Randolph Road.

Therefore, future residents will have convenient access to shopping, dining, and essential services without relying heavily on cars. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

**Councilmember Molina** said to not belabor the point, Item No. 9 is literally on the same street as Item No. 8, and again, there are four parcels that are already on this street. Again, this is one of those that the precedent was set. In this particular petition, again, I spoke to the representatives, I spoke to everyone, and I was even told that the precedent was set before I even came on Council. So, to not belabor the point, it's the same exact thing, it's on the same exact street, and the same exact thing. So, that's it. Thank you, Mayor Pro Tem.

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

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

NAYS: Councilmembers Johnson, Mayfield, and Watlington

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 027-028.

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**ITEM NO. 10: ORDINANCE NO. 960-Z, PETITION NO. 2024-138 BY PEAK DEVELOPMENT AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.54 ACRES LOCATED ON THE NORTH SIDE OF SHOPTON ROAD WEST, EAST OF KIRKWYND COMMONS DRIVE AND WEST OF CORY-BRET LANE FROM N1-A (NEIGHBORHOOD 1-A) TO N1-D(CD) (NEIGHBORHOOD 1-D, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McDonald, 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 recommends Neighborhood 1 Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes duplex and/or single-family detached dwellings, building forms that are consistent with Neighborhood 1 Place Type. Though not required by ordinance, the petition commits to installing a 10-foot landscape area planted to Class C landscape yard standards. The petition preserves the rear of the site as a 100-foot green area and 100 feet undisturbed watershed buffer. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

Motion was made by Councilmember Brown, and seconded by Councilmember Graham to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes duplex and/or single-family detached dwellings, building forms that are consistent with Neighborhood 1 Place Type. Though not required by ordinance, the petition commits to installing a 10-foot landscape area planted to Class C landscape yard standards. The petition preserves the rear of the site as a 100-foot green area and 100 feet undisturbed watershed buffer. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

**Councilmember Brown** said I wanted to particularly speak on 2024-138 by Peak Development, because I have been working tremendously with this community that I live in, Berewick. Difficult decision with the community; however, we had the petitioners go out in the community, meet with the community, get letters of recommendation. I was on a zoom call. There's was a lot people, a lot, a lot of people, a lot of community members on the zoom meeting with Petition 2024-138. However, accepting the recommendation by the Zoning Committee and the staff committee, and also for the due diligence that was done by the petitioner, and the community came together. So, I'm happy to share that they were able to come to common ground and agreement to move forward with the petition, but it wasn't easy, and there's was a lot of leg work and foot work done on this to make this happen.

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

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 029-030.

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**ITEM NO. 12: ORDINANCE NO. 962-Z, PETITION NO. 2024-142 BY SAIT'S LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.50 ACRES LOCATED EAST OF NORTH TRYON STREET, ALONG THE SOUTH SIDE OF EAST ARROWHEAD DRIVE, AND NORTH OF NORTH HILLS CIRCLE FROM ML-1 (MANUFACTURING AND LOGISTICS-1) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

The Zoning Committee voted 7-0 (motion by Stuart, 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 the Manufacturing and Logistics Place Type for the subject parcel. 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: Although the proposed zoning conflicts with the 2040 Policy Map, recent rezoning in the surrounding area has designated neighboring parcels as Transit-Oriented Development (TOD). TOD-NC is well-suited for areas near transit corridors and is designed to support a mix of uses while promoting walkability and transit use. The site is less than one mile from the Tom Hunter LYNX Blue Line station. This proposed zoning aligns with UDO goals by allowing a mix of residential, commercial, and retail spaces while reducing car dependency. TOD-NC zoning incorporates urban design standards from the UDO that require active street frontages, building placement that engages pedestrians, and overall aesthetic improvements, making the area more attractive and functional. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhood, 4: Trail & Transit Oriented Development. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing and Logistics Place Type to Community Activity Center Place Type for the site.

Motion was made by Councilmember Johnson, 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 Manufacturing and Logistics Place Type for the subject parcel. 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: Although the proposed zoning conflicts with the 2040 Policy Map, recent rezoning in the surrounding area has designated neighboring parcels as Transit-Oriented Development (TOD). TOD-NC is well-suited for areas near transit corridors and is designed to support a mix of uses while promoting walkability and transit use. The site is less than one mile from the Tom Hunter LYNX Blue Line station. This proposed zoning aligns with UDO goals by allowing a mix of residential, commercial,



and retail spaces while reducing car dependency. TOD-NC zoning incorporates urban design standards from the UDO that require active street frontages, building placement that engages pedestrians, and overall aesthetic improvements, making the area more attractive and functional. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhood, 4: Trail & Transit Oriented Development. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing and Logistics Place Type to Community Activity Center Place Type for the site.

**Councilmember Mayfield** said so this request is to rezone Manufacturing and Logistics to Transit-Oriented Development, a TOD. Of course, as a conventional rezoning, there's no associated site plan. When we look at the actual map on this, adjacent right next door to this development is manufacturing, on the backside it's manufacturing, but TOD has been approved basically in the middle of an area that has manufacturing around it. We are having a challenge with loss of manufacturing land within the City. We have rezoned residential land for manufacturing. We have taken manufacturing land and rezoned it as the City continues to grow. I do have concern, with land that was identified Manufacturing and Logistics, environmental wise. What type of manufacturing and/or building was there for many years? The impact to the soil of that area. Us developing housing in these areas, without really knowing the impacts. Again, the language that we look at, when we look at Transit-Oriented Development, building potentially housing versus it clearly being conditional TOD where it's going to be for entertainment, whether it's a restaurant, retail, other things on this land, that is directly connected to manufacturing, and it's on the backside of manufacturing, not knowing what is that manufacturing.

You drive through the City now, you live in a neighborhood, and there's work going on, construction trucks start as early, in some cases, at 6:00 a.m., 7:00 a.m. in the morning. Depending on the type of business it is, the lights may be on, the trucks may be coming and going into late in the night. If the trucks are backing up and they're heavy-duty trucks, you're going to hear the automatic beeping to warn people as it's backing up. There's a concern for me regarding the loss of manufacturing land that is already zoned, and it already fits certain requirements to try to almost force housing to go in those areas, and the fact that we as a city, and [inaudible], to my understanding, staff is doing a real study on the environmental health impacts of residential areas that have been built on formerly Manufacturing and Logistics-related land and in proximity to. Thank you.

**Councilmember Johnson** said thank you, Councilmember Mayfield, for those comments. We spoke earlier, and I think you bring up some excellent points. This is another one of those policy issues that I would love to discuss or take a deeper dive in committee. Another thing I would like to see in our books, if we could, the County's comments instead of just saying, see advisory comments at rezoning.org. So, I appreciate your comments. I am going to be supporting this, but in the future, I think we need to work closer with the County and get that information, because you bring up an excellent point. We are losing manufacturing land. So, we really need to be strategic. One concern I shared with our City Manager and also Assistant City Manager, when I ask for my cumulative impact reports, to include by-right, that's not something that can be easily pulled, would you agree, Alyson?

**Alyson Craig, Assistant City Manager** said you can see what has been approved or what's in progress on the Development Near Me App. So, staff can pull that information, but sometimes it's easier to see it on a live map than a static map, just because things change daily, and sometimes it's a matter of scale of how large of an area. So, some of it is just actually putting it on a map that is challenging.

Ms. Johnson said because when I ask for a report, there seems to be some challenge in that. I think our staff should be able to pull a map of our current situation, like that. I would hope that they could, because then that tells me that the impact is being tracked, and that the growth is being tracked. So, we just have to really take a deeper dive in our

policies. Again, I'll be supporting this, but this is something I think we should take a look at as well in our referral. So, thank you.

**Councilmember Brown** said so once again, especially Councilmember Johnson, she is one of the Council members that completely her mindset aligns like mine, so I definitely will be supporting her without a question, without a shadow of a doubt, but I want to understand. Is it completely surrounded by TOD, in that there's no industrial around this area? Councilmember Johnson, is that correct? Maybe Alyson or Dave can answer this. Then, there's one ML (Manufacturing and Logistics) owner adjacent to it, and that owner's interested in doing TOD as well, is that my understanding? I'm just trying to get that addressed.

**David Pettine, Planning, Design & Development** said I'm not sure of the interest of other owners to make a zoning change. This particular piece is fully surrounded by TOD-NC, so this would be a similar zoning district than all the adjacent properties around it. The manufacturing uses that are on Arrowhead and on North Hills are smaller, like independent offices, that might have a manufacturing component. It looks like they might have some truck bays, but they're not large-scale manufacturing. The largest end user on North Hills Circle actually looks like a Navy and Marine Reserve Center. So, they're Industrially zoned. They're not the heaviest of industrial uses, and we do anticipate at some point they may transition, similar to this one, to a TOD District, but this particular piece is fully surrounded right now by TOD. So, this would make that whole block now TOD around it.

Ms. Brown said so, thank you so much for answering that, Dave, and addressing it to the best of your ability and your knowledge. With that being said, I would like to just go back to Councilmember Mayfield, because again, her knowledge, her veteran service here, does not go unnoticed, and I think we all have agreed at some point that there is some deeper dive that we need to do, but when are we going to do that? So, we keep putting it off, and then we have these conversations around the dais, and it never gets resolved. So, that is something for us to put at the forefront. We cannot be a people that serve the people, elected by the people, to continue to ignore the things that the people want us to get answers for. So, we really have to address those accordingly and appropriately. Again, with that being said, I'm going to support Councilmember Johnson, because I know for a fact that she does her due diligence in more than one way. So, I'm happy to stand with you, colleague, and to support you, but I also want not to not be put on public record to say that there's some concerns that we have that we need that are open, that are red flags, and they're not low-hanging fruit anymore. We need to address them accordingly and appropriately.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 033-034.

\* \* \* \* \*

## DECISIONS

**ITEM NO. 15: PETITION NO. 2024-116 BY FEVEN NEGASH AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.35 ACRES LOCATED ALONG THE WEST SIDE OF WHITE PLAINS ROAD, NORTH OF HIDDEN VALLEY ROAD, AND EAST OF WEST SUGAR CREEK ROAD FROM N1-B (NEIGHBORHOOD 1-B) TO N1-C (NEIGHBORHOOD 1-C).**

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This portion of the Hidden Valley neighborhood has long been established with single family homes. Goods and services can be accessed by residents along North Tryon Street and West Sugar Creek Road with frequent transit stops found along both corridors. The N1-B and N1-C zoning districts allow the same single family residential uses. The primary differences between the two Neighborhood 1 districts are limited to dimensional standards such as lot size or lot width. Minimum lot area in the N1-B district for example is 8,000 square feet whereas the N1-C district allows lots that are a minimum of 6,000 square feet. This petition would allow for slightly more flexibility in the dimensional standards for the site but will maintain the same single-family intent and allowed uses that currently exist under the N1-B zoning. A conditional plan was not necessary for this rezoning request given that the proposed district is only one classification above the existing zoning and the size of the rezoning area is less than half an acre, minimizing potential impacts to the neighborhood.

Motion was made by Councilmember Anderson, and seconded by Councilmember Johnson, to deny this petition: The primary zoning district in this area for this request is N-1B. Changing the minimum lot standards from N-1B to N-1C would be disruptive to the existing character and established lot pattern for the Hidden Valley neighborhood. There has been an absence of a spirit of collaboration with the neighborhood association, board members, and community members, and it is, therefore, not reasonable and in the public interest.

**Mayor Pro Tem Anderson** said this particular petition has been before us in a hearing and was deferred last month. I have spent a great deal of time with this particular petitioner to encourage them to work with the community, and to enter conversations and debate with community members in a spirit of collaboration. So, there are a couple of things going on here. One is, we make decisions here, as you've heard this evening. We've had great debate and really great dialogue. I greatly appreciate the conversations we're having this evening. We all, as district reps and also as at-large members, encourage petitioners and developers, and in particular when there are contentious decisions, and every party is not coming to the table in agreement. We all encourage a spirit of collaboration, and in this particular petition, there's just been an absence of a spirit of collaboration with the neighborhood association, board members, and community members. Some of them are here. I'm looking right at them. Hello, Ms. Parker. So, there's just been an absence of that. Although, I have encouraged that over and over and over again. There's just been an absence of that activity. Also, as it relates to the primary zoning district in this particular area on the request is, it is N-1B. Changing the minimum lot standards from N-1B to N-1C would be disruptive, in my belief, to the existing character and the established lot pattern of our historical neighborhood of Hidden Valley. It's with those two points that I have been working with the petitioner for a couple of months, and not really making great traction, any traction really, I make the motion to deny this particular petition. I would also like to say, in full transparency, that the petitioner's fully aware of this, and has not indicated any desire to withdraw or defer the petition.

**Councilmember Ajmera** said in this rezoning petition, I saw how community of Hidden Valley came together and advocated for preservation of their neighborhood character. I think that's powerful, where neighbors come together to speak up, to preserve the neighborhood's character. I appreciate Ms. Parker and Ms. Henderson's effort and advocacy and really bringing the neighbors together in this. I think you sent a very clear message to the petitioner that what you are looking for and what they had proposed is not in alignment, and sometimes we do have to do that. So, I'll be supporting Ms.

Anderson in this rezoning petition in denying it, and really letting community know that there are times you don't actually see a lot of denials, because when petitioner knows that there is not enough support, they'll withdraw it. Well, in this case, the petitioner did not want to withdraw it. So, we only have one option, which is to deny, so I'll be supporting that. That's all I have, thank you.

**Councilmember Brown** said it's an honor and a privilege to stand with Mayor Pro Tem to deny this petition. I was denying it anyway, but let me go on record and say that, because Hidden Valley is one of those historic communities that we do want to preserve. So, Ms. Parker, Ms. Henderson, and all of the Hidden Valley community are strong in their advocacy. They're fair as well. There have been times where they've come and they did not do any opposition for petitions that have been brought forward, but this one they stood on solid ground in solidarity together, and they made the most sense. It was fair and impartial, and the Hidden Valley community is a community that I love to see. It's just one of those communities that deserves to be preserved. It deserves to be nurtured and loved. It's longstanding in our City, and it gives me complete joy that our Mayor Pro Tem, which is also the district rep, made a decision to deny with all the facts in front of her. So, once again, if I was in this [inaudible], it was going to be an N O for me!!

**Councilmember Molina** said definitely, before I say anything else, I also will be agreeing with the Mayor Pro Tem to deny this petition. What I've been telling my colleagues for most of the night is I'm really happy that we had the discussion concurrently about the petitions in District Five as a prerequisite to this conversation. I don't want to belabor a point, but I want you to understand that there is an existing neighborhood, and think about a neighborhood. I mean, from a traditional perspective, no matter who lives there, your neighbors are the humans that you live beside. In most cases, your kids go to school together. You might even go to church together, and do a number of different things. You commune. I mean, it's community. It's your neighborhood. It's literally the components of what will make up your life. So, when we seek to buy a home and make that permanent decision, we want to make it in a place that we feel all of those things concurrently. When you have a situation where there's like disruption in the middle of it, and you've got the community saying, collectively, that they are just against this, and there's no middle ground. There's really not a way to see it from the community's perspective. Let me be clear, the idea, the reason that Items 8 and 9 were recommended by me, is because there was already a precedent in the neighborhood. So, once we say yes to one petition, it begins what would be understood as a precedent in that neighborhood, which would not prohibit anybody else from coming into that neighborhood, and then doing the same thing, because the Council has then allowed for it to happen on a parcel. So, with there being so much opposition from the community, in this particular case, where if we were to say yes, there is a precedent then set where someone else could do the same thing. To be clear, N-1B is still a neighborhood single-family home, but to take it to N-1C, and certain standards have to be met, this isn't blanketed, it depends on the parcel, and like the Assistant City Manager said, parking standards, size of the lot, a number of different things are taken into account, but once we've approved it, from a land use perspective, then if it meets those standards, it doesn't have to come back to Council. They can go directly through the permitting process without any type of prohibition, even if you don't agree with it.

So, like I said, zoning is something that is hard for our neighbors. It's hard for us, and we are tasked with making these decisions and working with City leaders that have been trained through education to do this on a day in and day out basis, to understand it for decision making purposes. So, it's tough. That's why I want to iterate to all community members, every community, they're not in a position where they advocate like the Hidden Valley community did, where they came to us with that information to say, look, we understand, we've done the due diligence, we know what this means. There are plenty of community members who don't, and I beg you guys, if you see a Z, and you don't know what's going on, call your representative and ask them what's going on, so that we can explain it to you and bring you into the fold and into that process, so that you can also make your voices heard, so that we can have these types of policy discussions among ourselves. This is what pushes us into the policy discussion phase.

It says we see things happening across the City. So, from across the City perspective, we now need to have a policy discussion citywide to say, we see this happening and we need to mitigate it from a policy perspective. So, that's all I'll say. I absolutely will be supporting the Mayor Pro Tem, and I will also be voting to deny this petition. Thank you, Mayor Pro Tem.

**Councilmember Johnson** said so just a couple things. I will also be supporting Mayor Pro Tem. This petition is an example of the reason I voted against the UDO, was to protect neighborhoods like Hidden Valley and the neighborhood character. This is a disruptive petition. I hope this is an example to developers. We realize that we're a growing city, but again, the collaborative spirit and working with the community is important, and also, I still think that location definitely matters, and we're showing that tonight. So, I'm very proud of the Council tonight that we are standing firm on this and protecting the community, an attempt for anti-displacement and anti-gentrification. So, one of the things you said was when residents see a Z, to call Council. Technology is so advanced. There are ways that we can be more transparent, and I've asked for QR (Quick Response) codes on those rezoning signs. I think that it should be very simple language, this is being sold or proposed to be redeveloped. So, we need to do better in being more transparent with the community, but I look forward to supporting the Mayor Pro Tem. I did ask during our noon call, has the developer been advised in writing of the consequences of a denied petition?

**David Pettine, Planning, Design & Development** said yes.

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

**Councilmember Driggs** said so, this is a really unusual situation. I don't remember the last time we voted to deny something. The point I would like to make, though, is the staff recommended approval of this. The Zoning Committee was unanimous. So, we need to appreciate the big problem here was frankly the obstinacy of the petitioner. It's actually a little bit more of a process question than it is a verdict on the merits. I point that out only because the precedent that is established by this, has more to do with the way the petitioner went about it, than any judgment that we made about the merits. The staff recommendation and the Zoning Committee recommendation were based arguably on the merits, but we don't like a situation where there isn't a productive interaction between the petitioner and neighbors, and that therefore, the process through which we try to arrive at a conclusion that's acceptable to everybody, was frustrated. So, I will join the Pro Tem in saying no to this. I just want to be clear that I'm not sure that anything else like this that moves ahead more normally couldn't succeed. Thank you.

**Councilmember Mayfield** said thank you, Hidden Valley Neighborhood Association.

**Terrie Hagler-Gray, Senior Assistant City Attorney** said Mayor Pro Tem, I just wanted to make sure that you had your statement on the record.

Mayor Pro Tem Anderson said I read my statement. Do I need to read it again? City Clerk, did you capture my opening statement?

Ms. Hagler-Gray said the consistency or inconsistency statement?

**Billie Tynes, Deputy City Clerk** said if you can read it again for the record?

Mayor Pro Tem Anderson said sure.

Mr. Driggs said you have the modified statement?

Mayor Pro Tem Anderson said yes. So, the statement that I read was, the primary zoning district in this area for this request is N-1B. Changing the minimum lot standards from N-1B to N-1C would be disruptive to the existing character and established lot pattern for the Hidden Valley neighborhood. I also made a statement about the spirit of collaboration in working with the neighborhood associations.

Ms. Hagler-Gray said and therefore, not reasonable in the public interest?

Mr. Driggs said yes, formally, to deny you have to actually come up with a modified statement about reasonability, and so on.

Ms. Hagler-Gray said I think that's fine. If you could record that, therefore, it's not reasonable in the public interest, that captures it.

Mayor Pro Tem Anderson said yes, and is not reasonable in the public interest.

Ms. Hagler-Gray said okay.

Mayor Pro Tem Anderson said okay.

**Councilmember Watlington** said I just want to be clear, because I want to make sure for the record, my opposition to this petition is not about the process or the willingness of the petitioner to work with the community. I don't believe in the product itself as being the right thing for the neighborhood from a land use standpoint. So, I just wanted to be clear about my opposition and what's consistent with the previous two.

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

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**ITEM NO. 16: ORDINANCE NO. 965-Z, PETITION NO. 2024-125 BY TAY HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.47 ACRES LOCATED ON THE WEST SIDE OF SONOMA VALLEY DRIVE, EAST OF STONEYRIDGE DRIVE, AND NORTH OF MT HOLLY ROAD FROM MX-2 (INNOV) (MIXED-USE, INNOVATIVE), AND NS (NEIGHBORHOOD SERVICES) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Shaw, seconded by Neeley) 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 (2022) recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for the Neighborhood 2 (N-2) Place Type. The N-2 Place Type promotes a variety of housing types such attached multi-family dwellings as proposed by this conditional plan. The site is abutting other properties designated N-2 as well as the Community Activity Center (CAC) Place Type. The CAC Place Type calls for a variety of uses such as retail, restaurant, office, and multi-family residential. The site is served by transit, the number 18 CATS local bus providing service between Callabridge Commons/Riverbend shopping centers and the Rosa Parks Community Transportation Center.

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. Limits buildings to maximum of six dwelling units. A maximum of two six-unit buildings are permitted. A minimum of three four-unit (or fewer) building will be built.
2. Vinyl siding is prohibited as a primary building material.
3. All dwellings will include a porch/stoop a minimum of four feet in depth.

**David Pettine, Planning, Design & Development** said staff believes they are minor and do not warrant additional review by the Zoning Committee. Thank you.

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

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously 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 (2022) recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for the Neighborhood 2 (N-2) Place Type. The N-2 Place Type promotes a variety of housing types such attached multi-family dwellings as proposed by this conditional plan. The site is abutting other properties designated N-2 as well as the Community Activity Center (CAC) Place Type. The CAC Place Type calls for a variety of uses such as retail, restaurant, office, and multi-family residential. The site is served by transit, the number 18 CATS local bus providing service between Callabridge Commons/Riverbend shopping centers and the Rosa Parks Community Transportation Center as modified.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 039-040.

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HEARINGS

**ITEM NO. 18: HEARING ON PETITION NO. 2023-074 BY C INVESTMENTS 2, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 26 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD, NORTH SIDE OF COUNTRY LANE, AND SOUTH SIDE OF KUYKENDALL ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A (CD) (NEIGHBORHOOD 2-A, CONDITIONAL) AND N1-A (CD) (NEIGHBORHOOD 1-A, CONDITIONAL).**

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

**Maxx Oliver, Planning, Design & Development** said alright, Petition 2023-074 is an undeveloped site, approximately 26 acres, located on the east side of Providence Road, between Country Lane and Kuykendall Road, about a mile north of I-485. The site is currently zoned N-1A, Neighborhood-1. The proposed zoning is N-2A(CD), Neighborhood-2, Conditional, and N-1A(CD), Neighborhood-1, Conditional. The 2040 Policy Map recommends the Neighborhood-1 Place Type. The proposed zoning N-2A(CD) is inconsistent, and proposed zoning N-1A(CD) is consistent with the Policy Map. Approval of this petition would revise the Policy Map to Neighborhood-2 for the N-2A portion of the site. The proposal calls for the development of two noncontiguous development areas. Development Area A is the western parcel. Development Area B is the eastern parcel. Development Area A is 14 acres, proposes the Neighborhood-2, N-2A(CD) District, and proposes up to 220 multi-family attached dwelling units, up to 39 residential buildings with a maximum of six units per building, no more than 26-unit buildings. Development Area B is 12 acres, proposed zoning is N-1A(CD) and would allow for up to 55 single-family detached dwellings. Development Area A proposes the following site and building design standards. It shall construct a 12-foot multi-use path and eight-foot planting strip along Providence Road, and an eight-foot sidewalk and eight-foot planting strip along Country Lane and Kuykendall Road along the site’s frontages. Structures will be at a maximum 48 feet in height, with a maximum height limited to 45 feet for those buildings along the eastern property boundary in Development Area A, adjacent to this existing Neighborhood-1 Zoning and Place Type.

They’ll include preferred building materials, minimum pitched roofs, usable porches and stoops. Corner facades will have additional architectural treatment. All units will include

a two-car garage. A minimum of 25 visitor spaces will be provided on site, in addition to on-street parking proposed on the new public streets throughout the site. Street trees will be provided along alleyways. A minimum of 20-foot side setback and a 10-foot Class C buffer will be provided along this eastern property boundary adjacent to the Neighborhood-1 Place Type. Development Area B proposes up to 55 single-family detached dwelling units. The development of duplexes, triplexes, quadraplexes, or multi-family dwellings are prohibited in that area. Transportation improvements are proposed including dedication of additional right-of-way along Providence, Kuykendall and Country Lane. ADA (Americans with Disabilities Act) compliant bus stop will be provided at the corner of Providence Road and Kuykendall Road. Two new public streets with on-street parking will be constructed internal to Development Area A. Intersection improvements will include, at Kuykendall and Providence, and Country Lane and Providence, as well as the new intersection, will include turn lanes, additional upgrades to crossings, and a right-in/right-out at the new public street.

Staff does not recommend approval of this petition in current form, as enhanced care should be taken to thoughtfully lay out design and amenitized open spaces to match the character of the surrounding area. Additional open space should be provided throughout Development Area A, allowing dwellings direct access to amenities. The number of six-unit buildings on site should be reduced. Duplex, triplex, and quadraplex buildings should make a larger proportion of the buildings, and commitments should be made to prohibit certain building materials to ensure harmony with the character of the area. Happy to take any questions following the petitioner's presentation.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said thank you. Mayor Pro Tem, Council members, Zoning Committee members, Collin Brown on behalf of the petitioner. If we could have our presentation? Thanks, Maxx, for the overview as our slides are coming up. As you've heard, this petition is on Providence Road. Pretty interesting, especially in the context of some of the conversations tonight. I'll try to make some parallels and some distinctions, based on the conversations you've had, but this is a fairly large tract of land on Providence Road in South Charlotte where, as you all know, there's great demand for housing. There's kind of a 30,000-foot view south of the arboretum, but north of 485, the site right across from Charlotte Latin School. So, across the street, there's kind of a major campus, which is interesting land use type. North of the site is some multi-family, and then this site is made of very large single-family home lots. I mean, multi-acres, two and three-acre kind of estate lots, when this was very much a country lane, that is the name of the street. Obviously, we've seen tremendous growth in South Charlotte. Up and down the corridor is a very desirable place to live, great amenities.

So, what has happened, this is pretty interesting. We started this petition with just the 14 acres, and I'll show you the petition we started with. Since, we have added the rear 12 acres. We're basically downzoning that from its zoning today, and I'll explain the context of that. So, again, when we started the process, we were just talking about the 14 acres on Providence Road. We were talking about multi-family. We talked about two phases of apartments on Providence Road. We started this process about two years ago and have had extensive meetings and conversations with the community, with Councilmember Driggs, and with some representatives from the neighborhood that you'll hear from. I know you hear this from us a lot, the challenge is we have this Neighborhood-1 Place Type, and it talks about creating middle density housing, but unfortunately Neighborhood-1 doesn't allow townhomes, as we've learned, and so I think one of the most frustrating things to the neighbors is, again, we started this as a reel into rezoning for a significant amount of apartment density. After two years of discussions with Councilmember Driggs and the neighborhood, we have decided to greatly, dramatically reduce the intensity, do townhomes on Providence, and single-family homes in the back. What's really frustrating, I think, to the neighbors is we've said, hey, but we've still got to have N-2 Zoning, because the UDO doesn't quite work for townhomes in N-1. If we could do these townhomes in N-1, we'd be happy to do it, but that is our challenge. Even though the N-1 Place Type says, hey, we expect this type of housing, our zoning ordinance, the way the rules are set up, you just can't build functional townhomes. So, we are now doing a Conditional Zoning on the front portion,



as Maxx has mentioned, a townhome planned here, that's what I've got on the screen. This is a look at that. I'll talk in detail about a couple things. Then, what we said was, we also controlled, the original zoning did not include 12 acres deeper into the site, and I think this is interesting. So, here are townhomes, and the other portion I'm going to show you is back here. As we've been talking about tonight, you guys have talked about the UDO and what it allows by-right. Well, by-right on this rear 12 acres, as Councilmember Molina pointed out, someone could come in and divide up these 12 acres and do duplexes and triplexes that would really be out of context deeper into this neighborhood further from Providence Road. So, what we said in discussion with the neighbors is, look, we do think we need more housing in this area, we need townhome density. If we concentrate the townhome density on Providence Road, we'll do a conditional plan. So, even though it's an N-2 Zoning, it's only townhomes. Then, on the rear of this property, and I don't know this has ever been done yet under our new UDO, where essentially, we've got N-1A, that's the lowest zoning there is in Charlotte. It allows duplexes and triplexes. We're essentially saying, we'll downzone that so that it will be single-family only. I think Councilmember Watlington asked a question earlier, there was a petition where the developer said, well, I'll only do single-family homes, but I want to point out, this is a conditional zoning. So, it is a zoning condition that if you approve this, on the rear 12 acres, these would be single-family only. So, we thought, if I put this up together, that tells a pretty good story. So, the front of the parcel, again, being townhomes, that's right on Providence Road corridor. This is an area where we need that housing, and effectively, we're going to downzone the rear of the site to build less units than we could build today. So, that is kind of the nature of this discussion. You guys have talked a little bit tonight too about having petitioners who are willing to have a conversation. So, incredibly interesting to me, the development team on this one said, look, we have 12 acres that aren't even in this rezoning, but if we're asking you all, we're going to ask the City Council to support townhomes up front, we'll bring in the rear parcel and downzone that. So, that's the context of what's happening.

I will say, one of the things we always talk about on the Providence Road corridor is traffic. We talk traffic, traffic, traffic. So, what we did when we started this rezoning, like I said, we were talking about over 500 units of multi-family apartments, and we did our traffic study based on 500 units of multi-family apartments. Now that we are no longer doing multi-family apartments, we are still abiding by the traffic study that planned for that many units. So, we're incorporating all the mitigations that were recommended for basically twice the number of units that we are now proposing.

Extensive outreach has taken place. I wish we had a bow on this, and we've had very productive conversations with the neighbors and some of their representatives. As you know, we kind of have a limit on when we can submit a site plan. We're in discussions with them. We started our initial outreach meeting in January of 2023. We filed our application in April of 2023, and again, at that time we were talking about 500 units of apartments. So, here we are talking about half that many units with townhomes along the Providence Road corridor, and this will be probably the lowest UDO zoning in Charlotte, because I don't know of any other district that's actually downzoned. So, I think for the rear, that will be low. It is smaller lots than what's out there now, but it will be more consistent with the surroundings.

We are still in conversations with some of the leadership from the neighborhood. They've indicated a few things to us. One, they'd like us to talk about building height. I'll point out, the building height that we're requesting is the same as in N-1A, so we're the same height as everyone around us. We are still looking at, can we agree to some lower building heights on some units. So, I'm optimistic that we may be able to kind of meet in the middle and provide a concession on that, which will be lower than is allowed today.

Something else, and Maxx mentioned staff's comments, are increasing the open space and integrating it. What we've done, if you can see the site plan here, we've really concentrated our open space and tree save area on Providence Road. That's a highly traveled corridor. We've got some good trees out there. So, our goal is to have our tree save there. We've got over an acre and a half of tree save area along Providence Road.

What we kind of heard from the neighborhood is hey, we want to make sure there's places for your residents to go and walk the dog and kind of not be coming back into our neighborhood. So, we do think with an acre and a half of tree save here along Providence Road, as Maxx mentioned, we'll be doing a multi-use path, and then we have some of our open space right here on the inside. So, I think that our effort going forward after this will be some continued conversation with the neighbors, and looking to integrate our active open spaces with this tree save area. So, that kind of comes like an acre and a half park along Providence Road, that's where people will go. They'll be buffered from Providence Road by the tree save area.

Next item that's come up is visitor parking. Each unit will have garages and parking. As Maxx mentioned, there are 25 spaces of off-street parking. The neighbors kind of challenged us and asked if we could take that to 50 parking spaces. We've looked at it, and we are building an internal network of streets that will have parallel parking. Our count, Matt Langston tells me, is that there will be 68 total spaces of off-street kind of parking that doesn't belong to the unit. So, hopeful that that addresses some of those concerns, so almost 70 spaces not belonging to units. There will be ample place to park on site, and they're not flowing into the neighborhood.

So, again, we'll continue conversations with the neighborhood on those items, and a revised plan that we'll get, and will come to the Zoning Committee in a week and a half or so. I'll pause there and let you hear from other speakers and be back for questions. Thank you.

**Matt Orlousky, 5038 Loma Linda Lane** said good evening, Honorable Mayor Pro Tem and City Council members. My name is Matt Orlousky. I'm representing the Kuykendall Coalition today. I'm joined by Michael Kidd, Steve Jegier, Matt Raubacher, also with the Kuykendall Coalition. We represent approximately 220 households in South Charlotte, including Country Colony, Providence Retreat, Providence Plantation, Berkeley, Raintree, and others. Our organization promotes activities and awareness of issues in the Providence corridor of South Charlotte. First, I'd like to sincerely thank Mayor Pro Tem Anderson and all the Council members for your service to our City. I especially want to thank Councilmember Driggs for his consistent attention to the concerns of South Charlotte residents and active participation with our Coalition.

I have to start by expressing our collective frustration with how the public hearing has unfolded today. This particular rezoning petition has dragged on for over two years, yet now culminates with what could be said is a last minute hearing scheduled on Easter Monday. Public hearing notices were received over spring break, providing minimal notice to affected residents. Many of our neighbors who would have liked to attend tonight are unable to do so, because of these scheduling challenges. This timing doesn't exactly feel coincidental, but rather somewhat of a tactical decision to minimize community opposition. The timing is particularly frustrating given the length of this process. Our community has participated in good faith throughout countless meetings, submitted comments, and engaged with both the developer and City staff repeatedly since December of 2022. To have the culmination of this process timed during a period when many families are traveling, feels a bit dismissive of community input.

We're also somewhat confused about the fundamental purpose of these negotiations. The property in question is currently listed for sale online in a listing on LoopNet. This listing is provided in your packets. It's listed as figure number one. The marketing on this site explicitly advertises this site as a fully entitled subdivision offering, positioned for townhome development along Providence Road that would allow for the development of up to 220 townhome units. This raises serious questions. Are we negotiating with a developer who intends to build or simply helping to increase property value for a quick sale? This process increasingly feels like we're unwitting participants in what might amount to a property flip by a petitioner who doesn't seem maybe forthcoming about their intentions. We had recently sent an email to the petitioner's attorney, specifically asking for clarification on this point. We are awaiting a response on that. A LoopNet listing indicates the current owner appears to have no intention of developing this property themselves. Unfortunately, that leaves a bit of a sour taste in

our mouths. C Investments 2 purchased this land fully aware it was zoned R-3, with deed restrictions further limiting density to one home per two acres. After a long legal battle with Country Colony residents, the owner filed for a rezoning to build a four-story apartment building with nearly 600 units on just 14 acres, a proposal so outlandish, we feel it was never intended to be built. The apartment plan is listed as figure two in your packets, you saw it already. This extreme initial proposal appears to have been simply a negotiating tactic to make the current high-density N-2 plan seem reasonable by comparison. It's a classic door in the face negotiation technique, start with an extreme request that will then be rejected, follow up then with a less extreme request that seems reasonable by comparison, even though it's still beyond what would normally be acceptable.

In our numerous meetings with City staff over the past two years, staffers repeatedly indicated N-2 zoning was neither recommended nor consistent with the areas planning vision. Even today, City Planning staff is not recommending approval of this plan in its current form. With the property now listed for sale online, it appears the petitioner has filed again in sort of a last minute attempt for this public hearing during spring break. The timing sort of suggests to us an attempt to limit community opposition, rather than a genuine desire to work with neighbors. I will point out, Mr. Brown is accurate in we have been discussions, and I do not want to misrepresent that.

One of our greatest concerns is the precedent this rezoning would set. If Council approves N-2 zoning in an area explicitly designated Neighborhood-1 by the 2040 Policy Map, then what stops the next developer from requesting the same treatment? We fear that approval of this petition would affectively nullify the Neighborhood-1 designation throughout our area, opening the door to widespread upzoning and dramatically changing the character of our community. The prehearing staff analysis specifically states, and I quote, "The approval of this petition will revise the recommended Place Type as specified in the 2040 Policy Map from the Neighborhood-1 Place Type to the Neighborhood-2 Place Type for Development area A," which you saw earlier. This is a major change and one our neighbors have made clear they disagree with from the comments they have made on the draft 2040 revised Policy Map. You can see that included as figure four in your packet. This is not merely about the rezoning petition in front of you today, but about whether Charlotte's planning framework carries any meaningful weight in guiding development decisions.

Beyond our procedural and policy concerns, there's specific issues with the proposed development that warrant rejection or significant modification. Number one, density. The proposed 220 townhomes on 14 acres. It represents a density far exceeding anything in the surrounding area. This would replace what has previously contained approximately seven single-family detached homes, a more than 30-fold increase in density. Secondly, open space. As previously noted, and as noted in the staff analysis, enhanced care should be taken to thoughtful layout, design, and amenitized open space areas to match the character of the surrounding Neighborhood-1 area. The current plan divides open space in such a way that it's effectively useless as an amenity. According to the City of Charlotte's own description of an N-2 Place Type, these developments, and I quote, "Typically include shared community amenities, such as open spaces or recreational facilities and common parking areas." The proposed plan falls short of this vision. Thirdly, tree save. Staff comments about the petition appear to have included some disturbed land in areas without trees in proposed tree save areas. This is still truly a country lane that this land sits on. Every possible tree should be preserved for the benefit of the community.

Despite these frustrations, I want to emphasize that our community would like to come to a point where we can endorse this rezoning petition. We come to the table with our minds open to suggestions, which is why we didn't print protest shirts or make signs tonight. We aren't here simply complaining about traffic or about schools. While we would prefer this project to be developed under N-1F zoning, the petitioner has made it clear he cannot financially make housing development under N-1F work financially. Understanding this constraint, we've been in communication with the petitioner's attorney, and are actively suggesting ideas that would make N-2A zoning more

palatable to our community. We're not asking for the impossible, just reasonable modifications that would help this development better respect the character of the surrounding community.

So, to recap, first, our neighborhood fully agrees with City Planning staff's assessment, that the proposed N-2A zoning is inconsistent with established planning for our area. Secondly, we remain committed to finding a workable solution, even though we believe this process has been somewhat manipulated from the beginning. We respectfully ask that you deny this petition in its current form and encourage a revised proposal that will fully satisfy City Planning staff's concerns, and satisfy neighborhood concerns, to make N-2 zoning more compatible with our neighborhood's character. Thank you very much for your time and consideration.

Mr. Brown said as I mentioned, we'll continue working with both the feedback we've received from the neighbors and staff and try to refile. I was amused, I think, Councilmember Johnson said fear factor earlier about the comparison of the by-right, and I hate to do it, but if our slides are up, I do want to show you the challenges that we're facing, and we've shared this with the neighbors, and I don't think [INAUDIBLE] in hearsay, so I don't think it was in an intimidating way, but essentially we have looked at this site, and by-right we think it could be developed with 257 of these townhome duplex homes across both portions of the site. What we're proposing we think it's a lot better. We think it's better for the development team and the community. That's what it would look like by-right, those could be duplexes and triplexes. Again, that's 257. Our proposal only has 280. It goes from 9.2 dwelling units per acre to 10, so a very slight increase. The benefits are we're providing all the transportation commitments that were based on 500 units. We're providing a site plan that I think is much more advantageous, and we're going to continue working. I guess I will quickly mention, I think the developer on the site is looking for a partner to build townhomes. We're now to the fine tuning of neighbors asking, "How tall will they be?" Well, part of having answers to that is knowing who's going to build the townhomes. So, a lot of that is to having conversations so that we can have more information about the exact architectural design to see if we can make some commitments to lower those building heights. So, happy to answer any questions you may have. We'll continue dialog with the neighbors and staff.

**Councilmember Driggs** said so this has been an interesting history I think to say the least. I believe I started hearing eight or 10 years ago that properties were being bought up with the idea of consolidation, and there was discussion in the neighborhood about what that might look like, and then finally it came into view with Mr. McCorkle. There was an initial proposal for 600 apartments, which I had the misfortune of hearing about at a community meeting attended by 150 people, and I can tell you it was a noisy occasion. At the same meeting, I was told, well, actually there's another possibility, and I'm going, well, what is it then? We're here, everybody's out there. What are we talking about? So, we did manage then to eliminate from the conversation the apartments, and I made it clear that the apartments would not get support from me.

So, I will comment, though, the staff has indicated they're not yet in support, and the conversation continues. I think we are close enough to warrant having this hearing tonight. I believe that we will hear, whenever the decision comes, that work has continued, changes have been made, and I'm hoping that those changes won't actually call for sending back. I think we can fix this. I have to say, I was a little surprised by the neighbor's comments, because the first half of your remarks sounded like a flat out rejection, and that is not the impression I got from talking to you. So, it's unhelpful. I appreciate that the second half of your remarks were more in line with my understanding, which is that we are working on this proposal to get to a place where the neighbors have been properly heard and have had a voice. I've said repeatedly that in my opinion, the N-2 designation is not the critical question, and does not create a presumption about approval of N-2's. It's a conditional plan, and basically what's at stake here is, will you allow this plan to occur, and what is the designation that supports this plan? So, I've tried in my conversations with the residents to talk in terms of the plan, and not the end or the number, because I disagree with the suggestion, there was a quote from the staff that says, "This will change the land use." That's a standard

language. That's an ordinary thing. Whenever we pass anything, the language says, "We thereby amend our plan so that this location is an N-2." It doesn't imply anything in terms of what can happen nearby. So, we're going to work, and it needs more work, we're not there yet, to get to a place where changes that need to be made have been made, and we reach a better accommodation with the residents. I'm very hopeful that we can resolve this, because it has been going on for a long time. We spent, in my mind, more time than we should have dealing with the apartments, before we could get down to the business of talking about a proposal that was a little more reasonable, like 280 units across these 20 something acres is in the context of the kind of things that are going on in Charlotte, not that far outside of the zone. So, I would recommend, colleagues, that we not kind of get into a lot of discussion about this tonight, because it's unfinished, and obviously ask your questions, but I'm just saying, there is more to come on this one. Thank you.

**Councilmember Ajmera** said well Mr. Driggs, bless your heart, because when I heard about apartments four years ago, I was like, let me send some prayers your way. Certainly, we've come a long way. I've been hearing about this for at least three to four years. This rezoning petition, I appreciate the work that's gone in to come to where we are today, but certainly, I think the neighbors made it very clear there is still more work that needs to be done. I looked at staff's recommendations. Staff has really taken very thoughtful approach in not recommending this, especially they are concerned about the density, the number of six-unit buildings on this site, they're recommending that to be reduced. Also, I didn't hear anything about commitments that are being made to ensure that there is harmony with the neighborhood's character. Could you comment on that, Mr. Brown?

Mr. Brown said well, again, I think almost half the site, 12 acres, is being downzoned to be single-family. I don't know that's ever been done under the UDO. I was surprised to have the development team suggest that. So, I think that there's a great deal being done that half the site, instead of being duplexes or triplexes, like we've talked about tonight, will be single-family homes. As far as the remainder of the site, again, we've got Charlotte Latin campus across the street, we've got multi-family to the north. So, we've got some kind of big campus type-things going on. I think the transition, especially having the trees here, and then if you can look, the single-family homes that are adjacent to us, I think Matt Langston has done a nice job with the site plan. There are only six buildings that are facing that frontage, and they're kind of in a rhythm of a single-family home on the north side just two buildings. So, I think there has been thoughtful design. Again, we're going to look at the building heights on that, and again, building heights here are allowed to be 48 feet. There's some very big single-family homes, but we're going to see if we can lower our building heights there, and adjust our open space, so that it flows a little more, and maybe even folks in the neighborhood come up and stroll through.

Ms. Ajmera said well, Mr. Brown, I appreciate the commitment you made to the backside, and the work that you have done to address the height and open space issues. I guess my question is, have there been any commitments made on building materials to align with the neighborhood's character?

Mr. Brown said some, but certainly we're not afraid, and part of the reason we want to talk to the ultimate builders is to know the building materials they're using and the building heights. One of the things on buildings heights, they said, "Well, can you lower building heights?" Well, we could, but in your urban districts you see townhomes that have flat roofs. Well, they have a lower height, but that doesn't really look consistent with the peaked roofs in the neighborhood. So, those are the kind of fine-tuning that we're doing now, that we want to make sure, and I've kind of said that to the neighborhood, we could lower the height with flat roofs, but my thought is they probably wouldn't want flat roofs. So, I think over the next week or so, as we're revising our plan, those will be some things that we can incorporate.

Ms. Ajmera said well, I look forward to hearing more. So, maybe this question is for staff. On number four, under staff rationale for recommendations, when you talk about

the building materials to ensure the neighborhood's character is preserved, are you referring to the height or are you referring to something else?

Mr. Oliver said for the building materials, specifically, yes. We've requested that they add a list of prohibited building materials, rather than preferred building materials, as the conditional plan currently states, and we'd probably like to see a certain commitment. Other petitions have committed to things like masonry water tables and things like that, some specific language to how the design will look and feel, which we feel is lacking at this point.

Ms. Ajmera said yes. So, I think that's what I'm alluding to, not necessarily the height, but the type of material. We don't want it to all look like a box. We do see that throughout the City, and I think we need to be intentional about that. I know that Mr. Orlousky did a pretty good job compiling this package. I appreciate how neighbors came together and really been working on this, and you used your time, 10 minutes, very effectively. I like to see more of that from other neighbors. It's great to see, and I look forward to continued negotiation, as Mr. Driggs said. You guys are not too far apart from where we were a couple of years ago. So, I think we can get there with Mr. Driggs' negotiation skills. That's all I have, thank you.

**Councilmember Molina** said I'll be brief. First of all, Mr. Orlousky, thank you, all for coming out tonight to express your concerns from a neighborhood perspective. I also share the same comment. I think we were talking amongst ourselves as we were flipping through what you provided. It's hard to make zoning language simple, and you really made it very, very simple. I can tell that you've taken your time to understand what's in hand, and obviously, there's some extended conversation that's been had. Mr. Driggs, I also want to say to you, you get some of the most profound turnout when it comes to your residents. I mean, as far as like a community meeting with like 40 folks there, and just it is fantastic the amount of community members. It's a big meeting. So, it says something to say that the residents throughout, in multiple situations, have been so engaged in expressing their concerns, but I really feel like, based on what I see and to our staff, for having the foresight and looking at this objectively and saying, "Hey, we're not there yet." I think that's good, I'm really happy to see that, but I really think we got the right ingredients for the cake baking here. I think you have someone who is highly adept at this information, leading what would be the mediation portion of what this would be, but with a profound understanding. I know that you all recall in your district, we did really have a busload of people from your district really come out with t-shirts in complete unison to show how they felt about a particular petition. So, we do know that you guys are capable of doing things like that.

I also want to say, like I said, you have the right ingredients, you have someone who represents you who is highly adept at this information, and Mr. Brown, we see him very often, and he's pretty fair when it comes to being in a position of mediating what this could look like. Since this policy document has been approved, it's one of the things you saw with our debate tonight. We grapple with it, because we have these things that fall outside of the context of what the rules would say, and then there's this word that you keep hearing, the by-right word. For community members that aren't as deeply embedded into this conversation, by-right simply means, based on the policy, this is what the petitioner can do, and this policy document supports density. So, it means that by-right, without having to ask the Council, this petitioner, if they own the land, they can have a density purpose for buying a parcel of land that supports said density in that space. So, sometimes what would be petitioned, in some cases, is actually better than what could happen by-right. I like to take these opportunities, because again, these aren't things that our community members are adept at, and in this case, we have community members that are highly adept at the information. So, there's a skewed possibility for who we talk to. So, I thought that would be a good opportunity to say, I do look forward to this coming back, because, like I said, you guys have got the right ingredients in this cake that you're baking. I feel like, once it comes back for a decision, trusting the leadership of Councilmember Driggs, who also Chairs the TPD (Transportation, Planning and Development) Committee, so leading this conversation on a monthly basis, and some of the incremental changes, you have one of the most

adept person at this policy that has the ability to kind of usher in this conversation. So, that's all I have, and I look forward to what's going to come back.

**Councilmember Brown** said Mr. Matt Orlousky, I just wanted to say to you and your constituents for coming out tonight, thank you so much, because I'm big on community support and community engagement, so I like the way that you come out and represent your community. A lot of times I think, from the community perspective or people watching in, when they see the petitions getting approved, again, the UDO, the staff, zoning, we may be thinking opposition, but community is a big part of how we move forward with intentionality and standing with you in solidarity. Mr. Brown, I will say, is a very fair person. I like working with him, will go back and forth with you and negotiate, but I'm big on community, and so you showed up tonight. So, whether you had other community members here or not, they had you, and we're listening, and it's recorded, so everybody can see it all over the world, actually, but particularly in the City of Charlotte. It's on YouTube. It's on the City of Charlotte channel, and it's going live right now, but it's always saved in all of our meetings. You can go back and look at them and dissect them and put things together, and you can hold us accountable to what we say and what we support. So, community to me, is well represented, because you were here. This packet that you put together is like a college project. It's like an A+, and you broke it down the way that you should've broke it down, and so thank you so much, it's very understandable, and I hope with Mr. Driggs' leadership, who I admire a lot, that you all can come to common ground and work something out, but I wanted to tell you it doesn't matter who isn't present. The fact that you were here, your voice echoes loud for your other community, and they should be proud to have you representing them. So, thank you.

**Mayor Pro Tem Anderson** said thank you, Ms. Brown. Before I hand it back over to Mr. Driggs, I just wanted to also thank the community for coming out on an Easter Monday, but you know we're here as well on an Easter Monday. I certainly want you to have great confidence that there was nothing nefarious about holding the public hearing this evening, but I'm sure as the district rep has stated, it's about moving a conversation forward. I spoke earlier about the spirit of cooperation in these petitions with the community, and I certainly have heard that there's a spirit of cooperation here, and as was stated earlier, hopefully you can get to a place where you're on the same page. So, look forward to the continued work, and of course, Mr. Driggs will do a great job of leading that conversation. With that, I'm going to hand it over to Mr. Driggs.

Mr. Driggs said alright. Well, let's wrap up. I wanted to say, first of all, Mr. Brown used the term downzoning a couple of times. Just want to be a little careful in the context of SB 382, to make it clear that we are not doing anything, because I know a lot of legislators are probably watching tonight. So, this is being done by the petitioner in response to input from residents in terms of not making the maximum use of the potential of the N-1A, so I'll just point that out.

The other thing I wanted to say to the residents of Country Lane, you have all been heard tonight. I was there when there were 150 of you, I think. I heard then, but you have the benefit of really excellent representation, and that is a huge advantage for me and for you, because it means that we can have a constructive engagement. Often in these situations, you get a lot of noise from people and it's hard to bring some structure into the conversation. So, I just want to assure people that I'm listening, and that the message on behalf of Country Lane was delivered very effectively tonight, we all heard it, and I look forward to continuing to work with residents and their leaders and the staff, frankly, to tackle some of the questions that haven't been answered yet. Appreciate your being here tonight.

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| Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing. |
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**ITEM NO. 19: HEARING ON PETITION NO. 2024-124 BY AVIATION METALS OF NORTH CAROLINA, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.32 ACRES LOCATED ALONG BUSINESS CENTER DRIVE, WEST OF LITTLE ROCK ROAD, EAST OF MOORES PARK DRIVE, AND NORTH OF INTERSTATE 85 FROM N1-A ANDO (NEIGHBORHOOD 1-A, AIRPORT NOISE DISCLOSURE OVERLAY) TO ML-1(CD) ANDO (MANUFACTURING AND LOGISTICS-1, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY).**

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

**Joe Magnum, Planning, Design & Development** said Petition 2024-124 is approximately 7.32 acres, located on the north side of Business Center Drive, east of Melody Lane, and west of Little Rock Road. It is undeveloped and wooded and surrounded by a mix of uses, including established single-family to the north, recently developed industrial to the east, and Interstate 85 to the south. The current zoning is N-1A ANDO, that is Airport Noise Disclosure Overlay. Proposed zoning is ML-1(CD) ANDO. The 2040 Policy Map recommends the Neighborhood-1 Place Type. The proposal would allow for up to 70,000 square feet of gross floor area of uses permitted in the ML-1 Zoning District. There are a number of uses that are prohibited highlighted by adult use, animal shelter, various automobile-oriented uses, crematorium. It would limit the number of principle buildings to one. Would allow for up to 40 percent of the gross floor area to be devoted to office uses. Commits to a minimum 100-foot Class A landscape yard. Limits building height to 45 feet. Locates the sole driveway near the eastern property boundary furthest away from adjacent single-family dwellings, and commits to an eight-foot planting strip and eight-foot sidewalk along the site's frontage of Business Center Drive.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation. The petition is inconsistent with the Policy Map recommendation for the Neighborhood-1 Place Type; however, the site is located along an interstate frontage road, adjacent to an industrial use to the east, and within the Airport Noise Disclosure Overlay. The petition commits to providing a minimum 100-foot buffer to mitigate impacts to the established single-family detached residential uses to the north of the site. Petition prohibits many of the most noxious uses permitted in the ML-1 Zoning District. The site is within two-thirds of a mile of the Little Rock Road Interchange with Interstate 85, and within two miles of the Charlotte-Douglas International Airport. I'll be happy to take any questions following comments from the petitioner and community.

**John Carmichael, 600 South Tryon Street, Suite 2300** said thank you, Madam Mayor Pro Tem, members of City Council and the Zoning Committee. I'm John Carmichael, and I'm here representing the petitioner tonight. With me are Jason Dolan and Todd Brown. I think I should have a PowerPoint, thank you. So, as Joe said, the site contains a little over 7.3 acres. It's located on the north side of Business Center Drive between Little Rock Road and Moores Park Drive. I-85 is immediately to the south of Business Center Drive. This is an aerial photograph of the site, and this is a zoomed in aerial photograph of the site, obviously, but here's the site outlined in green. The parcels to the north contain single-family residential uses. The parcel to the west here is currently vacant, and the parcel to the east is zoned I-1(CD), and it contains an office warehouse and distribution building that contains 156,217 square feet of gross floor area, according to the tax records. This is a photo looking into the site from Business Center Drive. This is a panoramic photo of the site's frontage along Business Center Drive. As you can see from these photos, it's a wooded site, and there are no residential uses on Business Center Drive. So, the site is currently zoned N-1A, as are the parcels of land located to the north and the west of the site. As previously mentioned, the parcel to the east of the site is zoned I-1(CD) and is approved with an office, warehouse, and distribution building.

Petitioner's requesting that the site be rezoned from the N-1A, Airport Noise Disclosure Overlay District, to the ML-1(CD), Airport Noise Disclosure Overlay District, to

pti:pk



accommodate the development of a building on the site that would contain up to 70,000 square feet of gross floor area, and would be devoted to office, warehouse, and distribution uses, and potentially other uses permitted in the ML-1(CD) Zoning District, but there are numerous prohibited uses, as Mr. Mangum stated. The maximum building height on the rezoning plan is 45 feet. So, this is the rezoning plan. This is Business Center Drive here, and then this is I-85. Access into the site would be via this driveway from Business Center Drive. The access drive is located at the eastern edge of the site furthest away from the single-family homes to the north of the site. Passenger vehicle parking would be located in front of the building. The truck court would be located to the rear of the building. An eight-foot planting strip and an eight-foot-wide sidewalk would be installed along the site's frontage on Business Center Drive. A minimum 100-foot-wide Class A landscape yard would be established along the northern and western boundary of the site. This type A landscape yard would be undisturbed, and there's also a stream buffer along the northern portion of the site that's a little wider than 100 feet at various points on the site. This is C-DOT's (Charlotte Department of Transportation) generation table. According to C-DOT, if the site were developed with its current entitlement, it would generate 241 daily trips. The proposed zoning would generate 149 trips according to C-DOT.

We appreciate the Planning staff's recommendation of approval, and we will satisfy the two outstanding issues this week. They're really adding a typical note or standard note and adding labels to the rezoning plan. We're happy to answer any questions, and we'll look forward to responding to the community's comments as well. We appreciate it.

**John Gallegos, 321 Dogwood Lane, Belmont** said good evening, Madam Mayor Pro Tem, members of the Charlotte City Council, and the Zoning Committee. My name is John Gallegos. I'm a wildlife biologist with 40 years of service with the U.S. Fish and Wildlife Service, that included habitat assessments and restorations. My opposition to Rezoning Petition 2024-124 stems from the following two key points. First, the proposed rezoning parcels include the Ticer Branch Creek drainage basin. This narrow creek transfers stormwaters westward, past the new warehouses, under Business Center Drive, and under Highway 85. Negative impacts to the surface and groundwater hydrology of Ticer Branch Creek is a major concern.

Second, overlaying this drainage basin is a thick mixed hardwood/softwood forest that benefits the residents of the adjacent Moores Park community and the surrounding landscape. Most of the forest will be removed should the rezoning be approved. This loss will create serious negative impacts and hardships for the Moores Park neighborhood and resident wildlife populations. Changes to the surface and groundwater hydrology of Ticer Branch Creek, generated by the proposed rezoning, include the following four concerns. One, increased volumes and velocities of stormwater runoff from extensive new impervious surfaces discharging into Ticer Branch Creek. Two, groundwater levels rising with sustained creek levels, saturating backyard soils and flooding low-lying properties. Three, increased soil erosion along Ticer Branch Creek and around the culverts, passing under Highway 85 and Business Center Drive, raising a potential threat to Highway 85 and Business Center Drive. Four, erosion of the creek bed itself could eventually expose the petroleum pipeline that runs underneath Ticer Branch Creek and create the potential for a fuel spill. Loss of most of the existing forest will remove the insulating natural blanket that surrounds the [INAUDIBLE] community. This forest buffer provides the residents with protection from the following. Views of traffic on Highway 85, the airport, and Business Center Drive; traffic noise from Highway 85 and Business Center Drive; air quality degradation, since trees purify the air; loss of the resident wildlife population; lost green esthetics around their homes; and property value declines. So, I stand opposed to this rezoning petition, and respectfully ask you to deny it. Thank you.

**Sharon Hendrickson, 2622 Moores Park Drive** said Sharon Hendrickson, representing the Moores Park community. I want to share with you my personal experience with finding this neighborhood and how I fell in love with Moores Park and why it means so much to us. After 41 years as a public school teacher, I retired and spent the next year deciding where to relocate. My husband is a Vietnam Veteran who

has had Parkinsons for the last 33 years. I needed a place to accommodate his mobility issues, space where he could go outside without feeling like he was too close to people, and within 20 minutes of wherever we needed to travel. It was perfect. One neighbor, who pays a landscaper, has come to my rescue, and helped me in cutting grass and raking leaves. A single mother who works full-time with four children brought me something to eat every day that I was going through cancer treatments. A little eight-year-old girl came running down the street to give me a white rose and say Happy Mother's Day. It was the first time I'd heard the words that day. Until a few months ago, I called by neighborhood diversive, and now that is no longer an acceptable word, I now am calling it eclectic, but what it is to us is where we feel most at home.

**Norman Phillips, 2710 Moores Park Drive** said my name is Norman Phillips. I'm a 25-year resident of Moores Park Drive, and our Moores Park community. We're not, obviously, a Providence Road, or a Myers Park, or a Ballantyne. We're just a little neighborhood that you've probably not heard of before. Moores Park Drive and Moores Park and Melody Lane, we are a neighborhood, in which we think in terms of love, because that's how we feel about each other. We love each other. You can see our neighborhood here. It's a representation of our heart. What's really neat about our little neighborhood, what helps us, though, is our geographic way that we're located. We have a center island in which we have about five or six or seven homes, and then we're surrounded on the perimeter by other homes, and we have one way in and one way out, and it allows daily contact with one another, and that has made a tremendous difference in the quality of our life in our neighborhood. We'll stand up to any other neighborhoods in Charlotte in terms of quality of life. That's why we're here, and because we truly love one another.

In the last 10 years, we have invested a significant amount of money in improvements in our neighborhood, because we believe in our neighborhood, a little West Charlotte neighborhood. My mom and my dad, I spoke to them about helping me to improve our neighborhood. My family's put in about \$2 million in this little West Charlotte neighborhood, and we were the catalyst for the rest of our neighborhood who put in another \$2 million in improvements and renovations. We've built brand new brick homes in empty lots. We've renovated all of our homes. The sad part is, since this petition has come out, everything has stopped. We've got neighbors in a state of fear over what we're going through right now, and they've put their homes up for sale, that's tragic. We've got one home in the neighborhood that my mother bought as a living inheritance for my son, and that project has been put on hold. We've gutted it out. That stopped five months ago, because of the concern about plummeting property values.

The neighborhood's already been hurt by the first warehouse that was put in, in which we received no notice on that, and we've gotten no positive contribution from that warehouse. There's been more traffic, 18-wheelers coming in our neighborhood. We've got pictures on my phone full of pictures of 18-wheelers already can't get out of our little circle. We've got more encampments of homeless people up behind that existing warehouse. We're going to see more of that with this Aviation Metals Warehouse. We've got more parked cars at night. We know there's drugs. We know there's prostitution. We even have half-naked people that we have caught walking in our neighborhood from the first warehouse, leaving some of their underwear in our road, because I've personally had to pick that up. We're going to get more of that from this second warehouse, we know this. You're looking at PhD level individuals in land use and rezoning, because these are the people that live here. We have an absolutely awesome neighborhood. This Aviation Metals Warehouse will be the demise, unfortunately, to one of the best and highest quality-of-life neighborhoods in the City of Charlotte, if you folks allow this to happen. Okay, I'm going to have to wrap it up.

**Patricia Tognarelli, 7009 Carlton Lane** said Patricia Tognarelli. Well, what everybody has expressed, I think I'm not going to go over that, because it's similar, but we are actually the newer addition to that neighborhood, and we absolutely love it. We used to live by Providence and Ballantyne, and we are feeling that peace and that sentiment of commitment and neighborhood love that they are all sharing, even by us being there fairly new. I'm here on behalf of me and my husband to express concern, and to ask for

empathy, because the community is facing aggressive rezoning for industrial use. The developer had other commercial land options, but chose this area for its lower price. It's targeted for industrial rezoning, despite other available commercial land, meaning the developer decision is driven solely by the pricing of the land that they purchased. Again, I want to focus on, this is a community that is at edge. Everybody's feeling uneasy, we are feeling pushed out, and obviously, the investment that we've had in our properties also feel at risk. So, by granting this rezoning, honestly, this is going to be a big damage for the entire community. So, we want you to help us in choosing to continue to be a sustainable community center in growth, protect our last remaining greenspace, prevent further environmental and public safety issues, and respect the voices of those who call this neighborhood home. Please vote no. Thank you.

Mr. Phillips said one last thing. Martin Luther King said, "It's always the right time to do the right thing," and that's today. Do the right thing. Vote no against this. Thank you very much.

Mr. Carmichael said I'm going to ask Jason Dolan, real quick, to talk about some of the concerns with the creek.

**Jason Dolan, 610 East Morehead Street, Suite 250** said sure, Jason Dolan. I know some of the folks spoke about erosion to the creek, increase of flood waters or stormwater from the site. We will abide by all of the requirements that post-construction and the UDO requires us to follow, so stormwater will not be any higher than what it currently is. We will have a stormwater pond, and we'll control that. As Mr. Carmichael mentioned, we're going to have a 100-foot undisturbed buffer along the rear of the property, so there won't be any erosion that will occur down near the creek. There should not be any issues with exposing an existing gas line that is in that area.

Mr. Carmichael said thank you. We're happy to answer any questions that you may have.

**Councilmember Ajmera** said let me first start by saying that regardless of where you live, whether it's west, east, north or south, we all treat you equally. I understand that your neighborhood is very special, you care for each other. I think that's truly special to live in that neighborhood. I was reviewing this rezoning petition, and I struggle with it, because there is close proximity to residential neighborhoods. So, I understand the fear and anxiety that neighbors have for a manufacturing site coming so close to them, especially concerns around clean air, water runoff, just many environmental impacts. So, we can only be truly a great city if we address quality-of-life issues, and I don't know how this rezoning would improve their quality of life. I see this as something that will negatively impact the residents nearby and their quality of life. So, I struggle with this one. I will continue to work with the district rep before the final decision next month.

I was going through staff's recommendation, and I know that this is inconsistent with the 2040 Policy Map, but there is a rationale behind it. I don't know if I necessarily agree with the rationale that you have. If you can speak more to that rationale, and if you can also address some of the quality-of-life issues of having a manufacturing site being so close to residential neighborhood?

Mr. Mangum said sure. So, this petition follows a petition next door that was approved about four years ago. So, we view this as being somewhat similar. I'm not sure if it's actually closer to some of the units, but the frontage on Business Center Drive and on Interstate 85, I'm not sure that that's the best location for a by-right development if it went in under N-1A, and apparently it hasn't been developed under that existing zoning, but the UDO does provide for the buffering against N-1 Place Type. So, you have the 100-foot Class A landscape yard, and basically on top of that, you have 100-foot protected water buffer for the creek. So, we felt that in the balance, we were allowing for expansion of this commercial or industrial use, while still protecting the neighborhood to the rear.

Ms. Ajmera said so, in terms of this additional buffer, I think that's great, but it doesn't really address the underlying quality-of-life issues. Industrial traffic is different than residential traffic, especially when you have to sit through 18-wheel trucks driving near your neighborhoods when you have small kids. I struggle with this. Three to four years ago, we did not have UDO adopted. Now that we have UDO adopted, we have the 2040 Policy Map, and to recommend this when it's inconsistent with 2040 Policy Map, I feel like we just adopted something, but then now we are recommending it, even though it's not consistent. After the neighbors feedback and input that went into it, it just doesn't align overall, but that's all I have. I'm sure district rep will have more to say. Thank you.

**Councilmember Watlington** said my concerns are pretty similar to what Councilmember Ajmera and others have mentioned. Yes, we understand that this is a prime location for industrial, and I can see the purpose overall for the use near the airport. That said, exactly what has been said before, this should feel like progress to the residents, especially those most impacted. From what I'm hearing, what they've seen from the last petition, there are quite a bit of outstanding issues. So, I will be very much interested to understand how those specific things that were mentioned could be addressed with this. It appears to me that this petition is much closer, especially behind at least four or five neighborhoods directly. So, I would imagine that when it comes to buffering, when it comes to sound, all of those kinds of things, those would be things that I would love to see addressed in creative ways. Certainly, as you turn into this neighborhood, I see that there's another parcel there that's not a part of this petition, but I do think that there needs to be some kind of separation, some kinds of transition, so that as people are coming into their neighborhood that they're proud of, that they have invested in, it should feel like a neighborhood area, not a service road with a bunch of manufacturing coming from this side of things. So, I think we've got a long way to go on this one. Certainly, I understand the use, but I hope that there's a way, from a livability standpoint, even esthetically, that this can feel like more of an integration into the existing neighborhood, and something that would add to it, rather than subtract. So, I'll be interested to see what comes of the conversations.

Mr. Carmichael said can I just clarify one thing? This is light industrial. I'm not minimizing anybody's concerns, but it's not like a manufacturing facility with smokestacks and that sort of thing. I just want to clear that up.

Ms. Watlington said absolutely, understood, and forgive me, I said manufacturing.

Mr. Carmichael said no, that's okay. I just wanted to clear it up. Thank you.

**Councilmember Driggs** said thank you all for being here. I can tell you, you have delivered your message very forcefully. We hear you. Mr. Phillips, in particular, great speaker, okay. So, when Ms. Brown doesn't want to be on Council anymore, you can think about running. This is hard, because you're losing what is effectively a park there right now. I mean, a wooded area, and that's something tragic that unfortunately is happening all around Charlotte. From the staff recommendation, you can tell this is a bit of a dilemma for us. There are reasons why this aligns with our policy, and then there are other reasons, like if you heard the conversation earlier, why one might feel that this is not something that sits right, that we just don't feel good about it.

I would recommend that you underscore some of your concerns about bad behavior and so on, with maybe evidence of service calls to CMPD (Charlotte-Mecklenburg Police Department), or some kind of data like that, that indicates that you have had that experience. It provides some data around that. Also, the audible noise. So, if they're going to have trucks there, can we quantify what the noise level would be in your neighborhood from the presence of those trucks? Because, of course, internally, your neighborhood will continue to exist. The problem is what's going on nearby. So, what I would be looking at is the kind of spillover effects from having this development as it affects you, noise, crime. The fact that it's on 85, for example, that might be considered a reason to have a facility like this, but there are also reasons why we wouldn't. So, I'm just saying I look forward to being guided by my capable colleague, and appreciate your being here tonight. Thank you.

**Councilmember Molina** said I'll be brief, because I don't want to stall the district rep. I could see you guys from the back, by the way. We've got a screen back there, so I can see you. Thank you, guys for coming out tonight. It really does help us a lot to know, when you take the time, and you drive from where you live, and you come to the Government Center, and you let us know exactly what you feel. It gives us a real time view, and it's really special. Like I said earlier, I'm a mother, and it's my first job. I do that before I do anything else. The neighborhood I live in, I know my neighbors, our children have seen each other for a lifetime, and we go to the same stores, and we do some of the same things, and those things matter. So, we don't take you, taking the time to come to let us know what you feel, lightly. Like what Mr. Driggs said, it's a challenge, because there's this guiding policy document that says one thing, and all of that stuff, but what he said in working with your Council member, she can guide you through what that looks like, because her job is really to look at what's here, and look at what you're saying, and if possible, find a medium. If this can go forward, then she can look at a way forward to it, and if it can't, it can't, but she would be the person who could guide you through that process. I get it. We all have those things that we feel very passionately about, but in these things, it's like what Mr. Driggs said, what will the noise do to where you live, and how will you be affected based on where you live? She can help you put all that together. Feel free to call anybody that you want, but your Council member is fully capable and will be able to guide you through this process, so that you can continue to, if it's possible, and if it's not, then we'll look to her while she continues to work with you through this process.

A vote won't happen right now, because I heard you say vote no. So, the hearing process is what this is. This is basically you coming, and this is where you can say exactly what you're doing right now, and the petitioner says what they're doing, and then after this is done, then you have a continued conversation with your rep. It's not over now. You're going to talk to Ms. Brown, and she's going to let you know what's possible, what's not, but typically, we have a vote the following month. That's important to note. That doesn't always happen, but it's possible, based on where you guys arrive in conversation. So, lean on your district representative, continue your conversation after you leave here with her, because tonight we don't vote, we just listen and we ask questions, that's what the purpose of the hearing process is. Then, once we've had a hearing, then whatever we're having a hearing about goes to a vote. Trust me, I've got neighbors too. That's not always clear from a neighbor perspective, because why would you have to know that. So, for anybody watching, there's a hearing process where we listen, we gather notes, we do research, we listen to the representative, find out what's happened, listen to the residents if they're present, and then if there's no issues, then it can actually, possibly go to a vote after that, but if there is an issue, then it can continue. I know you guys heard, because you were here, there was one that Mr. Driggs had been working on for a long, long, long time. This can drag out, or it could be quick, but it's really going to depend on you guys, and that's being as transparent as I possibly can to make sure that you understand when you walk away what your next steps are. So, that's all I have. Thank you.

**Councilmember Brown** said hey, Moores Chapel, my people, I love ya'll. It's been amazing to get to know you, to attend your community meetings, to be out there, to change my shoes and take off my heels for ya'll. I mean to really dig into this petition and to see your concerns. Mr. Phillips has called me, emailed me, sent packages, helped me understand the biologist, is that correct? I may not know how to pronounce your name, but I know Mr. Phillips, and I know he represents you all very well. I've been out at your property, because I care. I want to understand your concerns. My community, my constituents mean a lot to me. Your neighborhood is so spectacular. As I'm looking, my mom is aging, she's fine, she's 70, but I take care of my mom, and my mom lives with me. So, your neighborhood is a neighborhood that I considered moving into, let's just be honest about it. It's a neighborhood that's historic, has value. I love everything about your neighborhood, love the people in the neighborhood. A matter of fact, my aunt took care of one of your residents over there, and that's how I first learned of your neighborhood, but it's a hidden jewel in your neighborhood. So, I've supported Moores Chapel from day one when they called me. The one concern I did have, though, Mr. Phillips, because I'm very transparent, is I asked you to meet with myself and the

developer and you never did. I have to be fair. Even though I love the community, and I'm a huge advocate for my constituents, I have to show impartiality. So, I have to make sure that we meet.

Mr. Phillips said we did meet with them.

Ms. Brown said but you didn't meet with me.

Ms. Brown said so, what I'm saying, Mayor Pro Tem, is that I reached out to Mr. Phillips through email, and I asked Mr. Phillips to meet with me and Mr. Carmichael, and I never got a response, that never happened, and I know they may have met separately, but I'm the district rep, so I need to meet with everybody collectively, so I can understand both sides of the spectrum, but that's neither here nor there. Just for the record, I want people to know that I'm being fair. I care a lot about community, I care a lot about character, about preserving communities. I want to go back to staff, and kind of go back to what Councilmember Ajmera said when it came to being inconsistent with the 2040 policy, and then the rationale for recommendation. Can we talk about how we got there on this petition when it's inconsistent, and the concerns that we have? Is there a reason? I'm just concerned about it, so for my knowledge.

Mr. Mangum said so, our first kind of look at it is referencing the petition was approved four years ago right beside it, kind of examining that rationale, considering the access directly out to the Business Center to Little Rock Road. I understand that, it sounds like some tractor-trailers have been through the neighborhood. I wouldn't want to drive a tractor-trailer through that neighborhood, and sometimes GPS can direct you incorrectly. The access being away from the neighborhood, the neighborhood has three access points to Tuckaseegee Road. I would imagine a lot of folks prefer going that route versus from the neighborhood, but getting back to the rationale, these are not decisions that we take lightly. We spent a lot of time analyzing, recognizing the surrounding community, working with the petitioner to limit the uses that will be allowable on the property, and recognizing that there is a 100-foot buffer that's required between this use and the adjacent residential zoning in N-1 Place Type, and that's how we arrived at the decision to recommend approval.

Ms. Brown said okay. So, I'm going to go back to Mr. Phillips, because I spent a great deal of time out in the community, and Mr. Phillips prepared a package that was very knowledgeable and authentic and understanding for me on their opposition for the community. As you can see, some of my colleagues still have concerns, the same concerns that I have, and I'm just trying to understand if there are any other concerns that we have that can be addressed. For me, when I started out with Moores Chapel Road, I stand with the community, and it was a hard no for me, based off of the information that they shared with me, but when I look at the information from Mr. Carmichael, being willing to meet, I just hope that we can come to some type of common ground, and if not feasible for the community, that's something that we have to continue to work for. I like the professional relationship that I have with, for the record, with Mr. Phillips and the Moores Chapel community. I understand their concerns. I've been out in the community more than one time, but I spent a great deal of time, and I understood what they were saying. I got to see with the naked eye the gas lines, the preservation. We did see a tent encampment back there that's beginning to develop, but I would have to say, in defense to that, that's happening all over the City of Charlotte. District Three probably is being hit the hardest, not just in your community, but on Woodlawn Road in Steele Creek where I live, off South Tryon, off Woodlawn, off Billy Graham. So, the homeless encampment is something that the City of Charlotte and the City Council would have to take a deeper dive in and a deeper look at. I would have to stand and say that I don't think it's because of the development from the warehouse. If you are unhoused, and I support people that don't have anywhere to stay, they're going to try to put up a tent anywhere they can or anywhere they see a wooded area. So, I am concerned with it being inconsistent, number one, but I also feel hopeful, because Mr. Carmichael and I have worked together before, that we can come together on common ground, and I will take the lead so that we can move forward and see what resolution we can come to or not, but that's all I have, Mayor Pro Tem. Thank you so much.

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

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**ITEM NO. 20: HEARING ON PETITION NO. 2024-144 BY DIGITAL MOORES CHAPEL LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 156.23 ACRES LOCATED SOUTH OF I-85, EAST OF MOORES CHAPEL ROAD, AND WEST OF SAM WILSON ROAD FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO I-2(CD) SPA (GENERAL INDUSTRIAL, CONDITIONAL, SITE PLAN AMENDMENT).**

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

**Holly Cramer, Planning, Design & Development** said this site is over 150 acres, located south of I-85, along the east side of Moores Chapel Road, west of Sam Wilson Road. It's in an area where we have a lot of industrial development, as well as some single-family residential uses. The property is currently zoned General Industrial, Conditional, that's as a result of the previous rezoning, and they are proposing to go to the UDO's equivalent of that district, Manufacturing and Logistics-2 with a conditional plan as well. This would be consistent with the Policy Map's recommendation for M&L on this site. The proposal would modify portions of the existing entitlements from Petition 2020-049. The 2020 petition called for a development of 1.5 million square feet of warehousing and industrial uses across five structures. This rezoning proposes that the site may alternatively be developed with 3 million square feet of data center uses. Much of the conditions in the previous plan will stay in place, and the data center uses are generally thought to be less intense than the previously entitled warehousing and heavy industrial uses.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation. The petitioner has been working with C-DOT on these items to ensure that commitments from that 2020 plan and the TIS (Traffic Impact Study) are carried over into this petition. Based on work that's been done in the past couple weeks, the revised site plan going to Zoning Committee should greatly improve on those outstanding issues. This proposal is consistent with the 2040 Policy Map and proposes modifications to current entitlements. Industrial development and zoning is already in place surrounding the site, and its location near I-85, Wilkinson Boulevard, and the airport helps provide regional access making it a suitable location for large-scale industrial development. The equitable growth framework in this area also identifies access to employment as the highest priority, so this development for industrial uses would speak to that. Sorry, I misspoke. This is a site plan amendment. I think I called it M&L-2. This is a site plan amendment to the existing conditions of that 2020 plan. I'll take any questions following petitioner comments.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said thank you, Mayor Pro Tem, Council members, Zoning Committee members. Collin Brown on behalf of Digital Moores Chapel, LLC, which is Digital Realty. Andrew Alves is here from Digital. This is interesting. When Holly says this, it sounds like, oh, this is a major rezoning, but just kind of want to recap what does make it interesting. This was a very high-profile rezoning of 150 acres of land about four years ago. It was rezoned by The Keith Corporation to be a logistics facility. So, lots of trucks coming in and out of this property. There was great debate with the community. We came, and I think we met with Ms. Brown at the end of last year just to say, hey, here's a unique opportunity. So, the site is already zoned for industrial. Digital Realty is a developer of data centers. As you know, there are great demand for those. This property is already permitted for data centers. So, when they purchased it, they knew they could come in and build a data center right now with no zoning changes. What we also note is there's great demand in Charlotte for data centers, and if this is a place where a data center is allowed, what we learned is the zoning on this property allows 1.5 million square feet of warehousing and logistics uses. So, if you've seen a warehouse, you know they're one story. They've got these

racks that go up, they can be 60 feet tall. So, Digital's got it, and there's great demand for data centers. It's zoned. They can now build 1.5 million square feet of data center, but frankly, that's a little bit of a waste. If this site is already entitled for that, its buildings are allowed, they can have buildings that are 60 feet tall, what Digital could do is they could put a second floor on the building and put another set of data centers and not have to disturb anymore land in Mecklenburg County. Under our ordinance, if we add a second floor, it counts as twice as much square feet.

So, the whole purpose of this rezoning is to allow a second floor. The building does not get any taller, because the building that's allowed today can be a warehouse that gets taller. So, this is how we started the conversation. We went out to the neighborhood, which was very involved in the first rezoning. We had an initial community outreach meeting, and then we had our official community meeting, which we had good turnout for too. The feedback was pretty good. Frankly, folks said, "You know what? We would love for this to be undeveloped. We would love for that to be a conservation area." That ship has sailed, and so this will probably be less intensive. We'll have less trucks. So, that is the look of things. Digital has already dedicated area for a future park and has plans for a greenway. So, anyway, good conversations with neighbors. They've had good turnout. I think they're pleased to have a less intensive use in their neighborhood than what's currently allowed, fewer trucks, less traffic, and kind of a quieter neighbor. So, happy to share that. I do owe Dr. [inaudible] a call. I was a little bit out of pocket last week on spring break. They have had some questions for us about some things we might do for Park and Rec, and I'm going to follow up on that as well. Happy to take questions.

**Councilmember Mayfield** said I'm actually going back to staff to get a better understanding. So, this particular current zoning would allow for a data center this close to residential, when we have SEAP (Strategic Energy Action Plan) plans. There have been many conversations over multiple years regarding the environmental impacts of data centers. Prior to this rezoning for a second floor, a data center can be built on this lot?

Ms. Cramer said so, the plan previously allowed for warehousing and general industrial uses. It did not specify data centers. I don't think it expressly prohibited data centers, but it wouldn't have been permissible or possible under the current 2020-049 Conditional Plan. So, this rezoning is necessary to allow that as a use, as a site plan amendment, to the 2020 plan.

Ms. Mayfield said okay, for clarification, then I'm going to come to you, Mr. Brown, because you mentioned that it could currently be built. So, could you clarify that, please?

Mr. Brown said that's correct. Data center uses are a permitted use under the existing zoning. The second level is the only thing in question here.

Ms. Cramer said yes, it just isn't possible under the current plan, so.

Mr. Brown said and Digital purchased this property. They did a great amount of due diligence, purchased this property from The Keith Corporation to build a data center instead. So, they're going to build data center here, it is allowed. It certainly makes sense for us, for efficiency sake, if a data center is going here, we might as well have a second floor. Heights not increasing, buildings not increasing. Do it here and not somewhere else.

Ms. Mayfield said so, coming back to staff. So, this initial request, whereas this particular petitioner, their intention was to build a data center. We have put a lot of investment and time into our SEAP plan. There have been numerous concerns regarding environmental impacts regarding data centers. What is the proximity to the nearest residential to where this proposed center is going?



Ms. Cramer said I can get the number of square feet if I can get a second, but I will say generally, the UDO doesn't parse out that use as needing to be an additional distance from residential uses, but are you looking for the number of feet from the nearest Neighborhood-1 Place Type? Because it has Neighborhood-1 along its western edge, and then those homes are really large lot residential, so there isn't anything extremely close to the boundary of this rezoning plan, and certainly the development, given also the buffers that are required within this plan against the residential areas. In terms of, did we consider data center uses, specifically, and calling that out as part of this plan, and what the ordinance requires I-2 under the Legacy ordinance, it also didn't parse out specific distances from where it has to occur from residential areas, but they do have the buffers, and it is generally thought to be a less intense use than just generally warehousing and industrial, as the current plan allows just a broad range of uses.

Ms. Mayfield said that really didn't answer my question. So, what I'm trying to understand is, as we're looking at this particular proposal and we know there is quite a bit of water that is needed. We know the possibility of greenhouse gas emissions, strain on local utilities, the utility costs, loss of cultural area. As we're having this discussion, it will be more helpful to get a better understanding of the true potential environmental impact. It's not a hard stretch, because we already have communities that have data centers in them, thankfully California has a lot more. When we talk about, as a Council, manufacturing and logistical areas that are far away, or that are identified away from residential areas, and the impact of that, then having something like a data center that uses a lot of water, uses a lot of utility. Communities, unfortunately mainly lower income communities, because that's where the land is sometimes at a lesser cost, are the ones that faced the biggest impact of this. It is concerning that this would be presented to us without staff providing additional information of the potential impacts, when, again, we have invested a number of years and dollars into our Environmental Protection Plan. It is not just a concern of saying, well, let's just add a second floor to this. It is looking long-term, what is the potential impact of a data center this close to residential, and has that even been investigated to be able to share with the community, yes, we did our due diligence on this, of which we can follow up later. I'm still trying to understand what a second floor, what that difference is going to be, but I heard clearly two different statements between petitioner and staff, as far as this is zoned and a data center can go here versus, well, we really didn't say if a data center can go there or not, and therefore, we don't really have any language about it that says that it can or it can't. So, more clarification, which we can follow up later with, will be very helpful.

Ms. Cramer said I apologize if I added to any confusion. It's just that the use data centers could be possible in the I-2 District. The problem is that they needed more square footage in order to actually accomplish their proposal to make a data center possible at this site. So, that's the reason for the site plan amendment.

Ms. Mayfield said so, currently at the site, there's not enough width in order to have a data center. So, they're asking, instead of having the land mass that will be normally identified for a data center, can they just take it to a second story? Can they go up?

Ms. Cramer said yes. It sounds like it's an issue of height, and I think Collin would probably be best to speak to the actual proposal details, since they would've done the analysis as to why they had to come back in in the first place.

Ms. Mayfield said Mr. Brown.

Mr. Brown said yes, and great question. So, currently, Digital could build a data center that is 1.5 million square feet on this site under the current zoning without a change, so there's more demand for that. In fact, there's areas right here, south of the site, that are zoned Industrial where data centers could be built. Digital owns this property. Rather than building another data center on separate property, it seems much more efficient to concentrate that building here, to add the second floor, and I'm happy to kind of follow up. I think you're hitting the right questions, and these are conversations we've had with the community as well. The entire eastern portion of the site has been dedicated for a public park. We do have some residential there. Holly's right, these are deep lots. The

residences are up close to the road, and we do have buffering on that side to create additional separation, but happy to follow up. I can also share, again, there's great demand for a data center. We think this is a much more efficient use of the land to concentrate it here rather than having multiple data centers raising the issues you're talking about in other locations in the City.

Ms. Mayfield said thank you.

**Councilmember Johnson** said thank you for those questions, Councilwoman Mayfield, because I was confused also. So, let me understand, okay. So, currently, 2020-049 was approved, and a data center could be developed there. This petition is simply to add a second floor to double the size of the data center?

Mr. Brown said that's correct. So, if you're imaging, when the zoning was done, it was intended to be a warehouse, but still data centers are permitted. Digital came in and said, "We'll buy this, and instead of doing a warehouse, we'll build a data center, but we can only do a million square feet." Now, a warehouse building, if it was built by-right, would be 60 feet tall. A data center could have a second floor and not even be 60 feet tall, but when you add a second floor, a floor is square footage, and square footage counts. So, to us, it seems like we're doubling the square footage, but the building does not get any larger, it does not get any taller. It just allows this to happen on this parcel, rather than having to go to other parcels.

Ms. Johnson said so, I know there was a data center that was approved in District Four, and there was a lot of concern and question about the environmental impact. So, this seems like a huge data center. I would definitely like to hear from the staff the environmental impacts of the data center. I know there were some concerns about the noise, and so we do need more information as far as that, yes.

Mr. Brown said sure, happy to be a resource for that, and Andrew's here. It's probably more than we want to do at a hearing, but we're happy to set up meetings with you and share that information. They are probably the leading developer of data centers around the country. So, as we've talked about traffic, that's one of the things we were able to do is show the traffic going from a warehouse, and those trucks going, just comes down to a very small level.

Ms. Johnson said and then the jobs for a data center, I'd like to know how many jobs?

Mr. Brown said it depends, and we can certainly share that information. It's not an astounding level of jobs, but there will be in the hundreds of jobs, ranging from engineers that maintain the equipment, to security that maintains the site, and those will be drawn. I don't want to say it's a huge economic development generator. It's a lot of square footage. It will be several hundred good jobs, and happy to share that too as we follow up.

Ms. Johnson said okay, thank you.

Mayor Pro Tem Anderson said thank you. Mr. Brown, before I pass it over to Councilmember Brown, I just wanted to ask a couple of questions here. It is true that Digital is one of the leading owners of data centers, and so certainly they know how to build data centers. I think you're getting both environmental questions, but I think if you could also offer dot points around sound impact, relative to condensing the data center. Because if a data center is eligible to be here by-right, and they clearly have done their due diligence, they're going to build a data center. It's just a matter of how do you condense it, so it doesn't take up the land real estate. However, can you just speak to if there is any issue related to sound increase or amplification with the second floor?

Mr. Brown said there's not a significant increase to the building size, and that's something we've talked to the neighbors about, the topography up there, and we can follow up with that too. Interestingly, in representing Digital, I've learned they had a data center about two blocks from here, Uptown, that I never knew existed. One of the things

we did, Ms. Johnson, that zoning in your neighborhood, is take some folks out to see a data center. We got a van and took the neighbors, and they didn't hear it. So, I know that some of the older data centers, were older technology, most of the noise they hear is from the generators. Now, with this generation technology, that's not as much of a concern. I know you're a tech expert much more than me, but happy to follow up and share some information on that.

**Councilmember Brown** said Mr. Brown, thank you so much for coming today. I want to go back to, is this where I met you with the family?

Mr. Brown said we talked at your office that day, and it was an interesting political day, but you and I have not met with constituents on this. This is the Northwest Coalition, Dr. [INAUDIBLE].

Ms. Brown said okay, no problem. I got it mixed up with another family, okay. So, then I just would have to defer back to my colleagues with the questions and concerns that they have. When you get in the community and you hear 156 acres, people lose their mind. So, we really have to dig deep the way that my colleagues have done to ask questions and do our due diligence. Going back to what Mayor Pro Tem has said, they are the number one digital company, and they know how to build, and they know what is needed, but we also do not want to excuse the fact of the environmental concerns, the concerns that have been addressed. So, we would be looking to see how those are going to be appropriated, how we address those, as well as, I would like just to know the community aspect of it, the residents around the 156 acres, in which we're going to be attempting to put the digital center at. If we could just get together and talk more closely about that impact.

Mr. Brown said I'm happy to. We've had great conversations with the neighbors. Our first community meeting, we had a tech guy on, and he was frankly I'd much rather have this than all the trucks coming out of the warehouse. So, that kind of started the conversation off with community well, but happy to follow up as well.

Ms. Brown said yes, we definitely need to do that and just make sure that we're staying out in front of all of the questions that may come. If we could be proactive, that way we've done all our due diligence. We've checked our boxes, and we can move forward with trying to see how we can make this work, but we definitely would not to be remiss if we did not address the concerns that my colleagues have, and the concerns that I'm sure some community members, business leaders, people that are in residences around the area, their concerns that they would have. We've worked together on tough projects before. I know this is the preliminary and initial state, but we want to make sure we get out in front of it, that way we can move forward with making sure that we have addressed all of the concerns that may come before us. So, Mr. Brown, as always, thank you so much.

Mr. Brown said thank you.

Ms. Mayfield said actually, the questions are for Mr. Shirley, I believe, or you might be able to answer them, Mr. Brown. Do we know if this is going to be backup battery or generator that's going to be used for this?

Mr. Brown said Andrew Alves is here. I'll let him come up and answer that.

Ms. Mayfield said please.

**Andrew Alves, 32 Avenue of the Americas, New York** said all great questions, by the way. Back up generator, and Tier four generators are what we typically use, which are the best from an emission standards perspective. Also, to address some of your other questions. As a publically traded company, we have a full ESG (Environmental, Social, and Governance) report that we publish annually, and in that report we document all of our best practices when it comes to water, noise, community engagement, and how we really impact the people around us that matter most to us.

Ms. Mayfield said and this location is near the Catawba River?

Mr. Alves said it is. The Catawba River is just to the west of this across from Moores Chapel.

Ms. Mayfield said thank you. For staff, I would appreciate a detailed report from Charlotte Water, because data centers access a lot of water. We have heard conversations in community from other developments, as far as access to water for some of their developments. If we're talking about a data center, and depending on the size of this data center, for us to have a better idea of what water consumption we are committing to if we were to move forward with this, and exactly how do we plan on offsetting, so that that does not impede access to the water of our residents, that would be very helpful to have a better understanding.

Ms. Cramer said I will say Charlotte Water provided advisory comments on this petition, but I can follow up with them to see what other data they have availability to, to speak to your questions.

Ms. Mayfield said right, because what I read was preliminary, and for me it didn't address the real concern. Data centers utilize quite a bit of water. We have communities across the nation that have seen negative impacts of their water sources being tied to certain businesses. I want to make sure that Charlotte is in a position where our water is protected for our residents, and have a clear idea of how much water we are looking at needing access to, and whether or not you have a separate agreement with the Catawba Riverkeeper and any of their representatives, or if the expectation for all of the water needed for cooling is going to be coming from and provided by the City of Charlotte.

Mr. Alves said so, those are all very good points. Typically, what we use is either a closed-loop system or an air-cooled system, so we effectively use the same amount of water as an office building. It's really just toilets and sinks.

Ms. Mayfield said it will be helpful when we have the follow-up, Mr. Brown, for a little bit more detail, and when the time comes, if this comes back, there being some very clear written commitments to ensure that our air quality, as well as our water quality, is protected. Thank you.

Mayor Pro Tem Anderson said thank you, Ms. Mayfield. It also might be helpful with your ESG report, if you could distribute that to the balance of Council, as well as underscore any of your best practices that you utilize or have landed on in your existing facilities. I think that will be helpful for the Council to understand the mode of operations.

Ms. Johnson said I was just talking with Ms. Craig. I would ask staff, because this references a past petition, 2020-049, I understand that we can't upload all documents for all petitions, but I think it's important, if a petition is referencing another petition, that that information be available to us. For this petition, I wanted to know what the community reports indicated for the other petition. It seems like I remember a lot of opposition, if I recall correctly.

Ms. Cramer said there was opposition. So, are you asking for specifically you'd like community meeting reports from the previous petition?

Ms. Johnson said yes, I'm asking, when a petitioner files a motion and is referencing a former petition, that that information be updated on the website. It's currently not, or all of the information is not available. It still shows the status is pending, and we're not able to see the site plans, and there's just information that wasn't transferred due to archiving or something. So, during the application process, if that's something that you all can crosscheck to make sure that Council is able to have access to all of the past information, it helps us in making a decision, because if I recall correctly, and Dr. Watlington's not here, but I think this was a highly contested petition. So, I think that's important for us to consider.

Ms. Cramer said okay, and we do have a background section on the staff analysis, but it's probably a bit more abridged than what you're looking for. It speaks to the previous petition and the entitlements allowed under its current zoning, but we can certainly provide the additional documentation on that 2020 petition for you, and staff is of course available at any time for anybody who needs petition information that's no longer available on the website, since we're limited in the number of years and what petition information we can house on the website.

Ms. Johnson said okay, just as a process, I don't know that it happens very often, if you all could just update that petition on the website, just for the public consumption as well, I think it's important. Okay, thank you.

Ms. Brown said Mr. Brown, I'll just say I have jotted down a list of concerns on the petition, and I hope that we can talk with all these together and look deep into the concerns that you have. We don't have to go back over them, they're already on record, but I do have a list of them. You and I can get together and we can discuss them accordingly and appropriately, and make sure that we can move forward with truth and transparency to try to get this resolved to bring it into the district as it will see fit according to what we need to do to be in compliance with everything. So, that's all that I have.

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| Motion was made by Councilmember Brown, seconded by Councilmember Johnson, and carried unanimously to close the public hearing. |
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**ITEM NO. 21: HEARING ON PETITION NO. 2024-145 BY DAVIDLAND, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.85 ACRES LOCATED ALONG THE WEST SIDE OF I-85, SOUTH OF QUAY ROAD, AND NORTH OF RIDGE ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO ML-1(CD) (MANUFACTURING AND LOGISTICS-1, CONDITIONAL).**

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

**Holly Cramer, Planning, Design & Development** said this site is just under nine acres, along the Cabarrus County line, west of I-85, south of Quay Road. Much of the surrounding area is vacant land, zoned for industrial uses. Additionally, we have some commercial uses just to the north there at Concord Mills, as well as some residential uses dispersed throughout the area. The site is currently zoned Neighborhood-1A. They are requesting to go to Manufacturing and Logistics, Conditional. This would be inconsistent with the Policy Map's recommendation for the Neighborhood-1 Place Type at this property. Proposal includes a couple of development standards. It doesn't have a full site plan, but it does have a couple of development standards. These note that the site may be developed with M&L-1 uses. Driveway access to the site would come from the Cabarrus County side, and the existing outdoor advertising sign shall remain on the site.

Staff recommends approval of this petition. The site is directly adjacent to nearly 300 acres of land that was rezoned as Petition 2021-028. That allows for primarily manufacturing warehousing uses, and Petition 2024-145, this subject petition, is also adjacent to industrial zoning on the Cabarrus County side. These entitlements in their scale have changed the context of the uses in the broader area, and this subject petition is a continuation of that trend. The site does not directly abut existing residential uses or share boundaries with other properties in the N-1 Place Type. Sequentially, the N-1A District is not reflective of that surrounding development, Place Type, or the zoning districts. The equitable growth framework notes that access to employment opportunity is one of the highest priority needs in this area. So, this petition has a potential to

increase that job opportunity and speak directly to that tool. I'll take any questions following the petitioner comments.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said Mayor Pro Tem, commissioners, interesting one here. I've had a couple interesting ones tonight. This is up at the very, I guess, edge of Cabarrus and Mecklenburg County, and what makes it interesting is this property owner's parcel is in both counties. The most of their property is north of this in Cabarrus County. So, what they really want to do is develop. If you can see here, here's the Cabarrus County side. That's where most of their property is that they want to develop. A little tail of the property sneaks down here into Mecklenburg County and the City of Charlotte. So, they're really just trying to develop up here with a tail on here. So, their Cabarrus County's parcels are properly zoned. They'd like to do kind of a flex small warehouse space. If you can see, here's the Mecklenburg side. There's a creek on it. There's wetlands, so most of this can't be used. It may be that they just have their BMP (Best Management Practice) pond, a little bit of parking, or maybe a small building in that area. So, happy to have staff's support. We hosted a community meeting. We got no attendees. We did reach out to the District Four Coalition. We spoke to Mr. Chism about it. He said, "Oh, I thought this was kind of a funny one." So, we talked to him about it. He said, "You know what, that makes sense." So, again, we've got just kind of a funny remainder parcel that has a little tail in Charlotte. The development mostly will occur in Cabarrus. As Holly mentioned, there won't even be a drive. There's no driveway access to Charlotte. The driveway will be on the Cabarrus side and just come down into this parcel. So, we did some basic kind of zoning conditions, and kind of said, hey, if there's anything you want us to roll out, we're happy to do that, but there is also the commitment that driveway access would only be from the Cabarrus County side.

**Councilmember Johnson** said thank you Collin. Did we discuss this a long time ago, or is there another petition that's exactly like this one?

Mr. Brown said this one's been a long time ago, for this one. It was just kind of this remainder piece with not much happening on it.

Ms. Johnson said and we're hearing it instead of Cabarrus County?

Mr. Brown said well, Cabarrus, now most of their property is in Cabarrus, and it's already zoned. I mean, there's Concord Mills. His piece is right here. The rest of his property just happens to be down in Mecklenburg. So, Cabarrus is properly zoned. The portion in Charlotte won't be much. It'll probably be some stormwater detention, maybe some parking areas and a small building.

Ms. Johnson said and signage?

Mr. Brown said there's an existing sign on it, it'll stay.

Ms. Johnson said and is this part of the Kings Grant?

Mr. Brown said no, it's not. It's adjacent to it. All Kings Grant happens over here. This is just kind of this funny little, it's a leftover.

Ms. Johnson said okay, thank you.

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| Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to close the public hearing. |
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**ITEM NO. 22: HEARING ON PETITION NO. 2025-002 BY KELSEY MILES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.28 ACRES LOCATED ON THE NORTHEAST SIDE OF EAST 36TH STREET, WEST OF THE PLAZA, AND SOUTH**

**OF NORTH DAVIDSON STREET FROM N1-C (NEIGHBORHOOD 1-C) TO NC (CD)  
(NEIGHBORHOOD CENTER, CONDITIONAL).**

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

**Maxx Oliver, Planning, Design & Development** said Petition 2025-002 is developed with a single-family dwelling. It's approximately 0.28 acres in size and is located on the north side of 36th Street, about an eighth mile west of The Plaza. Current zoning is N-1C, Neighborhood-1. The proposed zoning is NC(CD), Neighborhood Center, Conditional. The 2040 Policy Map recommends the Neighborhood-2 Place Type. The NC District is inconsistent with this Place Type. Approval of this petition would revise the Policy Map to the NC Place Type. The proposal calls for the adaptive reuse of an existing structure on the property for a medical office use. Staff recommends approval of this petition, as the Neighborhood Center Zoning District allows flexibility in how the building is used, but the requirements for the district are to ensure the property will remain consistent with the character of the area. Happy to take any questions following the petitioner's presentation.

**Kelsey Miles, 1921 Umstead Street** said good evening, thank you. I do have a few slides if you could pull those up please, and if not I'm happy to just speak. Thank you. Alright, I'm Kelsey Miles. Thank you, guys, very much for having me here today to speak in front of you. I am talking about 2025-002. This property is at 1107 East 36<sup>th</sup> Street, as you already indicated. It is adjacent to commercial buildings. It's across the street from multi-family housing units, and so there are restaurants across the street as well. That's the current property. That's the property there now. That's the property that you will see when it's hopefully rezoned. There will be no major outward changes. As you addressed, it's an adaptive reuse property, so there are very minor changes overall to the structure.

Current zoning we already discussed. I'm not requesting any conditions or exceptions to that NC(CD) Zoning, and my intended use is a medical/dental office for a specialized pediatric physical therapy practice. I'm a physical therapist. Just a little bit about my practice. I am currently working about half a mile away. I just need a little bit more space. I work with children, mostly aged zero to six, with severe brain injuries and rare genetic conditions. I see kids from around the country and around the world. They come in supporting the local economy, they're staying in Airbnb's, they're eating at restaurants, so just a small part, but it is helping the local neighborhood.

In terms of traffic increase, there will not be any. I walk to work. I live in the community. I see one patient every one to two hours, so maximum amount of patients per day is around six, minimum is around three, and per C-DOT, no need for increase in sidewalk width with that. In terms of the changes to the current structure, it is an adaptive reuse, so that current structure that I showed you before will remain exactly the same, no major outward changes. If it is rezoned, there will be a ramp added to the back to allow for accessibility for wheelchairs and walkers. There's a current driveway that's gravel right now. It will be paved for ease of use of mobility devices, as about 95 percent of my children use wheelchairs to maneuver around, and there will be minor changes to the inside of the house to make it ADA compliant.

There will be no changes to buffers, setbacks, building height, open land space, architectural elevations, house frontage, sidewalks, or the tree canopy. All trees will be saved, and we will be actually planting additional trees. Then, green building practices do not apply, affording housing practices don't apply. No change in trash. No change in pedestrian practices. Again, trees will all be saved. Thank you.

Mayor Pro Tem Anderson said thank you, and great job with the presentation.

Ms. Miles said thank you.

Mayor Pro Tem Anderson said you actually answered a couple questions that I had. I wanted to ask some questions around the number of patients that you have. First and

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foremost, very noble work that you're doing, that's wonderful. The adaptive reuse in this particular area is relatively common in the NoDa area. I see that you conducted a neighborhood meeting and you had six attendees. What was the feedback from the neighbors?

Ms. Miles said so, I actually conducted two neighborhood meetings. The first one was a virtual meeting with the six attendees. Everyone was very supportive. Most people were just kind of curious as to what was going to be happening there in the space. Then, the in-person meeting was in front of the entire neighborhood of NoDa, and they were all very supportive. They actually, I believe, if they have not sent it to you yet, are in the process of writing a letter in support of this adaptive reuse.

**Councilmember Johnson** said thank you. I was just going to ask if the neighbors were supportive, and you said there are, right?

Ms. Miles said yes. I have not heard anything bad in any regard. Everyone's been very supportive and excited to see this. The house is 98 years old this year, and they're excited to see that house remain.

Ms. Johnson said and you said you treat children with brain injuries?

Ms. Miles said yes, correct.

Ms. Johnson said do you know I'm a brain injury advocate?

Ms. Miles said I do not know that, but I love that. I am as well.

Ms. Johnson said you didn't see the skyline on March 24, 2025. We'll have to talk.

Ms. Miles said I would love that, thank you.

Ms. Johnson said thank you, that's all.

Mayor Pro Tem Anderson said excellent.

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| Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to close the public hearing. |
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**ITEM NO. 23: HEARING ON PETITION NO. 2025-006 BY BEACON RCP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 94.46 ACRES LOCATED ON THE EAST SIDE OF RHYNE ROAD, SOUTH OF MOUNT HOLLY ROAD, AND NORTH OF BELMEADE DRIVE FROM I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO ML-1(CD) (MANUFACTURING AND LOGISTICS-1, CONDITIONAL).**

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

**Joe Magnum, Planning, Design & Development** said 2025-006 is approximately 94 acres, located on the east side of Rhyne Road, south of Mount Holly Road, and north of Belmeade Drive. This follows a 2021 petition that included an additional 52 acres. So, the site remains undeveloped, surrounded by a residential neighborhood to the west, and mostly industrial commercial uses to the north, east, and south. Current zoning is I-1(CD). Proposed zoning is ML-1(CD). The 2040 Policy Map recommends Manufacturing and Logistics Place Type. The proposal would allow for 1.275 million square feet of gross floor area of warehousing, warehouse distribution, manufacturing, office, and other primary and accessory uses permitted in the ML-1 Zoning District, with the exception of a long list of more noxious uses. Most of the transportation commitments under the 2021 rezoning have been completed.



It would provide for a minimum 100-foot Class A landscape yard along the western property boundary, as well as the dedication of three acres to Mecklenburg County for a future neighborhood park. Commits to dedication of a minimum 90-foot-wide trail easement along the western property boundary to Mecklenburg County for a future trail connection, and confirms that the development will have zero foot-candles at the property lines of adjacent single-family zoning.

Staff recommends approval of this petition upon resolution of outstanding issues related to the environment. That is a tree survey that is outstanding. Petition is consistent with the Manufacturing and Logistics Place Type, and the uses that are proposed in this rezoning are consistent with those that were approved in the 2021 rezoning. I'll be happy to take any questions after the petitioner's comments.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said alright, ready to close it out. Mayor Pro Tem, Council members, Zoning Committee members, Collin Brown on behalf of the petitioner, Beacon. Pete Kidwell is here to end the night with us as well. I told you I've had a couple of interesting ones tonight, but this is pretty simple. The whole point of this rezoning is to change the letters. I guess that's the purpose of all of them, but this one, the current zoning on the property is Industrial-1 (CD). Had this not had a conditional zoning when the UDO was in place, it would have translated to the new ML. I know the UDO gets a lot of bad rap, but Beacon is actually telling us, "Hey, we'd actually like to have the more modern ML-1 Zoning." So, we're just getting rid of the old Industrial Zoning, becoming the new ML-1 Zoning, bringing all the commitments forward. Everything that was in the prior rezoning, there were uses that were prohibited, all those uses are prohibited. In the rezoning when it came through, we had transportation commitments, they have all been completed. So, the purpose is, as Beacon is taking this to market and attracting tenants to the site, believe it or not, people are now familiar with the UDO. They know they're looking for Manufacturing and Logistics, and Beacon wants them to find the ML here, rather than the I-1. So, it is just really the change of our district classification, but really no changes to the site plan or the other commitments. This was a contested zoning previously. I think the neighbors understand what's going on here, they're happy with those commitments, and so the feedback we've gotten was positive.

**Councilmember Brown** said yes, so that I understand you correctly, Mr. Brown, you're stating that what you're proposing for this petition is already in place?

Mr. Brown said well, it's already been approved essentially. This is the zoning that's approved. We're not trying to do anything different. Beacon would develop essentially what the current zoning allows. They'll just have a different zoning designation being ML. We're not looking to increase any entitlements over what we already have.

Ms. Brown said right, you said?

Mr. Brown said I did say the transportation improvements were in place. So, there are certain things that Beacon had to do and those have already been done and completed. So, now development can take place.

Ms. Brown said alright. So, what transportation concerns were in place that they have already completed?

Mr. Brown said well, I'd have to get you a list of those. I'm happy to follow up and do that.

Ms. Brown said yes, I know you will sir, no problem. I just wanted to ask since you put it out there, because people are listening, and we want to make sure that we address those concerns. As well as previously contested by the community, what were they contesting?

Mr. Brown said when the prior rezoning went through, they asked us to prohibit certain uses. There is the list of them. We have prohibited all of those uses.

Ms. Brown said alright, and so this list right here, according to what was asked for you by the community opposition, and the concerns that they had, you addressed those accordingly and appropriately?

Mr. Brown said that's correct.

Ms. Brown said okay, then you and I should be pretty good on this, if it all checks out.

Mr. Brown said it's pretty straight forward.

Ms. Brown said okay, alright.

**Councilmember Johnson** said thank you for that information about this list. So, this is another example of Council needing that information.

Mr. Brown said I knew you were going to say that.

Ms. Johnson said yes, had you not shared that. So, this is an example, and I would ask Alyson, if when there's a reference to a previous petition, is it possible that that petition can be updated in the system?

**Alyson Craig, Assistant City Manager** said yes, we will make sure you have that information.

Ms. Johnson said no, not just me having it. Can this information be updated in the system?

Ms. Craig said let me check with our communications team, because really, they're the ones that lead a lot of that. So, we will make sure you have the information no matter what, whether it's as part of the new petition that's being requested, or on the website.

Ms. Johnson said okay, and hopefully we can update it, because it's not just for Renee or Council, it's for the public to be able to access this information. So, if we know that they're going to reference a previous petition, that information's important. So, things like community meeting and petition documents, I think, are important for us to be able to see and transfer that information in the new petition.

Mr. Brown said are you saying when you go to the website, that it's available?

Ms. Johnson said yes, it's not there.

Mr. Brown said you're right, because we spent half the community meeting explaining the prior rezoning, so I get it, okay.

Ms. Johnson said it would be very helpful to have that information, especially when you know that they're cross-referencing another petition. So, if that information is available, I think it would be helpful for everyone.

Ms. Brown said Collin, that was not done, because you spent a significant amount of time with the community in the beginning?

Mr. Brown said well, to Ms. Johnson's point, when you're saying, hey, I'm changing the prior zoning, we spent a lot of time at the community meeting talking about the prior zoning, and for us it's kind of easy, because we know who to talk to, because they were involved last time. So, that's the case on this and the Digital case.

Ms. Brown said so, for clarification and point of clarification for people that are watching, we will, Alyson, try to do our best to get it updated, so that it's cross-referenced in the future.

pti:pk

Ms. Craig said yes.

Ms. Brown said alright, Ms. Johnson's point well taken. Thank you so much. Alright, Collin, thank you.

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

\* \* \* \* \*

**ITEM NO. 24: HEARING ON PETITION NO. 2025-022 BY BILL SCANTLAND FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.80 ACRES LOCATED EAST OF EW.T. HARRIS BOULEVARD, NORTH OF HARRIS PARK BOULEVARD, AND SOUTH OF DELTA LANDING ROAD FROM R-20MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO N2-B (CD) (NEIGHBORHOOD 2-B, CONDITIONAL).**

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

**Holly Cramer, Planning, Design & Development** said this property is just under six acres on the east side of W.T. Harris Boulevard, north of Albermarle Road, in an area where we have quite a bit of multi-family and single-family residential developments, as well as some vacant land, as you can see to the south and west there. Commercial uses are located just south of the site along Albermarle and further north along W.T. Harris Boulevard. Property is currently zoned R-20 Multi-Family, Conditional. That's as a result of a petition from 1988, and they are requesting to go to Neighborhood-2B, Conditional. That request is consistent with the Policy Map's recommendation for a Neighborhood-2 Place Type at this site. The petition itself proposes 60 multi-family stacked units, and this site may also be developed with a clubhouse as an accessory use. Access to the site would be via an extension of Delta Landing Road. A Class B landscape yard would be installed along the northern, western, and southern boundaries of the site, and eight-foot sidewalks and planting strips would be provided along existing streets.

Staff recommends approval of the petition upon resolution of several outstanding issues, as well as technical revisions. The petition proposes uses that are consistent with the Policy Map's recommendation for the Neighborhood-2 Place Type, as well as the existing improved entitlements on the site, but it would update the zoning to a UDO district more reflective of our current standards. The site is well connected to public transit, and is just over half mile to an activity center, which would help provide goods and services to future residents. I'll take questions following the petitioner comments.

**Bill Scantland, 1220 Arboretum Drive, Lewisville** said we've got a presentation going, and while it's firing up, I will say I'm Bill Scantland, Lewisville, NC. I'm a multi-family developer, have been for about 21 years, and focusing most recently in North Carolina specifically. This project, Ryan's Way, the BTR (Build-To-Rent) Communities Group is the sponsor for this. It is a 2024 allocation from North Carolina Housing Finance Agency for about \$1.29 million of credits per year, and as you probably know, that goes for 10 years. So, we're looking at approximately a \$16 million development, which will pay probably taxes in the range of \$45,000 a year based on NOI (Net Operating Income) evaluations. This is a 60-unit development. We're looking at focusing on individuals from the 30 to 60 percent AMI (Area Median Income) range. The [INAUDIBLE] study that was used, along with the NCHFA (North Carolina Housing Finance Agency) application a year ago, indicated that in this market area, there's a need for about 7,000 units of affordable housing that addressed the 30 to 60 percent AMI category. We're proposing 60 on this property, so we are looking at probably about nine-tenths of a percent of addressing the need. The need is huge, as you all know. Compatible affordable housing developed in the market area, are all 100 percent full with waiting lists. We're looking at one, two, and three bedroom units, running anywhere

from 715 square feet to 1,158 square feet, ranging in rents from \$480 to \$1,400 a month. Those specifically keep the tenant's rent payment for housing in the 35 percent range of their adjusted income. I'm sure these are numbers that ya'll are familiar with, with as much affordable housing as you attend to here in Charlotte.

I want to also point out to you that this is a Brownfield site. From 1948 to about 1990, there was flight training and aircraft maintenance on this site. So, we are working with DEQ (Department of Environmental Quality), already have an environmental work plan in place. We have just been approved for the Brownfields program, and we're proceeding on with a Brownfields agreement, which we think we'll have in a few months. So, we're being able, with this project, to not only bring affordable housing to the area, but also to put a parcel of land back into service, that otherwise would not be. Answer questions.

**Councilmember Molina** said Mr. Scantland, thank you for coming out tonight. We've not spoken yet, so I definitely look forward to having a conversation. Colleagues, just for context, I want to let you know, you know the Hickory Grove Baptist Church, or you know where the Hickory Grove Library is? It's literally like a quarter mile down. So, the area where it used to be, there is actually an existing apartment complex there. I drove it. It's an existing complex right there. It used to be an old airport landing area, years and years ago. So, that area I know well, but I'm wondering that there was only one person to show up at the community meeting, and that's not to say that was on you, but what I'm starting to find often is, like I got one opportunity that we're peddling backwards, because as soon as the community found out about it they started contacting me. Especially in zoning petitions, often that's what happens, and that's why I've been explaining incrementally for the night. Because what I find, the longer I'm in this position, is that we have community members that really just aren't adept at this process. So, by the time they understand what's going on, we're probably right at the decision making. This isn't a new phenomenon, this has been happening forever. If, let's say tonight there's no one here to oppose, I haven't spoken to you or spoken to anyone who's adjacent to the neighborhood, based on what I'm hearing from you, it doesn't sound too far from what's already starting to happen. So, I'm not presenting any type of opposition, I'm just saying that I haven't been able to speak with anybody at all, including you, so I need to be able to do that. Then what we find in some cases is that when we get to that decisioning someone actually figures out what's going on. Then, they're like, we want you to vote no, because they haven't really been brought along on the journey with us. So, I think, once this is done, what I would like to be able to do is to speak to you to learn more about what you're proposing. You're absolutely right. There is always a need for affordable living opportunities, not only in East Charlotte, but throughout our City. So, any time that we can achieve that, especially where there are additional credits, and you didn't even speak of the Housing Trust Fund, so this is something that you've endeavored on your own, which is commendable. Any time we can do that successfully, it's a win. I just need to make sure that the community perspective has already been taken care of, and that I have some kind of conversation with you, to meet you and know what you'd like to do in the district.

Mr. Scantland said can I address a couple of points there? The surrounding area, it did not surprise me that we did not have folks show up for this, because, as you mentioned, immediately to our northeast is Hub on Harris, which is 200 plus affordable housing units that were just recently completed. So, the individuals there, from the apartments are not going to be invited to a public hearing. It's the owners of that complex.

Ms. Molina said so, right behind that complex are some condo owners, and I know a bunch of them that live there. So, one of them ran for the North Carolina House many, many years ago, and is very, very active in the community, and there are about five people that I could call on the phone right now that I know. See, I've lived in Charlotte for 21 years too, and that's telling my age, but it's a good portion of my life, but I've always been active. So, when we start talking neighborhoods, and I've done everything from community organizing to knocking on doors, to really getting to know people. I went to see where this is. There is a townhome community that's a walk, that's right behind Hub, and there's a whole neighborhood of ownership right there. I know there

are apartments on both sides, and I live about five or 10 miles from here, so I drive it every day. So, that's also another thing. So, I know it well. I get what you're saying. This isn't opposition. This is really just saying, I want to make sure we've checked that box, so that if it comes to a point where we're saying, as a Council, we'd like to move forward with this, that we've done the check box position of reaching out to the neighborhood and making sure that we've covered that.

Mr. Scantland said sure, and we did reach out to everyone, names that were provided from your Zoning staff.

Mayor Pro Tem Anderson said yes, well, I look forward to having a conversation with you, and we can go from there. I think it'd be great. Thank you so much.

Mr. Scantland said thank you.

Mayor Pro Tem Anderson said thank you, Ms. Molina. I too am a bit surprised that only one person showed up to the community meeting, given the level of involvement of some members in that area, and the proximity to the church. So, just a question for staff. It's a constant battle. We have these recurring conversations around more exposure, trying to reach community, ensure they know when they see that Z up there what that means, adding a QR code, etc. I wonder if we can look into the possibility of leveraging the churches that are in our community to disseminate information such as this, with such a large church so proximate to this area, and you're talking about 60 units, which is not insignificant. They're all affordable. I just wonder, I would love for staff to look at some opportunity to push communication or have a push/pull communication with churches perhaps on a monthly basis around development that's proposed proximate to their area.

Ms. Cramer said okay, yes. I mean, I can look at what's possible. I will just add, in terms of our communication, of course we have the required noticing when a petition becomes active. We also do additional noticing beyond that and beyond the rezoning sign that you see posted at the site. We post on Nextdoor twice throughout a petition's life cycle, when it becomes active and right before public hearing, and that's begun to get a lot more engagement than it did at first, and that's been a good avenue for us. The Housing and Neighborhood Services provides that list of the neighborhood leaders that we have to reach out to on our notices, as well as the petitioner's community meeting notice. I can ask about what data we have, in terms of churches, and how to best reach them, but honestly a lot of that work typically may be best done through the petitioner as well in their community engagement, if they're not formally captured on our community engagement list provided by Housing and Neighborhood Services, but I'll see what's possible, and get more information on that.

Mayor Pro Tem Anderson said thank you, thank you.

**Councilmember Johnson** said thank you, Mr. Scantland, for the proposal. I'd love to know more about Ryan's Way, LLC. Perhaps we can talk offline also. Let me say, when we're talking about the outreach, we know that you've done what you were required to do. This is a discussion that Council has too often. So, hopefully in our referral that's something we can discuss, changing or improving the outreach. I wanted to clarify the numbers that you gave. You mentioned the housing deficit. Did you say 7,000 or 70,000?

Mr. Scantland said I said in the market study that was performed for the North Carolina Housing Finance Agency proposal, that the market analyst calculated a need, this was a year ago, of over approximately 7,000 units of affordable housing, needed in the range that we're targeting, which is 30 to 60 percent of the AMI.

Mayor Pro Tem Anderson said to add another level of specificity, you are talking about a 30 to 60 percent, and not all affordable housing?

Mr. Scantland said yes, this was 30 to 60 percent, of which we would be addressing about one percent.

Ms. Johnson said the reason why I ask is we've been told that the deficit is 30,000 to 40,000, years ago. So, we think in this area, it's closer to 70,000. So, I'd love to know where you got your information, because we've been given numbers, at least 30,000, for years. Then, you mentioned \$45,000?

Mr. Scantland said the \$45,000 is what, based on net operating income evaluation, would be the taxes that this project would be paying on a yearly basis. As you probably know, affordable housing is evaluated differently in terms of calculating taxes. I suspect you know that.

Ms. Johnson said and then you said the rent's going to start at \$480?

Mr. Scantland said right now, and these would be subject to change, because these are the rents that we had when we put our application together last year. They'll be reevaluated, it'll be another 18, 24 months, before this project is completed. At the time of the application, we were looking at the lowest rents, which would be for a one bedroom at 30 percent AMI at \$480, and on the higher end, which would be a three bedroom for 60 percent at \$1,400. So, that's the range that we're working with. That translates into an income range of about \$22,000 to \$60,000 for individuals and families who would be living there.

Ms. Johnson said and so, \$60,000 is at 60 percent AMI?

Mr. Scantland said that would be correct.

Ms. Johnson said so, what AMI number do you have in your report? Because I asked staff for this information during our last committee meeting, so I'm hoping to get that information. What median income are you using?

Mr. Scantland said I'm not sure I completely understand the question. The project will have units available to 30 percent up through 60 percent.

Ms. Johnson said 30 percent to 60 percent of the Area Median Income.

Mr. Scantland said that's correct.

Ms. Johnson said so, do you have the number, the Area Median Income that you're using? I mean, I guess we could do some math.

Mayor Pro Tem Anderson said Ms. Johnson, I think it's 60 percent, and he's saying \$60,000 is the ceiling, and that's going to be on the basis of \$100,000 being 100 percent AMI.

Ms. Johnson said so our Area Median Income in Charlotte now is \$100,000?

Mr. Scantland said it's about \$107,000, I believe. I don't have it written down here, but I think it's about \$107,000.

Ms. Johnson said \$107,000, okay. Can we get staff to verify that?

Ms. Cramer said yes. So, this petition in its current form doesn't have the affordability commitment lined out, because they were needing to get to a public hearing sooner rather than later, because of the credits that they're dealing with, but we're going to be working with Housing and Neighborhood Services to make sure that every condition about the affordable housing meets what they would define for the Area Median Income, and is enforceable by Housing and Neighborhood standard's needs.

Ms. Johnson said so, let me clarify, before our City Attorney says anything. I know that it's not just based on this income. He's bringing up Area Median Income. I had asked the staff, we would like information on what the Area Median Income is here in Charlotte. Not from you, not today, I'm just saying staff. Thank you for the work you do. I don't expect the Zoning Manager to know that, but Alyson, if we can get that information that'd be great. Thank you.


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

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### ADJOURNMENT

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

The meeting was adjourned at 8:51 p.m.

  
Billie Tynes, Deputy City Clerk

Length of Meeting: 3 Hours, 43 Minutes  
Minutes completed: May 14, 2025