

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, November 17, 2025, at 5:12 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Council members present were Danté Anderson, Tiawana Brown, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, James Mitchell, and Victoria Watlington.

**ABSENT:** Councilmember Marjorie Molina

**ABSENT UNTIL NOTED:** Councilmembers Dimple Ajmera and Edwin Peacock III

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**Mayor Lyles** said I would like to call to order the welcome for our meeting tonight and introductions at the dais.

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### **INVOCATION AND PLEDGE**

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

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### **APPOINTMENTS TO BOARDS AND COMMISSIONS**

#### **ITEM NO. 2: PARTIAL APPOINTMENTS TO METROPOLITAN PUBLIC TRANSPORTATION AUTHORITY BOARD**

**Mayor Lyles** said we are going to have an action item that is to appoint appointments to the Metropolitan Public Transportation Authority Board. I want to recognize the people that worked through this to make this happen, Mr. Mitchell, Ms. Mayfield and Mr. Driggs. So, this has been truly a journey, I think I've worked on this for five or six years, actually, but here we are today, and I'm proud to be able to make this actionable item. So, let's go ahead.

Motion was made by Councilmember Mitchell, and seconded by Councilmember Driggs to adopt a resolution appointing members to the Metropolitan Public Transportation Authority Board based upon the recommendation of the Charlotte Regional Business Alliance, the recommendation of the Foundation for the Carolinas, and confirming appointments by the Mayor.

**Councilmember Ajmera arrived at 5:16 p.m.**

**Councilmember Peacock arrived at 5:16 p.m.**

**Councilmember Mitchell** said so just some brief comments. First of all, let me thank the workgroup, who the Mayor had formed, and I think we put in about 17 hours of interviewing, and then let me thank this Council, because this was truly a team effort. We went from 145 applicants down to 27, then we interviewed 27, and today we had our first round of voting. Mr. Ferguson withdrew, so we went from 27 to 26. To all those who applied to interview, we thank you for sharing your time and talent with us for a very long, but I think a very productive process we had. So, I do think we have some results, so Stephanie can you come to the podium please and share any early results we have from the nominations.

**Stephanie Kelly, City Clerk** said good evening, Mayor and Council. From the results of your voting last night and this morning, you have confirmed the five individuals that were recommended from the Charlotte Regional Business Alliance, from the Foundation For

The Carolinas, and the two from the Mayor, and each of those individuals received seven nominations, so they will be appointed.

The following nominations were made for two appointments for a two-year partial term or four-year term beginning December 15, 2025, and ending on a date to be determined. Pursuant to the P.A.V.E. Act and the Council approved MOU.

Based on recommendation from the Charlotte Regional Business Alliance:

- Wyatt Dixon (Economic Development), nominated by Councilmembers Ajmera, Anderson, Driggs, Graham, Mayfield, Mitchell, and Peacock.
- Lucia Zapata-Griffith (Small Business), nominated by Councilmembers Ajmera, Anderson, Driggs, Graham, Mayfield, Mitchell, and Peacock.

The following nominations were made for one appointment for a two-year partial term or four-year term beginning December 15, 2025, and ending on a date to be determined. Pursuant to the P.A.V.E. Act and the Council approved MOU.

Based on recommendation from The Foundations For The Carolinas:

- Peter Pappas (Economic Development), nominated by Councilmembers Ajmera, Anderson, Driggs, Graham, Mayfield, Mitchell, and Peacock.

The following nominations were made for two appointments for a two-year partial term or four-year term beginning December 15, 2025, and ending on a date to be determined. Pursuant to the P.A.V.E. Act and the Council approved MOU.

Based on recommendation from the Mayor:

- Charles Bowman (Finance), nominated by Councilmembers Ajmera, Anderson, Driggs, Graham, Mayfield, Mitchell, and Peacock.
- Christy Long (Finance), nominated by Councilmembers Ajmera, Anderson, Driggs, Graham, Mayfield, Mitchell, and Peacock.

**Mayor Pro Tem Anderson** said okay, so we had a motion and a second to approve those five individuals before we go into a second motion to approve the Council's appointment. Any questions or conversations on those five individuals?

**Councilmember Watlington** said I'd like to verify a couple of things, because the numbers that I looked at would've put a couple more people over, at least one more person over. You may not have the results from my particular one.

Ms. Kelly said I do.

Ms. Watlington said okay.

Ms. Kelly said and so all others will come back to you on November 24, 2025.

Mayor Pro Tem Anderson said Madam Clerk, do you have all of the ballots that the Council members have turned in?

Ms. Kelly said I do.

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

The following nominations were made for seven appointments for a two-year partial term or four-year term beginning December 15, 2025, and ending on a date to be determined. Pursuant to the P.A.V.E. Act and the Council approved MOU:

Law:

- Frank Emory, nominated by Councilmembers Driggs, Graham, Mayfield, Mitchell, Peacock, and Watlington.

Motion was made by Councilmember Mayfield, and seconded by Councilmember Mitchell to appoint Frank Emory by acclamation.

Mr. Emory was appointed.

Finance:

- Emma Allen, nominated by Councilmembers Ajmera, Brown, Johnson and Watlington.
- William Cameron Pruette, nominated by Councilmembers Ajmera, Anderson, and Brown.

This appointment will be considered at the November 24, 2025 Business meeting.

Engineering:

- Tim Sittema, nominated by Councilmembers Anderson, Brown, Driggs, Mitchell, and Peacock.

This appointment will be considered at the November 24, 2025 Business meeting.

Public Transportation:

- Robert Hillman, nominated by Councilmembers Anderson, Driggs, Mayfield and Mitchell.
- David Howard, nominated by Councilmembers Brown, Graham, and Watlington.
- Corine Mack, nominated by Councilmembers Brown, Graham, and Johnson.
- Shannon Binns, nominated by Councilmember Peacock.

This appointment will be considered at the November 24, 2025 Business meeting.

Urban Planning:

- Katrina Young, nominated by Councilmembers Anderson, Graham, Mayfield, Mitchell, and Watlington.

This appointment will be considered at the November 24, 2025 Business meeting.

Government:

- David Howard, nominated by Councilmembers Ajmera, Anderson, Driggs, Mayfield, Mitchell, Peacock, and Watlington.
- Marjorie Molina, nominated by Councilmember Graham
- Colette Forrest, nominated by Councilmembers Brown and Johnson.

Motion was made by Councilmember Mayfield, and seconded by Councilmember Mitchell to appoint David Howard by acclamation.

Mr. Howard was appointed.

Architecture:

- Todd Collins, nominated by Councilmembers Ajmera, Anderson, Driggs, Johnson,

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- Mayfield, and Mitchell.
- Sagar Rathie, nominated by Councilmembers Ajmera and Peacock.
  - James Scruggs, nominated by Councilmembers Ajmera and Watlington.

Motion was made by Councilmember Mayfield, and seconded by Councilmember Mitchell to appoint Todd Collins by acclamation.

Mr. Collins was appointed.

Economic Development:

- Todd Collins, nominated by Councilmembers Graham, Peacock, and Watlington.
- Scott Harris, nominated by Councilmembers Driggs and Peacock.

This appointment will be considered at the November 24, 2025 Business Meeting.

Logistics:

- Jocelyn Jones Nolley, nominated by Councilmembers Anderson, Driggs, Graham, Johnson, Mayfield, and Mitchell.
- Juan Euvin, nominated by Councilmembers Ajmera, Brown, and Johnson.

Motion was made by Councilmember Mayfield, and seconded by Councilmember Mitchell to appoint Jocelyn Jones Nolley by acclamation.

Ms. Jones Nolley was appointed.

Ms. Watlington said are you able to read the Council members that supported Katrina Jones, please?

Ms. Kelly said that supported who, I'm sorry, I didn't hear the name?

Ms. Watlington said Katrina Young.

Ms. Kelly said these will come back, but I have Councilmembers Anderson, Graham, Mayfield, Mitchell, and Watlington.

Ms. Watlington said okay, thank you.

**Councilmember Brown** said thank you so much, Mayor Pro Tem. I have a question. I want to know the six members that voted for Jocelyn Nolley.

Mayor Pro Tem Anderson said so, the clerk can read them now, but you know she's going to publish everyone that got six or more.

Ms. Brown said I want them read now.

Mayor Pro Tem Anderson said okay.

Ms. Brown said I'm requesting for them to be read now for Jocelyn Nolley.

Ms. Kelly said for Jones Nolley?

Mayor Pro Tem Anderson said yes, Ms. Nolley.

Ms. Kelly said Anderson, Driggs, Graham, Johnson, Mayfield, and Mitchell.

Ms. Brown said thank you so much.

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**Councilmember Graham** said did any other candidate reach five, other than the one that you mentioned earlier?

Ms. Kelly said yes, sir. The ones that were less than six will come back to you on November 24, 2025, and those that voted or nominated those individuals will be shown in the Council action.

Mr. Graham said but there were a number of others that reached five?

Ms. Kelly said yes, and those will come back to you at the next Business meeting.

Mayor Pro Tem Anderson said we just can't take an action tonight.

Mr. Graham said we can't take an action tonight.

Ms. Brown said now, I know you said that they're going to be published. So, we've got one, two, three, four that we have confirmed, right, Mayor Pro Tem?

Mayor Pro Tem Anderson said yes, we have Frank, David, Todd, and Jocelyn, those were the four that reached six or more votes by Council.

**Councilmember Peacock** said so, the remaining three will come back to us next week, right?

Mr. Mitchell said yes, for November 24, 2025, yes.

Mr. Peacock said okay.

Mayor Pro Tem Anderson said Madam Clerk, just so that there's clarity, will you just state what next steps are?

Ms. Kelly said next steps will be anyone that received more than two nominations, but less than six, will come back to you at your November 24, 2025, meeting. You will receive your ballots on Thursday. You will receive the Council action, the RCA (Request for Action) that states which individual Council members nominated each individual that falls within the more than two nominations and less than six.

Mayor Pro Tem Anderson said with the understanding that with tonight's passing of those four, we have three remaining appointments.

Ms. Kelly said correct.

Mr. Mitchell said a total of seven.

**Councilmember Mayfield** said Madam Clerk, for clarification, because as part of the Ad Hoc Committee, we identified the categories. So, when this comes back to full Council, are the categories that we still need to fill going to be identified? So, for transparency sake and for clarity, once we completed all of the interviews, then we went back to the specific categories that were identified and we made recommendations based on those categories. So, we have three seats that did not receive enough votes. With those three, are the categories that are still vacant, based on the PAVE (Projects for Advancing Vehicle-Infrastructure Enhancements) Act, is that going to be identified to ensure that we have parity? Because one of our challenges was that, between business community, Mayor's appointment, economic development, as well as finance, and small business was identified. So, we were looking at the other categories to ensure that we had diversity in experience. So, would that information be identified for those that will be voting in this next round?

Ms. Kelly said I would say yes, Council member. In order to be consistent with the process that you used, this time I would say yes.

Mr. Mitchell said so, let's make sure we level set, and these 11 Council members are clear. So, today, we approved the category of law, government, architect, and logistics. So, on November 24, 2025, those categories will not be on our ballot for November 24, 2025, correct?

Ms. Kelly said correct.

Mr. Mitchell said okay.

Mr. Graham said so, let me first thank the Committee for doing some good work, and the fact that we were able to get four nominations cleared tonight is good work. I'm under the impression, though, notwithstanding the recommendations from the subcommittee, that the Council has the choice of selecting any seven from any categories and categories only are a litmus test for qualification, we don't have to break them up by categories, and that's how I made my selection tonight. I didn't kind of make it based on where they fell. I kind of selected the seven individuals I believe that meet my individual standards for my vote, notwithstanding which category they fell in. There were some categories I chose none. So, I think when they come back, we should be able to choose any one of the 27, right?

Mayor Pro Tem Anderson said thank you, Mr. Graham. I'm going to go to the City Attorney, so she can speak on this matter.

**Andrea Leslie-Fite, City Attorney** said Councilmember Graham, not to block anything that you're suggesting right now, but I do want to remind Council that there are two categories that are yet to be filled and will need to be filled, and that is with respect to the bus rider category, which is required by the Memorandum of Understanding, and the small business category, which is required by the PAVE Act. The small business category that has been appointed by the Business Alliance, that is not to the exclusion of the requirement by Council, because the PAVE Act specifically calls for a remaining vote or remaining one. I see some puzzled faces.

Mr. Graham said and just to follow, I think you're absolutely correct. So, those are the only two requirements that we have to fill by categories, the other five it can be all of them, hypothetically, if they were in the category of logistics, could be chosen, right? Because it only prescribes that the individuals that serve on the Board meet these one, two, three, four, five, six type of characteristics. It doesn't say that the Council has to pick certain categories of individuals, this is like nine categories, only seven appointments, so the math doesn't even make sense, right?

Ms. Leslie-Fite said so, yes, Councilmember Graham, and again, I was just reiterating both the statutory requirement under the PAVE Act and separately the MOU, but yes.

Mr. Graham said I get that.

Ms. Brown said okay. So, I understand that this is going to come out publically, but some people are watching now, and they may miss it. So, if I could, I would like to know the votes for Emma Allen, please?

Mayor Pro Tem Anderson said so, Ms. Brown, all of the votes will be made public.

Ms. Brown said I understand that.

Mayor Pro Tem Anderson so, do you have a list of individuals?

Ms. Brown said I have a list of individuals that I'm asking, and that is my right.

Mayor Pro Tem Anderson said oh, absolutely.

Ms. Brown said so, I would like to know who voted for Emma Allen.

Mayor Pro Tem Anderson said okay, Clerk.

Ms. Brown said can I have the votes for Ms. Emma Allen, please?

Ms. Kelly said for Emma Allen, I have Ms. Ajmera, Brown, Johnson, and Watlington.

Ms. Brown said okay.

Ms. Kelly said and might I also add that, according in the consideration of the workgroup as they were going through the qualifications, Jocelyn Jones Nolley does meet the transit rider category or specification.

**Councilmember Ajmera** said so I agree with what Councilmember Graham said. He said it very well, in terms of the category. When we were discussing the process earlier, we had decided that it will give Council a flexibility to decide on the final seven, because if you look at the category, there are individuals that are meeting multiple categories, and just because they were assigned one category and it was more competitive, they didn't make it to the final round. So, I think we need to keep that in mind, and ultimately let the Council decide on who will be the seven, rather than forcing us to choose a category, because honestly, there are a lot of individuals who applied that selected more than three or four categories. So, I feel like if we choose the category, we are choosing winners and losers based on the competitiveness. So, I just don't think that's fair. So, I will be making my decision based on what Councilmember Graham said, as to who will be the best seven to serve on this Authority. That's all I have. Thank you.

Ms. Watlington said I just wanted to reiterate, I think Councilmembers Ajmera and Graham said it best. The thing that I want to be clear about, because I will also be selecting based on who I believe is the best fit for the collective, based on who's already been selected. I just want to make sure that if people's names showed up in categories that have already been filled based on these appointments, are we still going to see the full slate of remaining candidates, so long as they've got at least two votes?

Ms. Kelly said you will.

Ms. Watlington said okay, thank you.

**Councilmember Johnson** said I'm just clarifying a little also, Ms. Ajmera and Dr. Watlington have already clarified it, but as far as categories, when we were voting, there were nine categories. Small business and transit rider were at the end, and I remember calling Mr. Driggs about the categories, and he was saying, transit rider was not a standalone category, and I don't know if small business was either, that was my understanding.

Mayor Pro Tem Anderson said City Attorney, can you respond to the question? The question was around the two categories, the public transportation rider and small business. They were not a part of the original categories within the actual referendum.

Ms. Johnson said or the survey, if I'm correct. I know transit rider was not, and I believe small business.

Ms. Leslie-Fite said they were part of the Act, and we vetted our office in conjunction with the Madam Clerk's Office as well, vetted the applications to ensure that there was at least one applicant available and eligible to fit those categories, Councilmember Johnson, and so I don't know that I'm answering fully your questions. I want to make sure I circle back to clarifying anything on this.

**Councilmember Driggs** said what the Act says is, the City will appoint 12, five of them we know about, seven for us, and it says that among the 12, there will be at least one small business. That means, though, that you choose from the nine categories and your choice in those nine categories must include somebody who's a small business owner. It's not a tenth category, it's an additional requirement of at least one of the people from

the nine categories. The Memorandum of Understanding, that we entered into with the members of Mecklenburg County, a separate agreement among the municipalities, then further provided that there would be a rider among our City's 12 appointments. Now, I think from the discussions that we had, we have a rider and we have a small business. So, nothing to limit more riders and more small businesses, but the requirements of those two agreements that there be a rider and a small business in the nine categories in addition to the category has been met.

Ms. Johnson said so, that was the practical application. There weren't those standalone categories of small business and transit rider, which I thought that's what you explained earlier.

Mayor Pro Tem Anderson said okay, but that qualification, that minimum threshold, has been met with those that are being appointed.

Ms. Johnson said right.

Ms. Leslie-Fite said that's correct.

Ms. Brown said I want to say thank you to the Committee. You guys worked hard. I really appreciate your efforts and time that you took aside to work through this. The Clerk, I want to ask you, in that list is there anybody in opposition? Is there anyone on the Committee that can answer that that we selected? Is there anybody that was in opposition, like me, in opposition on the referendum to move forward?

Mayor Pro Tem Anderson said I don't believe that that was a qualification for the application process.

Ms. Brown said I didn't ask was it a qualification.

Mayor Pro Tem Anderson said but what I'm getting to, Ms. Brown, is I don't know that we can state with full certainty that there is or that there isn't.

Mr. Driggs said Mayor Pro Tem, in the applications we asked the question, did you support it, and that data was on a spreadsheet that was given to everybody.

Ms. Brown said Mayor Pro Tem, again, since Mr. Driggs was on the Committee and he asked that question, I would like to know, and whoever needs to get it done, Attorney, whoever, I would like to know if we are showing that we had someone that was in opposition to move forward.

Mayor Pro Tem Anderson said within the pool of the 27 applicants?

Ms. Johnson said that was recommended.

Ms. Brown said that was recommended, not the applicants. I know there was opposition in the applicants. The recommendations, did we have anybody that was opposing?

Mayor Pro Tem Anderson said I get what you're saying. So, Madam Clerk.

Ms. Brown said the recommendations.

Mr. Mitchell said I can answer that.

Mayor Pro Tem Anderson said yes.

Mr. Mitchell said Councilmember Brown, I'm thinking about all the names we recommended. I don't think there was anyone in that list.

Ms. Brown said correct. I didn't think it was either, but I just wanted to confirm it for the record, and so that's something to consider. That's something to consider on this next

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round, it really is, because we want to be fair. We want to be fair, and we had 80 some thousand people that disagreed. There was almost as many people that said no that said yes, that's something not to be ignored.

Mayor Pro Tem Anderson said understood.

Ms. Brown said I hope it's understood.

Mayor Pro Tem Anderson said I understand, okay. So, we have the motion through acclamation to approve the four individuals who have met six or more votes. We've had our discussion.

Ms. Brown said I'm confused, I'm sorry.

Mayor Pro Tem Anderson said okay, I'll clarify.

Ms. Brown said okay, thank you.

Mayor Pro Tem Anderson said we have ballots that were given to Council for all 27 applicants. We've had four individuals through our ballot process who have met the threshold of six or more votes from the Council member. The clerk has read those individuals, and we've had a motion and a second to approve those, like we typically do for any other board or commission. We've had our discussion, and now we're ready to vote.

The vote was taken on the motion to approve those receiving six or more votes by acclamation and recorded as follows:

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, Mayfield, Mitchell, Peacock, and Watlington.

NAYS: Councilmember Brown.

Mr. Mitchell said I see one of our partners here, so I wanted to thank the Business Regional Alliance, David, thank you for your partnership. I think we have at least one applicant in attendance, congratulations David Howard.

Ms. Mayfield the vote has passed, but I want to make sure that we have as much clarity as possible. Hopefully, those of you in the community were able to tune in to all of the interviews. Between the three of us, we had a scoring system of zero to three, based on the actual questions. If you participated or watched, you noticed that each block of interviews had a different set of five questions, mainly to ensure that we did not have anyone watching a meeting on Wednesday, when their interview wasn't until Friday or Saturday, to try to prep for the responses. So, each block of interviews was asked five questions, those questions were then ranked. You had the opportunity to receive up to 15 points total for excellent, per each one of us, which would have given a total of 45. We did not look at who had what scoring. As soon as the three of us scored, we handed it off to staff. We got ready for the next interview. So, on Saturday afternoon is when staff brought back to the committee. We had six individuals that scored a 45, two individuals that scored a 41.

Now, the clarification that my colleagues just asked for regarding committees, when the three of us were in conversation, based on our understanding of the PAVE Act, and what was required of us, because the Mayor, as well as business community, had made appointments to economic development and small business, we then moved forward based on identifying the other categories. Categories logistics, finance, government, public transportation, urban planning, economic development, and made our recommendations based on that. I will also say it was a recommendation from the committee. One of the committee members didn't necessarily choose all of the seven that we recommended. At the end of the day, Council has the ability to then vote. What we were under the impression of, and the way that we maneuvered throughout these

interviews, was based on the categories, and making sure that to the best of our ability, the City of Charlotte is going to be represented by someone with finance background, government, public transportation, urban planning, economic development, engineering, and if that particular category was already identified, then we looked to see did this individual fall into any of the other categories. Just initially looking at the 45, those who scored at 45, and that is how we identified our seven that we recommended, recognizing and knowing that as a full Council, you have the ability to support who you support. As a committee member, after working for many hours on this together, Wednesday, Thursday, Friday and Saturday, and the multiple meetings prior to getting to the interview process, I chose to place my vote for the seven that we recommended.

It is now the opportunity for full Council, there are still three seats, because there were individuals that I personally would have loved to say, yes, this is who I'm voting for, but I chose to commit to the process that we verbally committed to, and that is supporting the seven recommended. There's the opportunity where we have three additional appointments. As a Council, we then get to see six plus. I would hope, considering there are 11 Council members and some individuals received six, seven or eight votes, that everyone will fully participate in the last three, so that we can move it forward. Thank you.

Mayor Pro Tem Anderson said okay, thank you. So, we've had our vote. As we transition into the zoning aspect of our meeting, I just want to close it out by thanking the Selection Committee. I sat in on as many meetings, interviews as I possibly could, but you guys were there for all of the interviews, all of the workshops that you guys had working through it, and I appreciate your collaboration and your time commitment, because it was truly an investment over the last several days. So, thank you to Mr. Mitchell, who was our Chair, Mr. Driggs, as well as Ms. Mayfield. Alright, and congratulations to those that were appointed this evening.

The resolution is recorded in full in Resolution Book 56, at Page(s) 145-148.

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## **EXPLANATION OF THE ZONING MEETING PROCESS**

Mayor Pro Tem explained the Zoning Meeting rules and procedures.

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## **INTRODUCTION OF THE ZONING COMMITTEE**

**Douglas Welton, Chairman of the Zoning Committee** said thank you, Mayor Pro Tem, and thank you, Council. My name is Douglas A. Welton, and I am the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my fellow commissioners. We have Melissa Gaston, Erin Shaw, Theresa McDonald, Robin Stuart, Carolyn Millen and Michael Caprioli. The Zoning Committee will meet on Wednesday, December 2, 2025, at 5:30 p.m. At that meeting, the Zoning Committee will discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome at that meeting as well, but please note, it is not a continuation of the public hearing that is being held right now. Prior to that meeting, you are welcome to contact us and provide us with input if you would like. You can find our contact information, and information about the petitions that are being reviewed here, at the City's website at [charlotteplanning.org](http://charlotteplanning.org).

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## **DEFERRALS/WITHDRAWALS**

Motion was made by Councilmember Driggs, and seconded by Councilmember Johnson to approve defer: a decision on Item No. 9, Petition No. 2024-127 by Wood Partners to December 15, 2025; a decision on Item No. 10, Petition No. 2025-021 by Harold Jordan to December 15, 2025; a decision on Item No. 11, Petition No. 2025-027 by Mission City Church and Freedom Communities to December 15, 2025; a decision on Item No. 12, Petition No. 2025-042 by Bryan Elsey to December 15, 2025; a decision on Item No. 13, Petition No. 2025-039 by Christopher Martin to December 15, 2025; a decision on Item No. 14, Petition No. 2025-057 by Tribek Properties to December 15, 2025; a hearing on Item No. 15, Petition No. 2025-063 by Northwood Ravin to December 15, 2025; a hearing on Item No. 16, Petition No. 2025-096 by Justin Berry to December 15, 2025; a hearing on Item No. 19, Petition No. 2025-088 by Northway Homes, LLC to December 15, 2025; a hearing on Item No. 21, Petition No. 2025-100 by Roland Development Group, LLC to December 15, 2025; a hearing on Item No. 25, Petition No. 2025-070 by Prosperity Alliance to December 15, 2025; and a hearing on Item No. 30, Petition No. 2025-094 by Atapco Properties, Inc. to December 15, 2025.

**Councilmember Watlington** said I have a question. My question is, I realize that the specific motion right now is just to defer these, but in the spirit of an agenda adjustment, which essentially is what it is, I noticed that Item No. 31, though not deferred, is the only one that's got opposition, so I'm wondering if there's any way as part of this agenda adjustment that we could move that one up, so that Mr. Dunn doesn't have to wait until Item No. 31 to speak in the hearings?

**Councilmember Peacock** said I'll second that.

**Councilmember Driggs** said we have a motion pending right now for the deferrals.

Mr. Peacock said okay.

**Mayor Pro Tem Anderson** said we do have a motion pending right now. You're just asking to move something up. Can we get through this one first?

Ms. Watlington said I'm fine however we do it. I just didn't know if this needed to be part of this motion, or if we can just do it as a separate motion to adjust the agenda, I'm fine with that.

**Terrie Hagler-Gray, Senior Assistant City Attorney** said a separate motion, I think, if you can vote on the [INAUDIBLE].

Mayor Pro Tem Anderson said after we vote for the deferrals, then we can go there.

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

Motion was made by Councilmember Watlington, and seconded by Councilmember Mayfield to bring Item No. 31, Rezoning Petition Number 2025-095, to the top of the zoning hearings agenda in order to hear the only opposed position.

Mayor Pro Tem Anderson said Madam Attorney, do we need a motion to do that, or can we simply just move it up? I'm thinking through that.

Ms. Hagler-Gray said if there is no objection from the Council you can move it up.

Mayor Pro Tem Anderson said okay. Is there any objection to moving that item up? Hearing none, we can begin with that item.

Ms. Watlington said thank you.

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## CONSENT AGENDA

**ITEM NO. 3: CONSENT AGENDA ITEMS 4 THROUGH 8 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.**

**Holly Cramer, Planning, Design & Development** said just to confirm, we'll continue with the consent agenda after. Thank you.

**Mayor Pro Tem Anderson** said yes, yes, yes, absolutely. I'm with you, ma'am. We're at deferrals and withdrawals. We just had that motion, but first we're going to do the consent agenda, and then we'll start with that one. Alright, so now that brings us to our consent agenda portion of the agenda. Please note that these petitions meet the following criteria. They had no public opposition at the petition hearing, staff recommends approval, Zoning Committee recommends approval, and there were no changes after the Zoning Committee's recommendations. Are there any consent agenda item that a Council would like to pull for a question, comment or a separate vote?

**Councilmember Mayfield** said separate vote for Item No. 4 and 8.

Mayor Pro Tem Anderson said separate vote for Item No. 4 and 8.

Motion was made by Councilmember Peacock, and seconded by Councilmember Driggs, to approve the Consent Agenda as presented with the exception of Item No. 4 and Item No. 8 which were pulled for a separate vote.

**Councilmember Johnson** said yes, I wanted to make a comment on Item No. 5. I don't need to pull it. This came before us last month. This is just a petition to kind of clean up some of the uses and bring it back into compliance since the UDO (Unified Development Ordinance) change, and we also added language to restrict the data center. I don't know if ya'll remember that, but it was kind of open uses, and I wanted to make sure we added the data centers are restricted for this petition. That's all, thank you.

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

The following items were approved:

**Item No. 5: Ordinance No. 1036-Z, Petition No. 2025-075 by Northlake Pavilion Condominium Association, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 6.37 acres located southeast corner of Metromont Parkway and Statesville Road, and west of Metromont Industrial Boulevard from ML-1 (Manufacturing and Logistics-1) to IMU(CD) (Innovation Mixed-Use, Conditional).**

The Zoning Committee voted 6-0 (motion by Stuart, seconded by McDonald) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing & Logistics Place Type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends a Manufacturing & Logistics Place Type for the site. The property was originally developed under a legacy industrial zoning district, which permitted the existing office and retail uses. The site is located within an older industrial area that has experienced gradual change over time. The Innovation Mixed-Use Place

Type supports a broader range of uses, including office, research and development, studios, light manufacturing, showrooms, and hotels. The proposed zoning would help to facilitate a transition from the ML zoning to the current and evolving uses on the site. The petition restricts any residential uses on the site that would not be preferred given the existing industrial and commercial environment of the area. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Manufacturing and Logistics Place Type to the Innovation Mixed-Use Place Type for the site.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 062-063.

**Item No. 6: Ordinance No. 1037-Z, Petition No. 2025-080 by SW Development Partners, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 5.00 acres located north of East W. T. Harris Boulevard, south of Briardale Drive, and east of East Independence Boulevard from R-9MF(CD) (Multi-Family Residential, Conditional) to N2-A(CD) (Neighborhood 2-A, Conditional).**

The Zoning Committee voted 6-0 (motion by Caprioli, seconded by Gaston) 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 Commercial Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends a Commercial Place Type for the site. Neighborhood 2 Place Types are typically intended to serve as a transition between lower-density residential areas and higher-intensity commercial or mixed-use centers. The proposed zoning would be appropriate in this context, as it provides a gradual transition from the Neighborhood 1 zoning and existing single-family homes along East WT Harris Boulevard to the commercial uses along Independence Boulevard. The proposal for 44 multi-family attached residential units will expand housing options in this area, supporting broader goals for more housing diversity. This proposal remains consistent with the multi-family entitlements previously approved for the site. The proposed site is located adjacent to the Independence corridor offering potential access to a wide range of goods, employment opportunities, healthcare, education, and essential services. The site is within a quarter mile of a CATS (Charlotte Area Transit System) bus stop with access to routes 17, 74x, and 64x. The site is located within proximity to the Campbell Creek Greenway. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Commercial Place Type to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 064-065.

**Item No. 7: Ordinance No. 1038-Z, Petition No. 2025-087 by Naman Yorkmont, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.39 acres located south of Oak Lake Boulevard, west of Water Ridge Parkway, and north of Yorkmont Road from ML-1 ANDO (Manufacturing and Logistics-1, Airport Noise Disclosure Overlay) to IMU(CD) ANDO (Innovation Mixed-Use, Conditional, Airport Noise Disclosure Overlay).**

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Millen) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be 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. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed hotel use would support the surrounding office, commercial, hotel, and light industrial development pattern. The IMU zoning district is intended to accommodate employment,

research, lodging, light manufacturing, and limited residential uses. The conditional plan restricts all development to a hotel use, which is consistent with IMU permitted uses and compatible with surrounding commercial and industrial uses, including existing hotels in the area. Although the petition is inconsistent with the current Manufacturing and Logistics Place Type, a map amendment to IMU is supported by the site’s adjacency to existing IMU properties, accessibility from major arterials, and compatibility with surrounding land uses. The petition promotes commercial uses in an established employment area near the airport and interstate network. 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 and Logistics Place Type to the Innovation Mixed-Use Place Type for the site.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 066-067.

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**ITEM NO. 4: ORDINANCE NO. 1035-Z, PETITION NO. 2025-045 BY J&J CUSTOM HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.09 ACRES LOCATED SOUTH OF MCKEE ROAD, EAST OF FRED GUTT DRIVE, AND WEST OF GLENMORE GARDEN DRIVE FROM N1-A (NEIGHBORHOOD 1-A) TO N1-D(CD) (NEIGHBORHOOD 1-D, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Millen) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map, which supports residential uses. The N1-D Zoning District allows for the development of residential dwellings on lots of 3,500 square feet or greater which allows for smaller lots compared to N1-A which has a 10,000 square foot minimum. The MX-2 INNOV zoned single family development on the rezoning site’s eastern boundary has lot dimensions similar to the minimum dimensions of N1-D. The property directly west of the rezoning site is built out with multi-family attached building forms. These existing, abutting developments support the request to rezone to a higher classification N1 district. This proposed rezoning aligns with the recommendation for the Neighborhood 1 zoning district and commits to single family detached building forms consistent with much of the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

Motion was made by Councilmember Driggs, and seconded by Councilmember Peacock, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map, which supports residential uses. The N1-D Zoning District allows for the development of residential dwellings on lots of 3,500 square feet or greater which allows for smaller lots compared to N1-A which has a 10,000 square foot minimum. The MX-2 INNOV zoned single family development on the rezoning site’s eastern boundary has lot dimensions similar to the minimum dimensions of N1-D. The property directly west of the rezoning site is built out with multi-family attached building forms. These existing, abutting developments support the request to rezone to a higher classification N1 district. This proposed rezoning aligns with the recommendation for the Neighborhood 1 zoning district and commits to single family detached building forms consistent with much of the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

**Councilmember Mayfield** said a question for staff. We have on here that this petition proposes for the development of a single-family detached residential community and accessory uses as allowed by-right. The City is in discussions. We have a pilot regarding an ADU (Accessory Dwelling Unit) Program that potentially can benefit current homeowners. Would this new development qualify for that ADU Program that is being implemented?

**Holly Cramer, Planning, Design & Development** said correct, there's no reason that the conditions would prohibit that.

Ms. Mayfield said thank you.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 060-061.

\* \* \* \* \*

**ITEM NO. 8: ORDINANCE NO. 1039-Z, PETITION NO. 2025-090 BY STEPHEN SILLER TUNNEL TO TOWERS FOUNDATION, A NEW YORK NOT-FOR-PROFIT CORPORATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.39 ACRES LOCATED SOUTH OF WEST ARROWOOD ROAD, NORTHWEST OF FOREST POINT BOULEVARD, AND EAST OF FOREST PINE DRIVE FROM B-D(CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL) TO IMU(CD) (INNOVATION MIXED-USE, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Caprioli) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing and Logistics Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: While the petition is inconsistent with the 2040 Policy Map recommendation for the Manufacturing and Logistics Place Type, the shift to Innovation Mixed-Use better aligns with neighboring development and the transition away from strictly industrial and business uses and zoning. The proposed IMU(CD) zoning supports the intent of the IMU district to encourage adaptive reuse projects in areas that may have been formerly dedicated to a singular development pattern that typically wouldn't support a residential product. The locale that the site sits in has long housed mostly a mix of office and commercial uses though has been zoned as industrial and business districts. The larger area is shifting to a greater mix of zoning districts that can accommodate commercial, office, and residential uses compatible with this rezoning. The site is within a half mile from CATS number 56 and 57 local bus stop providing transit access between the LYNX Blue line Arrowood Station and the Charlotte Premium outlets mall as well as to the SouthPark Community Transit Center. The commercial and office uses in the area may provide access to goods and services as well as employment opportunities for future residents at this site. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Manufacturing and Logistics Place Type to the Innovation Mixed Use Place Type for the site.

Motion was made by Councilmember Brown, and seconded by Councilmember Peacock 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. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: While the petition is inconsistent with the 2040 Policy Map recommendation for the Manufacturing and Logistics Place Type, the shift to Innovation Mixed-Use better aligns with neighboring development and the transition away from strictly industrial and business uses and zoning. The proposed IMU(CD) zoning supports the intent of the IMU district to encourage adaptive reuse projects in areas that may have been formerly dedicated to a singular development pattern that typically wouldn't support a residential product. The locale that the site sits in has long housed mostly a mix of office and commercial uses though has been zoned as industrial and business districts. The larger area is shifting to a greater mix of zoning districts that can accommodate commercial, office, and residential uses compatible with this rezoning. The site is within a half mile from CATS number 56 and 57 local bus stop providing transit access between the LYNX Blue line Arrowood Station and the Charlotte Premium outlets mall as well as to the SouthPark Community Transit Center. The commercial and office uses in the area may provide access to goods and services as well as employment opportunities for future residents at this site. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Manufacturing and Logistics Place Type to the Innovation Mixed Use Place Type for the site.

**Councilmember Mayfield** said so I have already shared an email regarding concerns with this particular development, but more importantly, as this plan is inconsistent with our 2040 Policy Map recommendation, then I will be a no vote.

**Councilmember Johnson** said one of the things that we mentioned last month when they were in front of us, was about a displacement plan, and we were told that they didn't think there were any long-term occupants of the hotel. Did we get confirmation of that?

**Holly Cramer, Planning, Design & Development** said as far as we're aware, there are no long-term tenants from the conversations that we've had with the petitioner.

Ms. Johnson said did we get anything in writing or anything from the petitioner?

Ms. Cramer said I do not have anything in writing as of this exact moment.

**Mayor Pro Tem Anderson** said the petitioner is here, but he's not allowed to speak.

Ms. Johnson said okay, well, if the petitioner can just send an email just verifying that, that would be great.

**Terrie Hagler-Gray, Senior Assistant City Attorney** said you can ask him a specific question.

Mayor Pro Tem Anderson said can you come down then to the podium, we have a directive question to you from Ms. Johnson.

**Matthew Washburn, 5955 Carnegie Boulevard, Suite 350** said yes, ma'am.

Ms. Johnson said so, last month, I asked specifically about a displacement plan, and you advised that there were no long-term occupants.

Mr. Washburn said that's correct, ma'am.

Ms. Johnson said were you able to verify that?

Mr. Washburn said I was, I spoke with the seller, and they verified that, and I did attempt to send you an email, I'm sorry if you did not receive that, but probably a few days or a week after the hearing I did try to do that.

Ms. Johnson said okay, alright, if you could just resend that so we have that. Thank you so much.

Mr. Washburn said absolutely.

Mayor Pro Tem Anderson said anymore questions?

Ms. Johnson said that's all I have, no, not from me.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 068-069.

\* \* \* \* \*

## HEARINGS

**ITEM NO. 31: HEARING ON PETITION NO. 2025-095 BY GUS LEVI FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.26 ACRES LOCATED WEST OF STATESVILLE ROAD, SOUTH OF HUTCHISON MCDONALD ROAD, AND NORTH OF RILEY AVENUE FROM N1-B (NEIGHBORHOOD 1-B) TO CG (GENERAL COMMERCIAL).**

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

**Holly Cramer, Planning, Design & Development** said alright, this site is just over a quarter of an acre, located just west of Statesville Road, south of Hutchison McDonald Road, north of Riley Avenue, in an area where we have predominantly industrial uses to the south. Directly to the west are Neighborhood-1B uses, and Industrial uses further to the west, and Commercial corridor all along Statesville Road vacant commercial lots directly to the east of this site. It is currently zoned Neighborhood-1B, and they are proposing to go to General Commercial. This is a conventional rezoning request, meaning that there is no associated site plan. It is considered inconsistent with the 2040 Policy Map's recommendation for the Neighborhood-1 Place Type at this site. Given that the area is pretty commercial in nature with the industrial and commercial uses surrounding the site to the south and to the east, we felt that this was an appropriate shift to the Commercial Place Type of this site when we looked at some of our criteria for that Commercial Place Typology Mapping. It's within an area that has a gap for access to essential amenities, so this helps provide more acreage to that Commercial Place Type. The General Commercial Zoning District would require Class -B landscape yards, which is 25-feet wide, along any property lines that abut Neighborhood-1 Districts, which it does abut to the north and to the west, which provides additional screening between any potential uses that would be on that site. Located near transit and three different bus stations, and like I said, this is a pretty commercial corridor in nature, though, this exact section has a bit of Neighborhood-1B Zoning on it. So, I'll be happy to answer further questions after petitioner and opposition comments.

**Gus Levi, 1888 Sharewood Lane** said yes, thank you, guys. I just wanted to state that I did hold our community meeting on October 9, 2025, which I did send out all letters to the surrounding neighbors on September 18, 2025, and I did get confirmation from a

majority of all that they did receive that letter. However, knowing that my opposition is Mr. Dunn, whom my client had purchased the land from two years ago, back on August 17, 2023, and has been on board and has known what the original plan was for the future of that lot. He has been on board for the past two years in constant communication with my client up until I believe a week ago or two weeks ago. So, I'm not sure what the opposition is now. So, before having to dive too much into detail, I'd like to know what his opposition is to be able to respond to that.

**Carolyn Westbrook, 3214 Hutchinson McDonald Road** said mine won't take 10 minutes. My opposition is definitely no. I bought that property in 1988. I've got 1¼ acres of land there. This lot backs up to my back lot. When they came in and graded the land out, I asked what were they doing with it? Had they gotten a permit to park cars back there? The answer was they did have it rezoned to do so, and then later I found that they did not. I find that to be a hazard to my property, already I'm seeing snakes, seeing rats coming from that vacant lot with all the cars parked. I feel that if he's going to buy the property, he should have done his due diligence before paying that money for that property, and now he's asking me and Mr. Dunn to jeopardize what we've done, which is home for us, to make it convenient for him to have a business in our backyard, and I am definitely against it. I have had to deal with them having dogs out there, and not being able to go out, because the dogs will get out. I have a small dog, where I don't get to walk my dog when those dogs are running around. I think they misled me, especially, when they were doing this construction to that lot to tell me that they had had it rezoned and it was okay. So, I do not want to jeopardize my property for somebody else's benefit, and that's home for me, and just a business for them.

**Mike Dunn, 3222 Hutchison McDonald Road** said I'm kind of in agreement with Carolyn. When my neighbor bought that property, I didn't know who was buying it. I had no idea. I sold it through a realtor and I assume he bought it through a realtor. I never met him. I didn't tell him he could do anything with that property. I just figured somebody was buying it to build a house. When he bought it, he tore out all the grass and paved the whole thing, and I thought that looked kind of odd, and I asked him what he was doing, he said he's going to park cars back there, he had a towing business. Well, I'm okay with parked cars. I don't [INAUDIBLE] nowhere. I can live with that. He's got a fence around it, but then he starts working on them and messing with them, and there's compressors and generators and impacts and noise and smells and gas fumes and old gas and engines running at all hours of the days and nights, and they don't even have the building built yet, this is just an empty parking lot there doing all this in. Just think what it's going to be when they get a dadgum truck and car garage there. My yard's going to be turned into a waiting room for a dadblang garage. I've put almost half my life in this house, 26 years, building it, it's a 90-year-old house, and making something that I'm proud of, and I really am, I'm proud when people see it, but I won't be proud of it when tires are being throwed over the fence, and people working on cars in the yard, I won't be proud of that. It's going to run our property value down, because nobody's going to want to rent it from me or buy it from me, because there's a garage in the backyard. Then, my taxes are going to go up, because of course it's commercial property around there, so commercial taxes, we all know that's higher than residential.

So, it's going to bite me about two different ways, and I just don't think that if you're going to buy a property, you ought to look into the zoning on it before you buy it, or at least, the capabilities of rezoning it, not just buy it and say, you move out, or do whatever you want, I'm going to build what I want and the heck with you, that isn't right. I was here first. Well, actually Carolyn was here first, I was here second, and I think if you want to build something like that, go build it somewhere else, build a house back there. The guy told me that's what he was going to do, he said he was going to build a big old two or three-story house back there, people can look down on me. I said, go ahead and build it, that'd be fine, I'll wave at 'em, that'll be alright, as long as you don't make noise. That's all I have to say.

Ms. Westbrook said another one of my concerns is that, as I said, I've been for more than 20 some years. I'm a senior. I'm not ready to move, and I can't afford the price of housing now on a fixed income. So, no, I don't want to move out of my property into an

area where I'll probably be paying more than what I'm receiving on a fixed income. So, that should've been something he should've looked into before he bought the property and decided to do what he is going to.

Mr. Dunn said I even tried to buy it back from him, and he wouldn't accept my offer.

**Councilmember Mayfield** said I have questions for them before they walk away.

Mayor Pro Tem Anderson said well, Mr. Levi gets a rebuttal, and then we can open it up for questions, so hang tight Ms. Mayfield. If you guys could stay close, because we already have questions from Council members.

Mr. Levi said so, my only opposition is, they claim that the backyard is going to be commercial, there's going to be a business. Their backyard right now is businesses, and it's industrial and it's large manufacturing plants, used car dealership in the back on the cul-de-sac, so that whole street is predominantly all industrial and commercial. So, their backyards, yes, right now we don't have a building built there. He's complaining about noises, or any work that's being done in the backyard. Obviously, when you have a building, it all is going to be enclosed. When I had the preliminary community meeting, I was trying to show on a PowerPoint presentation what we were going to build there, what the building was going to look like, which I shared with several of the other neighbors on that Motorsports Lane Street, which they were all on board for, that's why they're not here. So, as far as giving them what they want, we have the option of building a three-story townhome building there that would be looking over their property, block any view that they have, block any sunlight that they wanted. We've been courteous as far as putting fences up and screening on the fences, so that they can't see into the property, to be courteous to them. I can't control dogs, rats, snakes or anything, no one can do that, whether it's a backyard of a residential property, or a commercial building, those are things that I just cannot control.

So, with that being said, they've had plenty of time to talk about this situation. Mr. Dunn, I know, has been in constant communication with Mr. Marcus Williams, text message, over text message, over text messages. The City of Charlotte had come out wanting to do a pump station on the land. He then said to him, we don't want that either, so we're going to go against you on this end, and then we're going to go against the City on that end. The City of Charlotte has already given us an offer of close to \$200,000 to buy the land from us. So either we put a building there, or we're going to put a pump station, the City's going to do that, one or the other.

Ms. Mayfield said for Mr. Dunn, and for either of you, you mentioned that there's already work happening on that lot. Have either of you called 311 for code enforcement, because we track all of that information? Have either of you called 311 regarding the fact that there has been work that's being done on that lot [INAUDIBLE] rezoning?

Mr. Dunn said no, I have not.

Ms. Mayfield said just for the sake of making sure community understands, that is something where calling 311, or if you have the CLT+ App on your phone, not everyone uses their smart phones that way, but you can call 311 regarding a code infraction, if there is work that is happening on that land, especially when we have not gone through this process.

Mr. Dunn said well, there's work going on there, and there's cars parked there.

Ms. Mayfield said so, for our process, I have to ask you a specific question in order for you to respond. I asked the specific question, which is, have you called 311?

Mr. Dunn said no.

Ms. Mayfield said I would encourage you to do that. I will also say that photos also tend to help, if there is work that is going on prior to this process. So, that is just information

for you to know of other ways to make sure that if there's an impact to your home, that you know how to utilize your local government to address certain things, whether it's noise, whether it's vehicles, you can either call 311 or utilize the App, but pictures will also be helpful for upload, for that information to make its way to us. For the sake of how the process works, I have to ask you a specific question, but I wanted to make sure that you know that those are options that are available to you.

Mr. Westbrook said okay.

Ms. Mayfield said ma'am, unless you're going to be able to answer the specific question I asked of, if you called 311, that I can get a response to, just based on our rules of engagement.

Ms. Westbrook said would calling 311 about the dogs running on my property, would that be considered [INAUDIBLE].

Ms. Mayfield said yes, ma'am.

Ms. Westbrook said well, I've done that.

Ms. Mayfield said yes, ma'am, the impact of all of that would definitely be a 311 call and/or if on your phone, the City of Charlotte created an App, CLT and just the plus symbol, but if you're more comfortable calling 311 and/or emailing all of your Council. All of our emails are pretty much the same, it is our first name dot last name @charlottenc.gov, for government. If you contacted the Clerk to sign up, you can pretty much get access to our email addresses just by going to the City of Charlotte's website, but yes, infractions, that is what you can call 311 for.

Ms. Westbrook said well, may I repeat something I said earlier?

Ms. Mayfield said, again, I have to ask you a very specific question for you to respond, based on the rules. I can meet with you after this if you have an additional question for me.

Ms. Westbrook said okay.

**Councilmember Driggs** said so, just a quick question for staff. We've got this activity going on, on what is currently an N-1B. So, is this petition trying to cure a nonconforming use?

Ms. Cramer said yes. So, code enforcement is aware of this, but I'd have to get more information about the uses occurring on site. So, for example, if it's still not a use allowed under CG, then it wouldn't cure that. If it's outdoor storage or some type of industrial use that's not permitted under the General Commercial District, then it wouldn't solve for that issue.

Mr. Driggs said this is a nonconforming use right now, is that right, under N-1B?

Ms. Cramer said it's not a legal nonconforming use. What's occurring on site, as far as I'm aware, I think there's some outdoor storage activity, which is not permitted under the General Commercial District as well.

Mr. Driggs said right. So, this is under an N-1B, and this is not supposed to be happening, right?

Ms. Cramer said correct, it's not allowed under N-1B.

Mr. Driggs said and this petition would mean that it could happen there.

Ms. Cramer said outdoor storage cannot happen under CG Zoning.

Mr. Driggs said what cannot, I'm sorry?

Ms. Cramer said outdoor storage as a use cannot happen.

Mr. Driggs said but it sounds like they're performing work there with machines.

Ms. Cramer said so, because this is a conventional petition, we weren't assessing at length specific uses that could occur on site. We presented to them what CG allows for. It's kind of incumbent upon the petitioner to understand their site, lot dimensions, limitations, that sort of thing, what could we actually fit here. We explained to them what uses aren't allowed under that Zoning District, though, and code enforcement has said that they've been out to the site, and they also left comments within our review cycle about the violation on the site for outdoor storage.

Mr. Driggs said right, it's a quarter of an acre, but Mr. Graham is your District Representative, a very capable guy, and I think he will help to resolve this. It just, on its face, looks a little odd to me right now.

**Councilmember Ajmera** said so this question is for staff. This petition is inconsistent with the 2040 Policy Map recommendations for Neighborhood-1. So, could you just elaborate on your rationale for recommending this petition?

Ms. Cramer said yes, so I'll start with the criteria that we look at when we're considering a Place Type change from Neighborhood-1 to Commercial, which you're probably familiar with, because it is presented in the program guide of all the Community Area Plan documents, under what's called the minor map amendment criteria. So, we're looking at this informally when we're considering our Rezoning Petitions, and that criteria that we're looking at, first and foremost, is, is there significant acreage that you're plugging into when you're adding this commercial lot onto it, and that minimum acreage threshold for the Commercial Place Type is 10 acres. As you can see, I'll go to the Place Type Map here. This is the Place Type Map, that red is the existing Commercial Place Type on the ground. There's a significant contingency of Commercial Place Type already following along Statesville Road, and so it would plug into that, and it meets that minimum acreage threshold. It also has preferred Place Types, including Manufacturing and Logistics and the Commercial Place Type. It's also not located within Uptown. It is located near transit. It's located near those three bus stops that I mentioned in my initial presentation, and it's also within an access to amenities gap that our long-range planning folks help us to identify. So, that's meeting every single piece of our criteria that we're looking at for that N-1 to Commercial Place Type shift and the minor map amendment criteria.

When we're looking at the specific context of this site, as I stated previously, that's a very commercial corridor and Motorsports Lane that it fronts, the lots along Motorsports Lane, so you have the vacant lot that is zoned Commercial to its east, and then to the west you have N-1B lots, though, they are also vacant. Then to the south, you have a Commercial lot and a Manufacturing and Logistics zoned lot, and the uses on those sites are pretty industrial uses specific, some office uses, but a lot of industrial uses are occurring on that site. So, what we are seeing is there are Neighborhood-1 uses adjacent to the site, but they're only occurring directly to the north of the site. So, there would be that required 25-foot landscape yard where it's adjacent to any bit of Neighborhood-1 Zoning regardless of the vacancy of the lot, but we did take into consideration the surrounding land uses and the overall context of Motorsports Lane.

Ms. Ajmera said so, thank you for that very detailed response, this helps right here. So, there are setbacks, right? So, since we are proposing this to go from N-1B to General Commercial, are we requiring additional buffer?

Ms. Cramer said so, the landscape yards triggered our Class B, which is 25 feet wherever adjacent to Neighborhood-1 Zoning. There would also be 20-foot rear yards and I believe at least 10-foot side setbacks, but that 25 landscape yard is where you're getting a lot of that screening, because it has those minimum plantings. So, for

reference, you have the Class A, Class B, and Class C. Class C is your smallest, it's 10 feet, most minimal plantings, Class B is a little bit larger, Class A is what you see when you have those heavy industrial uses. So, this is right in the middle of those, but it provides pretty good screening where adjacent to any commercial activity.

Ms. Ajmera said so, just to follow up on that. So, you said 20-foot buffer.

Ms. Cramer said 25.

Ms. Ajmera said 25 feet, that would be.

Ms. Cramer said wherever it's adjacent to the Neighborhood-1 Zoning. So, that would be required along its northern property line, as well as its western property boundary, even though that's a vacant lot. So, if you ever wanted to adjust that for some reason, and if anybody that ever wanted to adjust their landscape yards have to follow different processes, whether you're asking for a variance, because there's a demonstrated hardship, or you're performing exceptional kind of design standards, you can follow the Alternative Compliance Review Board process. So, yes, 25 feet is the minimum required in the ordinance.

Ms. Ajmera said and are these continuous tree lines we're talking about?

Ms. Cramer said I'm sorry, what was that?

Ms. Ajmera said is this buffer continuous treeline we are talking about?

Ms. Cramer said so, the minimum plantings, I'd have to go back to the actual text of Article 20, but it's a mixture of trees as well as vegetative plantings.

Ms. Ajmera said okay, I just want to make sure we are addressing the concerns of the neighbors. I know we will work with you all on the landscaping and the buffer and so on, but I would be interested in hearing your thoughts about a 25-foot buffer that will be required and that will be included in this plan. Would that address your concerns around all the things that you raised in your remarks?

Mr. Dunn said I don't think 25 feet of land, with a little bit of weeds or brush growing on it and a few trees, is going to stop the smell and the sound of an auto repair shop, that's just me.

Ms. Ajmera said so, in terms of the smell, this question is for staff. I've never seen anything that came in front of us where there were concerns around the smell. What can we do, within the tools that we have at our disposal, to address that issue?

Ms. Cramer said so, you could ask for specific prohibitions on uses that you believe would be noxious. You could ask for increased landscape yard standards. So, for example, sometimes in our Rezoning Petitions we might ask for a higher classification of a landscape yard planting standard, even if it's not that same width standard. So, for example, maybe where typically we see a Class C required, we ask for Class B planting standards, which is thicker. So, you could ask for in this situation, even though Class B is already required, maybe you ask for a Class A planting standard and adding a fence. So, there are items that you can build into this, it would require it to convert to a Conditional plan, and that could be a conversation between you all, the folks from the community, as well as the petitioner, to see what makes the most sense, but there are certainly some conversations that could be had as it relates to uses and screening.

Ms. Ajmera said that is helpful. So, Mr. petitioner, if you can come forward. Would you be willing to include Class A?

Mr. Levi said our original plan was to go from chain-link fence to vinyl or solid wood fence, a continuous tree line on the west and on the north side, to completely block everything from them, so they don't have to see anything, we don't see out. The

landscaping plan that we had to show during our hearing displayed all that. So, it wouldn't be just vegetation, or anything like that, that would be continuous treeline on both sides with solid panel fencing as well.

Ms. Ajmera said okay, so what I hear him say, that he's okay with the conditions for a Class A buffer?

Ms. Cramer said so, I will say, if that's desired, because currently it's conventional, so there's nothing being required beyond the Class B standard. So, if it's desired by the community and by the dais to hold them to a more specific standard, then it could be that you want it to convert to a conditional plan to essentially codify that within the entitlements, but it sounds like they are stating that they were already planning to exceed the minimum standards, whether or not that was exactly the Class A standard as defined by the ordinance.

Ms. Ajmera said right. I think we could include that. Well, thank you. I hope that you will continue to work with the District Representative, Councilmember Graham, and hopefully we can find a middle ground here. That's all I have. Thank you.

Motion was made by Councilmember Ajmera, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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**ITEM NO. 17: HEARING ON PETITION NO. 2024-129 BY BROOKHILL INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 42.47 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET, NORTH SIDE OF REMOUNT ROAD, EAST OF TOOMEY AVENUE, AND SOUTH OF TREMONT AVENUE FROM N2-B (NEIGHBORHOOD 2-B) TO N2-B (BVO) (NEIGHBORHOOD 2-B, BROOKHILL VILLAGE OVERLAY) AND CAC-1 (BVO) (COMMUNITY ACTIVITY CENTER-1, BROOKHILL VILLAGE OVERLAY).**

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

**David Pettine, Planning, Design & Development** said Petition 2024-129 is just over 42 acres, about 42.5 acres. Current zoning is N-2B, and as discussed, proposed zoning is for N-2B to remain, as well as CAC-1 on a portion of the property and also to establish the Brookhill Village Overlay, and the Adopted Place Type for this petition is Neighborhood-2. You can see there's quite a bit of Activity Center around it, we are in decent proximity to the Blue Line and have had a lot of transition and redevelopment in the area.

The proposal for this one is a little bit unique. I will say, this is probably one of the more unique projects that most of us that've been working on this have really encountered, for most of us over some of our professional careers, a very unique scenario with a 99-year ground lease on this site. A lot of us are familiar with it. There was existing development, and a lot of that development has been since removed from the site. There have been some reinvestment and rehabilitation for the existing residents that have remained behind. So, this project and this petition and this property in general do again carry a lot of unique challenges. So, as we sat down to try to figure out some solutions to try to activate this site and really bring this site to some liveliness in this area, really we talked through a lot of potential options through the UDO, for EX provision, whether that be through Alternative Compliance Review Board, and a lot of those really just kept running into road blocks and challenges. So, as we continued to look at some options, one of the things that we came up with was to try to establish an Overlay District, which really when you do an Overlay District for a property, it does come with the opportunity to really create a unique set of standards for that, and for that kind of geography that we've identified in this area for Brookhill Village. It's really a tool that we really don't use often and probably won't use very often. You've seen it with Historic Districts, and the old ordinance used to have a pedestrian overlay in certain

corridors, in Dilworth and on Central Avenue. So, this is really the first time we're deploying it in a way to try to solve some challenging problems with this kind of creative solution.

So, this proposal again is to rezone a portion of the site to CAC-1. You can see that area in blue. The area that's in orange would remain N-2B. It does have some area that does again have existing housing on it, and has some other existing uses, those will remain. The overlay will be across both of those portions of the site. It would allow uses in the CAC-1 District, in that area that again we see in blue. It does allow some things, like amphitheaters, rideshare terminals, and also allows some outdoor temporary uses, like seasonal sales, temporary RV (Recreational Vehicle) uses, and also would allow for the establishment of two accessory drive-thru areas along either South Tryon or Remount Road frontages. So, those would be at the hard corners, where typically if you saw that type of use, that's where they would like to be located. It does limit building height to 48 feet, commits to a minimum of 25 percent ground floor transparency on new construction. There is a commitment to provide at least 100 residential units onsite that are income restricted to households earning 80 percent AMI (Area Median Income) or less for the duration of the land lease, so it's about another 25 years that that land lease has left on it. It does limit surface parking lots to 35 percent of the site. Also, would look to exempt the site from subdivision and streetscape requirements. It does state that the maximum block length for Brookhill Drive would be modified to 1,350 feet, and then 900 feet for all other internal streets. It would provide an exemption for the site from tree save requirements as well as internal planting requirements, including landscape yards between uses within the site itself. It does commit to providing 15 percent of the site as open space. It would also establish on-street parking dimensions for internal streets, and there is a clause in there, again, because this is a unique situation with that land lease expiring in 2049, so again, it's about 25 years from now that, once that land lease would expire, we did have to have some type of sunset clause where the uses wouldn't continue to be perpetuated on the site, we would have an opportunity to really think about this site in more of a permanent, long-term use. These are really just uses that are being proposed that could be there in a temporary nature over the course of that land lease, potentially be removed without really any hassle to the site and the long-term use of the site. So, then that would all get revisited in 25 years from now when that land lease would be up, and somebody wanted to really activate the site with the type of permanent uses that you may see that have continued to kind of be redeveloped in that area around Remount Road and Tremont, and South Boulevard and Tryon.

So, as we work through the petition, we do still have some questions. There are some challenges that staff has identified. Again, if we're trying to activate the site with uses that would bring lots of folks for potential entertainment uses, for the outdoor amphitheater for live music, things like that. The pedestrian infrastructure frankly in the area is a challenge. A lot of the sidewalks are substandard from what our requirements are today and what we would typically ask for, for a project going through a redevelopment. We would ask for those streetscapes to be enhanced and modified to meet our current standards, at least be up to a six-foot sidewalk or an eight-foot sidewalk with planting strips. Again, if we're looking at activating the site with folks that would be using it for entertainment purposes and other activities, we want to make sure that that infrastructure is in place. That does provide some challenges, because the land lease itself, again, is only there for those 25 years. So, the investment desire from the development side, definitely, there's some hesitancy there, because again, that long-term investment really could be torn up at a later date if it's made.

So, what we're trying to find at this point is a balance in the commitment from the development team, and what partnerships could be broached for potential reinvestment and redevelopment of that site to at least get back up to some of the minimum standards that we would ask for, particularly for that pedestrian infrastructure. Again, we are really committed to working with the petitioner team, working with the development team on this one. We do think that what's being proposed does make some sense given the, again, unique nature of the site, given the ground lease being somewhat of a restriction for what can be done from a more permanent standpoint, but we do have to

also think about end users for the site, for folks that are going to be coming out and going out to the site again once it is activated. So, we're trying to, again, find that balance. Right now, there are a little more questions than we have answers for, for some of that. So, our recommendation currently is not in current form, again, not because of what's being proposed in terms of the uses that they want to do on the site, and understanding again that temporary nature and that unique scenario, it's more trying to get answers to those infrastructure questions about where that responsibility lies? What are the minimums that we can all kind of walk away from and feel comfortable with? I know, again, the petitioner team has worked pretty diligently with us, and we'll continue those conversations.

As it stands today, we're just not quite there, so that's why our recommendation is what is, but I do feel like we will get to a point where we can kind of find that middle ground and find that area of commonality for solving some of those infrastructure challenges, and figuring out a good way to again get that balance to activate the site, but also make the accommodations appropriate for the types of uses and the types of pedestrian activity that we may see, even if it is for that temporary nature for those 25 years. Because again, a lot of the streets that are out there are already public right-of-ways, so they would remain, the uses may go away, but that street infrastructure likely would stay in place, so there is some permanence with that. So, again, finding that balance is going to be critical. I do think we will get there, just as of this hearing tonight, we're not quite there yet, but we will really look forward to continuing those conversations and hopefully continue to work with them and bring forward a project that I think everybody is generally excited about. This is really the closest we've gotten to activate the Brookhill site, in probably the six-plus years that I've been here working on it, and even before. So, I hope that we can get across the finish line on this one, and again, we're committed to working with everybody, and we'll turn it over to the petitioner team, let them go through their presentation, and then take forward any questions that you may have. Thank you.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said good evening. Mayor Pro Tem, Council members, Zoning Committee members, Collin Brown on behalf of the petitioner. The Brookhill Village site; this is exciting. Dave has done a really good job in his presentation, so that'll make my job a little bit easier tonight. If I can get the slides up, there are some things I do want to walk you through. A number of you have been involved in conversations, been out to the site, so thank you for that. I do think because staff does not support it, we have 10 minutes; I have only three minutes on my timer. So, again, introducing our team, here on behalf of Brookhill Investments led by Mike Griffin. If ya'll don't know Mike, I know many of you do, his family, the Griffin Brothers Companies roots are in the West Side of Charlotte, and I think we're so fortunate that they've been stewards of this property for many years. Shook Kelley is our design partner, Colin Pinkney from the Harvest Center. The Harvest Center is a very important player in this site. Colin had a board meeting tonight, but if you have questions, we're happy to set up a meeting if you have questions about what's going on. Also, David Howard, who was here early, it looks like he snuck out, but is joining us on the Transportation Committee, he is involved as well.

I know many of you know Brookhill Village already, some of you have ties with it, and so I won't try to give a history, but it has had a place in this community for about 75 years now, and what makes it so interesting, what Dave just mentioned in his presentation, is what my client controls is the remainder of a 100-year lease. So, there are just 25 years left on the lease, and that really limits what can be built on the site, and so essentially at the end of 25 years this site can become a blank slate, and so that's the big challenge, the things we'll talk about tonight. I want to make sure Zoning Committee and Council members understand this is not a scenario where there's going to be big buildings on the site, there's not going to be a lot of infrastructure in buildings in a built environment. I think many of ya'll know the history of Brookhill Village, it has been a challenge to our community for many years.

What the current owner has done is they've come in, they've stabilized the site, they've removed substandard housing, they've partnered with the Harvest Center, which is now

operating this portion of the site, to have some very affordable housing in an area of Charlotte where we really need it, and are working to build some community, enhance that, kind of have wraparound service for their constituents. They're going to have gyms, activity centers, a lot of things that are going to really be [INAUDIBLE] for this community. So, Harvest Center is a very important part. They have also those units out there, 75 years old, not much had been put in them. The first thing that the current leaseholder did was come in and remove the very substandard housing. This was literally an interior view of units that were being occupied just a couple years ago. These have been totally revitalized and revamped. This is a look at the current units that the Harvest Center is operating. They have 89 units that are being occupied, and these are at very low rents. We talk about affordable housing, we're talking about rents around \$500, so less than 30 percent of AMI, and that commitment will remain going forward.

So, here's a look at the site today. The areas that I have highlighted in blue, this is the Harvest Center area, and this area here, the team would develop new homes. These would be market rate housing, 74 units, but again, remember they can only be there for 24 years. So, the units that they're looking at here, kind of very innovative, maybe modular that are constructed and brought in, that can be occupied for 24 years and then removed from the site. So, the area in blue, we know what's going on here. The question tonight that we're talking about is, what happens on the remainder of this site? Under the current N-2 Zoning, as I mentioned, again, because of the lease interest no one wants to build buildings. So, it's not going to look like the rest of South End, no one's going to build tall buildings. So, the ownership team has said, well, what could we do? Could we do a temporary? Could we have entertainment on the site? Could we have a farmer's market? No, you can't have a farmer's market. Could we put sports courts and just have volleyball or tennis? No, you can't do that, that's not allowed by zoning. So, there are a lot of simple things. The team has said, hey, we just need to get some excitement back to Brookhill. Could we have a food truck rally out here, and just have people come in, see it again and let's establish this site, but none of that is allowed by our UDO.

Our UDO is set up, this is a very urban area, and it's set up for this type of development that you see all around South End. It just doesn't have the flexibility to come in and do kind of small-scale development, because frankly this will never happen again. There's just nowhere else in Charlotte where there's this much land that's restricted by that lease. So, I will say, as Dave mentioned, none of us really knew how to deal with this on our side or the staff side. It's something we've not seen before, we didn't know to deal with, and so staff really put their thinking caps on and said, well, what if we came up with an overlay and could overlay some special rules on this zoning and create the flexibility to have kind of those small minor uses and make them okay. So, your Planning staff deserves a great deal of credit for figuring this one out. So, we have that. Dave did a good job of going over what is allowed, some flexibility to have entertainment uses, things that'll bring the community together that really don't require a lot of buildings. So, Dave as reported and I'm happy to reflect, we have done I think a good job of creating an environment that'll allow something to happen on this site that allows the community to come in and use it with not big expensive buildings, and so it'll be something really unique.

The current challenge that we have, as Dave mentioned, is of course under the UDO, when you come in and develop, every other developer that comes in and builds big buildings, they then build new streets, they build big, nice sidewalks, they do new curb and gutter, we put in all the tree requirements. If we were developing this like the rest of South End, where we're developing a couple hundred million dollars worth of real estate here, all that infrastructure could be paid for, but when we're doing things like entertainment and farmer's markets and food trucks, that type of development just cannot fund new streets, new sidewalks and tree plantings, and so that's what we're discussing with staff now. We have some City departments that say, yeah, but. When a developer comes in and does something on the site, they've got to bring everything up to standard, and we're saying, there's no money to do that. So, if you would like that to be done, we're going to need some cooperation, some City dollars to do those things, and so that's the conversation we're having now. I think it's reasonable, and I think

Dave's right, we do think we're going to find a way forward. Staff has put forward some pretty reasonable requests, hey, we at least need a connection to Dunavant, and can you give us some pedestrian connections here to serve the site? We're working on that. The team knows that they can be provided, but we're now talking about, well, what about the infrastructure, what about the streets, the sidewalks, the street trees? This is a picture from 2022, so three years ago, before the current owners came into the site. I don't know if you can see it, but this is the condition, look at the curb and gutter, you can hardly see the sidewalk in some places, the street trees not in good condition. Part of the reason that the infrastructure needs to be improved is frankly the City spent very little improving the infrastructure in this area. For about 75 years, it doesn't look like much happened. So, that was three years ago, this is the same corner this year. You can at least see the current ownership has come in, they've cleaned it up, you can see the sidewalks, they've removed substandard housing. So, this team has been good stewards on their own to come improve this environment. Here's another look at a corner, this is a look at it three years ago, this is what it looks like today. You also see there's a lot of parking, as folks come here, they park on the site, they do work in the area.

So, I just wanted to demonstrate for you, there are subpar streets, there's subpar curb and gutter, there's subpar sidewalk, because we as a City have not invested in this area. So, the conversation that we need to have, and I'm glad we're having a hearing tonight, we do need some leadership. I think your staff needs some guidance from Council and City Manager's Office on, what's the right balance? The City staff gave us a list of infrastructure they would like, and the price tag on that is about \$7 million. As we talked to ED (Economic Development), they said, you know on that, we could maybe help out if you're getting \$70 million worth of new construction here and improvements, are you good with that? No, we're not. The type of development we're doing is not generating that much tax base, because we're not building big buildings. So, I think there's somewhere in between where maybe we go through that list and say, okay, what are the absolute priorities, what can our team bring to the table, and how can we reach a consensus, so that we have infrastructure that functions without assistance, frankly, from the City or the public? We would not be able to bring these up to a standard that we typically require, and as we talked to your staff it does make sense, hey, do we really want to go in and put in all new streets, because they may get torn out at the end of this lease anyway?

So, that's a lot, but credit to staff for thinking outside the box. We have a way to make this work from a zoning perspective, so these unique uses can work. We have an ongoing dialogue about the infrastructure, what exactly is needed and how we'll fund that, and so we'll continue those. We will need some guidance from you all, so you may get some followups from us, your staff may as well, to figure out how we kind of meet hopefully in the middle and find a way forward with infrastructure that serves the City, and this will be a great attribute to this part of Charlotte. Thank you.

**Councilmember Johnson** said so this is a big project, and the last time, I think five years ago or so when we talked about Brookhill, it seems as though there were a series of small meetings and Council meetings to really get us up to speed, and there was a lot more lead time than it coming straight to a Zoning meeting. Staff doesn't recommend it; we need to be creative in the Brookhill Village overlay. Is there a reason, Mr. Pettine, that we didn't talk about this more or talk about solutions more this time like last time?

Mr. Pettine said I don't think we've had a rezoning proposal on this in that past.

Ms. Johnson said there were public dollars requested last time, right?

Mr. Pettine said there was a previous Housing Trust Fund ask on this that was several years ago, but that didn't involve a rezoning, that was just a financial ask.

Ms. Johnson said I remember having a lot more discussion about it, than it coming straight to a rezoning meeting.

Mr. Pettine said yes, there was not a rezoning at that time required for that project, so a lot of that conversation revolved strictly around the Housing Trust Fund ask. This one has been going on for quite some time in terms of dialogue with City staff. I know there have been some conversations with I believe some of the Council members that are either District Rep or in close proximity. As you can see it's a 2024 Petition, so we've been at this for a good while now. So, there's been a lot of those kinds of conversations, and frankly it's been more about trying to identify how to establish the uses, and how to come up with some solutions to the zoning challenges. So, that's why a lot of those conversations have been at the staff level, working through that, before we get to a point where there's an understanding of being ready for the hearing. The not in current form, really is not a surprise I think to any of the parties that have been involved in the conversations. I think again we're also kind of looking for some conversation to continue about what are those kinds of needs that have to be fulfilled, and where we kind of draw the line to say what types of investments are we comfortable with, and what do we need to make versus what are kind of more of a wish list. So, I don't think we're at a point where it's premature to have the hearing. I think we're having the hearing to get those conversations out and allow the petitioner team also to start that dialogue, make everybody else aware. I think there will be a lot of work that will still need to be done on this before it gets to a decision, but I think we were all comfortable with where we were on the petition as it stands tonight, and just wanted to get that dialogue going with Council and move it forward from there.

Ms. Johnson said thank you, and then the Brookhill Village Overlay, that seems unique for an overlay for a specific area. Do we have this in any other areas in the City?

Mr. Pettine said yes, as I mentioned, we do have them through our Historic Districts, those are all Overlay Districts. We did have overlays again in the previous ordinance. East Boulevard comes to mind where we had pedestrian overlays, part of Beatties Ford, part of Central Avenue, those had Overlay Districts on them. So, typically we've used them in that fashion, but using them to kind of solve and craft a set of standards and uses for a geography of this scale is probably a one-time thing that we've needed to do for the challenges that we had from the land lease, but I don't see this as being a tool we would use often for this type of scenario, this is really just one of the more unique projects that we've seen with that land lease being somewhat of a restricting aspect of it.

Ms. Johnson said okay, yes, I've heard of the historic overlays, but for it to be specific for a project, that's unusual. You mentioned income restricted housing, Collin, income restricted for up to 80 percent?

Mr. Brown said our commitment is 100 units at less than 80 percent of AMI, but as a practical matter, there are currently 89 units on the ground that are already operated by the Harvest Center, and they're targeted at very low-income levels.

Ms. Johnson said right. So, we're going from 30 percent, which would equate to \$36,000 per year, if I'm using \$120,000 as the Area Median Income, to \$96,000, so a family earning \$96,000. So, it's going to jump significantly in the income restrictions, right?

Mr. Brown said well, the 80 percent refers to the zoning commitment. I don't think the Harvest Center, and we're happy to introduce you to their leadership, I don't think they have any intention of increasing. I mean, I think they've got a target, that's who they want to serve. So, those existing 89 units I think will continue basically to what they're currently serving. They hope to add more.

Ms. Johnson said oh, I'm sorry, I thought you were saying 80 percent AMI.

Mr. Brown said 80 percent is what the zoning commitment is. There may be more units that are added to the site, the Harvest Center would like to add more, those would have to be under 80 percent. You're correct, we don't have a condition that says 30 percent of AMI, but we know that the units out there are being targeted at very low incomes.

Ms. Johson said I'm sorry, I've really got to clarify that. Is it 80 percent AMI or 80 percent of the units will be affordable?

Mr. Brown said I'm sorry, It's 80 percent of AMI. There will be at least 100 units.

Ms. Johnson said okay, thank you.

**Councilmember Driggs** said so, there is a lot of history here. Is this the Spangler property?

Mr. Brown said some might call it that, yes.

Mr. Driggs said yes. So, the easiest way to do this would be to negotiate an early termination of the lease. Is that not an option? Is that totally unavailable? Have you ascertained the terms on which you could do that and get fee simple control?

Mr. Brown said I have not been involved in those conversations. I know that there's a very close relationship to the leaseholder and the family. The family has attended our community meetings. Mike, if you want to respond to that, I'll let you.

**Mike Griffin, 19505 Liverpool Parkway, Cornelius** said sure. First off, thank you for your time. My name is Mike Griffin with Griffin Brothers Companies representing my family. We have a very wonderful relationship with the Spangler-Cornwell family that manages the property. Their intention was for us to come in and take the 350 units that were there, not displace any families, improve the units, and put them there. Their intention is to keep the families there through 2049. This property is in a trust, and I think those kids that are being born now until probably age 16, so that family will take the opportunity in 2049 to take their property from there.

Mr. Driggs said so, in the past we had conversations about this, I think with a different party, who had the idea of getting trust fund money in what was frankly not a reasonable structure. So, this is a different approach. I think at that time, these units were in bad shape, many of them were unoccupied. People weren't paying rent in a lot of the units. Are any of the residents who were there still there?

Mr. Griffin said yes, that's a great question. So, in March 2022, we took it over. There were 350 units, a little more than 100 families, a pretty good percent not paying rent, because they knew that possibly they would be displaced. We partnered with Harvest Center from that day, and they worked with each individual family, and we're proud to say 70 of those families remain on the property, and I think the average age is in the 60s, with their average tenure of 25 years. So, we have a lot of legacy families that are there that Harvest Center is working with, and I think at this second, if you're looking at AMI, it's all 30 percent or lower AMI, and they're paying actually \$450 a month rent.

Mr. Driggs said so, they're still paying that?

Mr. Griffin said yes, sir. Now, Harvest Center manages transitional homeless, and their 20 or so tenants are not paying anything, that's from charity being raised by Harvest Center to manage those families.

Mr. Driggs said so, I'm kind of with Ms. Johnson on this. I think we're in somewhat uncharted waters. I like that we're being creative, but it's hard to make a value judgement based on where we are right now, the idea of this novel ad hoc overlay, which could establish a precedent. So, I think we need to be very careful that the circumstances are unique, and that this doesn't give rise to requests for similar treatment elsewhere. I think the uniqueness is the 25-year horizon that's dictated by the lease and the limit that places on the economics of investment. I don't know, I mean, as a land use decision, probably not that hard, but when you start making concessions on the typical zoning requirements, then we have to know what the quid pro quo is. So, I'm just interested to learn more as your discussions continue, and I think the questions that need to be answered still are significant. Thank you.

**Councilmember Mayfield** said so, here's questions for staff. So, right now sitting on this dais, going back to 2011, you have three representatives for District Three. So, for my eight years as the District Rep, the City during that period of time, did contribute funding resources assistance through Charlotte Water and other departments. We have had several potential business ideas and starts and stops. Our biggest challenge is the fact that this is under a 100-year lease for a family. That family could have easily, at any time over this last decade plus, chosen to relinquish it, because we've had a number of different projects. So, I can understand the trepidation of staff saying that right now this proposal is not recommended.

I do not know if an overlay is going to address the biggest challenge that we have, and that is the fact that you don't own the land, that the land is owned in this trust, and will continue to be in this trust for the foreseeable future. So, we have had multiple challenges to try to figure out how not to displace, especially when we have seen so much displacement from South Boulevard coming back, what is now named South End or Lo-So or whatever name others want to give to the area. We have seen individuals and community members be moved further and further, and now they're going to be crunched, because now it's coming from the other direction, it's coming from West Boulevard moving towards Tryon. I don't know what this looks like. I don't think us creating something new in this overlay is necessarily the answer that's going to work. It would be helpful if, prior to this coming back for full decision, staff can give some very specific details on what would this look like moving forward, meaning, if we were to create this overlay, that is setting a new precedent. So, where is all the potential new language that can be created in other areas, because we don't have another area like this that's sitting under this trust, but how could it possibly be interpreted for other parts of the City where there may be some challenges? I think that could be very helpful for us moving forward to have a better understanding of what the creation of this type of overlay could mean moving forward, when we already have a number of projects that are proposed that are inconsistent, but yet it's supported, and we move forward with it. What does consistency look like? What would this new language create, as far as future inconsistent proposals? I know that will be helpful for me. I think it will be helpful for my colleagues as well. Thank you.

Mr. Pettine said certainly.

**Councilmember Ajmera** said so I agree with some of the remarks that've been made by my colleagues. First, let me thank you for taking on this project. This is a difficult site. There are very unique constraints that make this development very difficult, and we know that. I appreciate your commitment to affordable housing, and I think there's just more work that needs to be done here, especially to get staff support on the piece where we have Community Activity Center. So, I'm sure that you'll do more work in the coming weeks and months, and hopefully we can come to a middle ground here. Again, thank you for taking this project on, because this is certainly not easy, and I recognize that, so thank you. That's all I have.

Mayor Pro Tem Anderson said I'm going to go before I pass it over to the District Rep. First of all, Mr. Griffin, thank you for this effort, and as someone who actually lived in Brookhill for some time, it is an important site. It's a historical site for us. So many families who are part of Charlotte native group have spent time in Brookhill and are connected to Brookhill in some way, and so we want to see something interesting and dynamic at this site. This site has been, as many of you know as you drive past it, the site has been largely flattened, and Mr. Griffin and team have cleaned up the infrastructure and it looks better, it's easier on the eyes for the community. I feel, also as someone who grew up in Southside Homes as well, that having this site vacant for so long really does not bode well for the neighbors around it, including the neighbors of Southside Homes. I'd like to see something there within the 25 years left that can be dynamic and bring some energy and vibrancy that the community can utilize. This overlay perspective is unique, but as Ms. Mayfield said, this whole 99-year lease is unique as well, and we don't really have any other area in the City of Charlotte currently that's under this unique umbrella. So, I've met with you all several times. I know that the district rep has as well, and I think that the dynamic opportunity of bringing some

temporary structures and bringing farmer's markets and bringing music and other activities that will bring the community out and give the community a bit of a green space and vibrancy, outdoor space as well, fits in well with that area, because that area has increased densification, as well as so many residents that live in Southside Homes that would love to take advantage of it.

We're in this conundrum here around infrastructure, because it is a 25-year lease, and so investing millions and millions of dollars in infrastructure on something that you won't really have an opportunity to leverage over a longer runway doesn't make a whole lot of business economic sense. So, the point is, if we can come together with some type of agreement here where both the City and the petitioner can invest to bring proper infrastructure up for this site, so we can introduce vibrancy. I don't live very far from here, and every time I drive past the site it hurts me a little bit, because it's effectively a blight on the community, because it's just flattened and it's been vacant for so long, and yet I know that we've had a variety of fits and starts around potential opportunity on the site. It's one of those unique sites that are troubling akin to our experience with Eastland. We got Eastland over the finish line; we've taken care of that for East Charlotte. I would love for us to do something unique here that will get this site over the finish line for the 25 years for the West Side, for Southside Homes, and part of South End. I think it's really important for us to have that commitment to those community members. So, I'm open and always available to continue to meet with you all and ideate around the art of possible and how the City can join up with you, because that area is such a historical area. It's so important to the history of Charlotte.

**Councilmember Brown** said so Collin, it's always a pleasure. Thank you, guys, so much for all the work that you put into trying to get this taken off. You know how you have people not showing up for community meetings, that's going to change because I'll be transitioning over into the community. I'll be watching to see exactly what we can get done, and what kind of input I can have, and how I can gather more people that are going to be affected by it. As Mayor Pro Tem did state, both our families lived in Brookhill and Southside for a very, very long time, but I don't like riding by and just seeing what I see as well. I don't like seeing the weeds coming out of the ground and sidewalks cracking. The few residents that we do have over there, I know you did something with the Harvest Center. I went over too and looked inside of the units and saw what they had done, but I would say that the residents they definitely deserve more, because I've lived inside of [INAUDIBLE] when they were first constructed, like my mom, my grandmother, everybody lived over there. So, as a little girl I was in those apartments a very, very long time, and some of those apartments were still in the condition that they were decades and decades ago.

So, I am very excited about what it could be, but the affordability piece, the people that come from there that love that neighborhood and call it home, they go to work every day and they're not able to pay much, and so I saw what we're going to be requiring. This project, unfortunately, won't be approved under my watch. I won't get to see that part of it, I'll see it from a different angle. I'm just concerned, the pricing part. I saw what we said about the AMI, but I'm just curious as to who could really afford it and what it could come to be. There's a lot going on with the project, and you'll be connecting with I'm sure the West Boulevard Coalition and all the other communities, District Three Community Coalition, which I started. It's already registered with the Secretary of State, and I'll be all eyes on what's going on in the community. So, you'll see me a lot on the community side of things and advocating for people that really wouldn't get the advocating for them, but I'm happy to champion that and to work with you. So, I look forward to what it could be, and how it's going to be moving forward.

So, just thank you for all your hard work. Your job isn't easy. It's an eye sore for me, and that's a problem for me as well. It definitely is an eye sore, this is a bad eye sore, it's hard to watch, as a kid who played in the park right across the street. I know there's something going on with the County, the open field across from Brookhill, it's not safe, and they're doing some work over there. So, definitely, the City, County, whoever, there was not enough love put in that area the way that it should be, and I'm hoping that we can do about face and change that and make that a priority to put the same love that we

would into any other areas of opportunities that we want to see flourish and grow and want people to be attracted and want to live there, walk their dogs there, play with their children in the parks there, all the things that all of the people that I grew up with deserve. So, I'll be very, very close by, and thank you so much for all of your hard work.

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

\* \* \* \* \*

**ITEM NO. 18: HEARING ON PETITION NO. 2025-031 BY JAMES SCRUGGS FOR A CHANGE IN ZONING FOR APPROXIMATELY 23.37 ACRES LOCATED NORTH OF NEAL ROAD, EAST OF CATALYST BOULEVARD, AND SOUTH OF IBM DRIVE FROM R-8 MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).**

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

**Holly Cramer, Planning, Design & Development** said this site is just over 23 acres, along IBM Drive, Neal Road, and Catalyst Boulevard, south of the Innovation Park development. The area surrounding the site is primarily single-family, but a lot of multi-family directly to the west and south, with schools to east, and multi-family and a mix of uses to the north around Innovation Park. The site is currently zoned R-8 Multi-Family, Conditional, from Petition 2020-102. They are proposing to go to Neighborhood-2B, Conditional, which is inconsistent with the Policy Map's recommendation for the Neighborhood-1 Place Type at this site. The proposal is for 73 townhome units and 324 permit units, for a total of 397 units. Of the 73 townhomes, 30 percent of those would be reserved for households earning between 80 to 110 percent AMI for at least 15 years, and that includes commitments for a deed restricted accelerated homeowner's equity program for those units. They provide transportation improvements, including a 12-foot shared-use path along IBM Drive and the Neal Road frontages, an eight-foot sidewalk along Catalyst Boulevard, ingress lane and two egress lanes along proposed Access A, restriping of the existing median to include a northbound left turn lane on Neal Road, signal modifications, updates to signal phasing and timings, one ingress and egress lane at Access B, a westbound ingress and egress lane on proposed Access C and Access D, full movement configuration on Access D, and they provide commitments for the Tier 3 Multimodal Mitigation Assessment, including updated bike and pedestrian commitments, filling in sidewalks gaps offsite, installing pedestrian crossings and pedestrian scale lightings. The petitioner also provides some preferred open space and architectural standards that exceed ordinance requirements.

Staff does not recommend approval of this petition in its current form. The current entitlements on the site, from Petition 2020-102, allow for 157 townhomes across the site, and this current proposal is for 397 total units, 324 of which would be multi-family stacked units. The site is situated in an area where more intense mixed-use areas are oriented to the north and east around the Innovation Park development, and more moderate housing to the south, and low-density Neighborhood-1 areas further to the west, showing that this site is in a transitional area between Neighborhood-2 and some Neighborhood-1 Place Types in the abutting Activity Center. The current entitlements allow for a mixture of duplexes, triplexes and multi-family attached units, which is compatible with the townhome development directly to the south, and the entitlements to the west. This current proposal that we're considering tonight is a significant increase in the residential intensity on the site in terms of building form and unit and count. Staff would prefer to see a greater proportionality of townhome units across the site to better transition against the school uses and townhomes developments that are already surrounding the site. Neighborhood-2 uses are generally appropriate at this location. When we look at the criteria we consider for a Place Type change to the Neighborhood-2 Place Type, including the site's acreage, Place Type adjacency, street frontage along

arterials, and access to goods and services within a designated Activity Center just to the north of the site. I'll take questions following comments.

**Frances Fennell, 1801 Beckwith Place** said good evening, I'm Frances Fennell. I'm with Urban Design Partners. I am representing James Scruggs, the petitioner.

**James Scruggs, 338 Sharon Amity Road, PBM 263** said yes, good evening. My name is James Scruggs with Kingdom Development Partners and the founder of Ascension CDC (Community Development Corporation).

Ms. Fennell said so, the site is on Neal Road residential. It is located at 8001 Neal Road. It's currently zoned R-8 MF, and we're asking for N-2B(CD). So, it'll be a mix of multi-family stacked, and multi-family attached units. So, as mentioned previously, the site along Neal Road is directly north of the Chambers High School. We have three surrounding streets around us, we've got IBM Drive, Neal Road as mentioned previously, and then Catalyst Boulevard. So, existing zoning we are at R-8 MF, as mentioned previously. Right to the north of the site, there is UR-2, so that was a conditional petition that went before you a couple years ago in 2022. So, that allows for the development of 200 multi-family units. There's also Innovation Park, that should be mentioned, kind of north of the site, that was a petition from 2020, that allowed for up to 575 multi-family units. There's also the Wayford at Innovation Park development directly next to us, that is the kind of existing townhome community, and then the big purple blob you see there is the high school. So, the future 2040 Policy Map, the adopted map as mentioned by staff, currently has the site as a Neighborhood-1 Place Type, but it should be noted that the revised Policy Map shows this as a Neighborhood-2 Place Type. So, it takes both this site and then part of the adjacent site and turns it to Neighborhood-2. So, this kind of petition would be compliant with that revised Policy Map.

So, here is a copy of the Rezoning Petition that was filed, and I'll just kind of flip through to the colored version, it's a little bit easier to follow. So, as mentioned, this is a mixture of both multi-family stacked, and multi-family attached units. We were very strategic about where we placed the multi-family stacked and the attached units. So, we purposely wanted to put the townhomes adjacent to where there already are townhomes, and we purposely also did the unit groupings to make sure that we have lower density where it makes sense, and then the higher density meaning like the six-unit townhomes on Catalyst Boulevard. That's where the townhomes already exist in that form. The multi-family stacked is only along Neal Road, and then it's also along our two proposed public roads. So, we have two proposed public roads internal to the site. These would both be following that residential wide street section, meaning that there would be eight-foot planting strips and eight-foot sidewalks. We've also committed to the 12-foot multi-use path, so that would be along Neal Road as well as along IBM Drive. All of the green area credit or tree save area is located directly along IBM Drive, and then we had to do a Traffic Impact Study as part of this site, and we've committed to all the improvements that came through from that traffic study.

I wanted to point out a few things directly from the 2040 Comprehension Plan that this Rezoning Petition directly meets. One of them is that idea of the 10-minute neighborhood, so how you make that happen by increasing and expanding tree save, pedestrian and bicycle network, it's pretty evident with the inclusion of two 12-foot shared-use paths. We're also widening the existing sidewalk along Catalyst Boulevard from six feet to eight feet, and then the neighborhood diversity and inclusion. So, this project is proposing both multi-family stacked, and multi-family attached dwelling units, but with inclusion of this multi-family attached, those townhomes were meeting the City's desire for the middle density housing. Then, the housing access for all. So, we're committed to 30 percent of the multi-family attached units to be affordable units, and James will speak more to that component, and then this will also purposely be a mixed-income development, which is consistent with that housing access for all as well. Then, the safe and equitable mobility that just brings back to the shared-use paths, the sidewalks, and the eight-foot planting strips, and those wide eight-foot planting strips allow for those large maturing trees.

Then, I wanted to take a second to read a letter of support that we received from University City Partners. So, this was addressed to James, it says, "Dear Mr. Scruggs, On behalf of University City Partners, I'm pleased to express our support for the Legacy and Neal Road development in University City. This thoughtfully designed project, featuring 324 rental apartments and 73 for sale townhomes, offers an impactful blend of rental, homeownership, and attainable housing. It's 70/30 mix of market rate and attainable on the townhome element of the project, directly supports our mission of fostering inclusive economic growth and creating housing opportunities for residents across income levels. We're especially encouraged by the developer's partnership with Ascension CDC, whose model combines financial education, home maintenance training, and wealth-building resources. Their tax grant program, designed to prevent displacement, is an innovative tool that aligns with University City Partners commitment to long-term residential stability. Legacy and Neal Road represent the kind of inclusive community center development our region needs. We fully support this project and look forward to seeing its positive impact on University City." This was signed by Keith Stanley, the President of University City Partners, and Drew Garner, the Senior Manager of Economic and Land Development at University City Partners. I'm going to pass it off now to James, and he's going to speak more about Ascension.

Mr. Scruggs said good evening, thank you. I'm excited about this project, and one of the things that I'm hoping to accomplish is that Kingdom Development Partners will set a precedent with other developers that you truly can have a mixed-use, you truly can have a mixed-income development. We were excited when we heard loud from the community that we would love to see homeownership as well in this area, as opposed to just rentals. We listened loud and clear. I listened to the District Four Rep, Ms. Renee Johnson, I met with her Coalition and spoke to them about what we do with Ascension. We're very excited about our partnership with Ascension, because here we're going to allow 30 percent of these homes to be provided for schoolteachers, social workers, police officers, firefighters, and first responders, and what you will receive and what you will get out of this community is economic mobility that would be driven, and here's how. So, attainable market rate homes may sell in this area for \$450,000, but these market rate homes with our partners that we have through banks and down payment assistance, these attainable home mortgages are for 80 percent AMI households, and these family members will receive these homes for less than \$300,000 on their mortgage. So, we're very excited about that, but what's bigger than us just handing them a set of keys, we have an education component on what we do. So, we help get these schoolteachers and these police officers and these social workers home ready, but then we also teach them financial literacy, because for us we have to teach them how to fish. We want to teach them on what to do with that equity once we give them access. As you heard, we do put a 15-year deed restriction on these properties, and Ascension does have the first right-of-refusal to ever buy them back, so that way we can always keep them attainable and mixed income, but our goal is to teach them financial literacy, our goal is to teach them how to maintain this property. We have to educate them on how to keep this asset a blessing that they receive, and how to keep it beautiful. Then, as you also heard in the letter from Keith, our goal is to make sure that none of our schoolteachers and our social workers and our firefighters get displaced. So, we want the values of the homes to go up, but we don't want their taxes to go up so high that they get displaced out of our community, so we will meet them where they are. So, we've very excited about this project. We hope other developers will follow suit and take heed to what we're doing and how we're truly trying to impact the City, and create mixed-income attainable housing and create economic mobility, and for that I say thank you.

**Roxana Marinescu Charlotte, NC 28215** said so, honorable Council members. We speak today on behalf of Civic Activist Citizens of Charlotte Alliance, Wellness Alliance, and other organizations who also have as values, conservation and urban forestry protection, Citizens' Climate Lobby, Sierra Club, Greenpeace. So, we advocate here for urban forestry conservation, climate resilience, and public health across Charlotte. We emphasize that digital communication from citizens is as valued and reliable as in-person testimony and should be fully considered in Council decisions. We also

acknowledge an organization that we mentioned, whose mission and advocacy aligns with forest and environmental protection, even they have not endorsed this petition.

So, at the federal level, we already have the Bipartisan Forest Opportunity and Flexibility Act, that was passed by both the U.S. Senate and House of Representatives, established national priorities protecting full-growth forests, prohibiting clearcutting and promoting ecologically responsible forest stewardship. Federal law is binding, and local zoning decisions should comply with these standards. Charlotte forests are part of national climate resilience. The devastating impact of Hurricane Helene, including loss of lives, loss of property, property damage, massive federal expenditures, demonstrated the cost of failing to protect forests. These events make it clear that inadequate local environmental protection directly increases federal and public money waste. By preserving forests, Charlotte can reduce storm damage, protect citizens, and alleviate the financial burden on federal resources.

Friends of Charlotte Alliance Group, that submitted last year in April 2024 to all the authorities, like City of Charlotte, Mecklenburg County, NC General Assembly, and Wellness Alliance, previously submitted a petition last year requesting protection for Charlotte full-growth forests, explicitly opposing clearcutting. This petition was then 700 signatures, right now it's 1,500 Charlotte citizen signatures, reflecting broad community concern. However, due to lack of transparency, like today, and delayed availability of information, such as other properties like in my zip code area, 2815 Rocky River Road, Harrisburg Road, Plaza Extension Road, that was approved after this petition was submitted this year, 2025, and after Hurricane Helene made so much damage and brought so much federal waste, citizens were not properly informed, and their input was not considered. Yet, large scale tree removal has been allowed, and we are witnessing it in all areas of urban Charlotte and also suburban Charlotte. Charlotte forest also has spiritual and wellbeing significance. Trees and green spaces contribute to mental clarity, stress reduction and community health. Protecting them supports not only physical safety, but also the emotional and spiritual balance of our citizens.

Tonight, we focus on Rezoning Petition, Item No. 18. This site is currently wooded land. We don't have enough transparency. We don't have access to information in timely manner, so that citizens and civic activists and nonprofit organizations have transparency of how these wooded lots of land get clearcut in front of our eyes, such as I witnessed in my zip code, University area. So, large-scale tree removal could reduce natural storm protection, exacerbation hurricane as we saw last year, the Hurricane Helene, and flood impacts. It increases heat, runoff and soil erosion, affecting local infrastructure, flooding in neighboring areas. They harm the public health, spiritual wellbeing, by reducing green space benefits, recognized by the American College of Lifestyle Medicine, one of the very many medical associations who include stress reduction, improve air quality, so promotes, advocates for air quality and wellbeing and the prevention of heat-related illness.

We respectfully request that City Council [INAUDIBLE] tree preservation canopy loss report for each of these zoning petitions. I'm witnessing in my neighborhood that a full lot of land was clear cut, and I was not informed what was going on, and that was after Hurricane Helene in April 2024, it was in December 2025, after we submitted that petition signed by already 700 people. We asked for a site-specific tree save plan showing how many existing trees will be removed versus preserved. We deny approval if the petitioner intends a clearcut. We demand mitigation if trees are removed, as happened in my neighboring area, Harrisburg Road intersection with Rocky River, 3031. Recognize the ethical and spiritual responsibility we have for the future generations to prevent forest loss, otherwise we will become only concrete, from shifting harm to adjacent neighborhoods, and highly recommend to expand equally throughout all areas use of flat land, and use smart approaches to optimize the use of land with the protection of forests, especially old forests, mature forest areas. Align decisions with FOFA (Fix Our Forests Act), this just passed federal law for forest preservation principles, limiting clearcutting and promoting ecologically responsible development as required under federal law. Ensure citizen's input is fully considered and the citizens are transparently informed about all these zonings, including our digital communication and

submissions as legitimate and legal public participation. Retroactively review all zoning approvals in 2025 for potential clearcutting, according to the federal law, for any permits where environmental regulations, tree protection standards, or forest preservation requirements were violated. Clearcutting occurred without adequate environment impact assessment in many areas of Charlotte and Charlotte suburbs, [INAUDIBLE] Indian Trail, Pineville, in zip code 2815 in University area. Citizen input was ignored or inadequately considered. We request that Council revoke, suspend, or condition those approvals, require mitigation or reforestation plans, and ensure compliance with forest protection, public health and federal standards, before any development proceeds. Charlotte full-growth forests are irreplaceable. Protecting them safeguards public health, climate resilience, federal fiscal responsibility and waste, and spiritual wellbeing for all residents. On behalf of Friends of Charlotte and Wellness Alliance, and the other known governmental environmental activists, 1,500 petitioners across Charlotte, we urge City Council to act with transparency, environmental responsibility, federal compliance and full regard for all communities. Thank you.

Ms. Fennell said thanks for your comments. I think I'm a little confused like how directly that was related to this exact petition, but just to speak, I believe the issue is tree preservation, and this petition is compliant with the UDO and the standard for what the green area credit is. As far as what's already allowed by-right, it's already been approved on R-8 MF Zoning, so it's already allowed with that zoning to move forward. So, this isn't a case where this could be a conservation development, or anything like that.

**Councilmember Johnson** said so I wanted to ask the City Attorney first. So, I know that there's some rule if there's any opposition to a petition in October 2024, I don't know about tonight, tonight the last meeting of this Council, that it delays the decision. Can you tell me about that.

**Terrie Hagler-Gray, Senior Assistant City Attorney** said you're speaking of the election rule, and that's why you only had decisions that didn't have opposition tonight, so that is for the November 2025 meeting.

Ms. Johnson said okay.

Ms. Hagler-Gray said so, this public hearing wouldn't be impacted by that.

Ms. Johnson said okay, thank you, because I also had a question about that opposition, that sounded like a general opposition to our growth. So, I wanted to ask, ma'am, were you opposing this petition specifically?

Ms. Marinescu said so, I was clearly asking for the tree loss map to know exactly how much clearcutting is done, mathematically, and to stop clearcutting from all these practices for real estate development. So, they need to come with a specific mathematic, how much tree loss, forest canopy will be damaged and will be lost, and to be denied if there is mature forest involved, if mature forest in significant quantity.

Ms. Johnson said okay, thank you for your comments, and thank you for your presentation. I have some questions for staff. So, currently staff does not recommend the approval of the petition in the current form. Can you tell me why, specifically?

Ms. Cramer said so, the current plan from 2020 was an all-townhome development proposal for 157 units. This current proposal that we're looking at tonight is for a total of 397 units, the majority of which are multi-family stacked. So, we are generally supportive of Neighborhood-2 uses on this site. What we're just looking to see is a greater proportionality of townhomes across the site. That two and half times increase in units from current entitlements seemed really significant to us, so we'd like to balance that a little bit with better site design with the inclusion of more townhome units, which makes more sense with the context of the less dense transition that you see to the south, southeast, and to the west there, recognizing though that we do have a large Community Activity Center just to the north. So, again, it's not that we're at all opposed

to Neighborhood-2 uses, or even the inclusion of multi-family stacked units, it's just about the balance of it all.

Ms. Johnson said okay. When you started your presentation, you said that this area was surrounded by single-family.

Ms. Cramer said it's single-family just to the west. It's mostly townhomes, as you can see actually in this.

Ms. Johnson said I was just wondering were those single-family?

Ms. Cramer said it's single-family more towards the west, as you see Ridge Lane Road here, but it's predominately townhomes along the south and west, and then it's more Neighborhood-1 further to the west. So, it's a transition, like I said, where you're talking about the Neighborhood-1, then Neighborhood-2, and then of course that Community Activity Center to the north. So, being mindful of that transition, where it is in that Neighborhood-2 area just adjacent to that Community Activity Center, having the inclusion of more of those townhomes, but still having some apartments, could be appropriate if you just balance it right.

Ms. Johnson said right, but the single-family, where are those?

Ms. Cramer said it's further to the west.

Ms. Johnson said and how far are those, do you know the distance?

Ms. Cramer said I don't have the distance of that, I could measure.

Ms. Johnson said alright, so fortunately I was around in 2020 when we approved the original petition, thank you District Four. I remember this, and I've spoken to Mr. Scruggs, who does a great job, and when they requested that petition, there wasn't a lot of development in that area at all. Since then, if you look at the growth in that area, this petition is more in line with the surrounding petitions, and I looked, if you all look at page six of this petition, and look at the numbers or the density that's been approved surrounding it, and I'm just looking at it. So, 2020-035, it looks like there were 250 single-family attached units and 50 multi-family units, and 2021-012, there were 575 multi-family dwelling units. Then, I sent you an email and asked for numbers of more development around there. Catalyst Partners, there was 278; Greystar, was that 712 multi-family?

Ms. Cramer said across 70 acres, yes.

Ms. Johnson said okay, and 26 townhomes. Then, I asked about 85 and Harris, and I was given the number 300, that seems low, because I think there were like two or three separate petitions, so there were, it seems like more, like there might be double this amount.

Ms. Cramer said so, there's a petition that was recently approved just to the west of it, but the petition that we were speaking about earlier today was for 300 apartment units across 28 acres.

Ms. Johnson said okay. Also, I didn't count the 2021-002 for a 157 duplex, triplex or single-family attached dwelling units, because I know that's 157 units, but if they're duplexes that would be double the amount.

Ms. Cramer said no. So, it's a 157 units total, inclusive of all unit types, so whether it's duplex, triplex.

Ms. Johnson said okay. So, even with that, the total number of units that I counted was 1,697. First of all, was there a traffic study if we're looking at cumulative impact? Of those 1,697 units, I don't know how many of those pledged any affordability. You know

me, as District Four representative, I want to see balanced approach, and the density I understand, but when we talk about strategic and responsible development, this developer, colleagues, is proposing 78 for sale units at \$300,000, and he didn't mention it, but I believe they're going to be eligible for up to \$100,000 worth of downpayment assistance. So, I just want us to consider that. There is a precedent in this area. Again, one of the complexes is 575 multi-family units; 1,697 with no pledge for affordability, and here we have a developer that's giving us this. You can look at the pictures, and you can see these large complexes close to this. I want us to always support staff's recommendation, so I certainly hope that within the next month we can come to a place. However, I appreciate the petition, I appreciate the commitment to affordability for sale projects, and this number seems right in line with the surrounding complexes around it.

Oh, and you mentioned teachers, you mentioned affordability for teachers. So, there's jobs, we know we have lots of jobs in District Four. We do need housing. I don't know where this single-family complex is, or how close that is to this complex. We don't have any speakers from those neighborhoods. The only opposition was in general, it sounded like she was asking about the cumulative impact on tree preservation, which this development does commit to. So, thank you again, and that's all I have.

Motion was made by Councilmember Johnson, and seconded by Councilmember Driggs to close the public hearing.
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**Councilmember Ajmera** said thank you Councilmember Johnson, for highlighting the commitment to affordable housing, and also, I'd like to thank public speakers, community members who came out to speak, thank you for speaking at our public forum. I am with Councilmember Johnson. I hope that we can come to an agreement. I understand that going from 157 to 397 is a substantial increase in density, and it does not align with what we had previously approved, but I also understand that a lot of development that was approved recently had intensified density nearby, so I hope we can look at that. We can also look into just some of the recent developments that have been approved nearby, and certainly at the end of the day we have to make a land use decision. I look forward to continuing to hear from the District Council member on how we can come to an agreement here with staff as well as the District Representative with petitioner. Thank you.

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

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**ITEM NO. 20: HEARING ON PETITION NO. 2025-097 BY JBJH INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.22 ACRES LOCATED WEST OF NORTH TRYON STREET, SOUTH OF ORCHARD TRACE LANE, AND NORTH OF GRAHAM MEADOW DRIVE FROM TOD-TR (TRANSIT ORIENTED DEVELOPMENT - TRANSITION) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).**

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

**Maxx Oliver, Planning, Design & Development** said Petition 2025-097 is an undeveloped site, approximately 1.22 acres. It's located on the west side of North Tryon Street at the intersection of Orchard Trace Lane. The site's currently zoned TOD-TR, Transit-Oriented Development, Transition. The proposed zoning is CG(CD), General Commercial, Conditional. The 2040 Policy Map recommends the Community Activity Center Place Type for this site, and the CG(CD) District is inconsistent with the CAC Place Type. Approval of this rezoning would revise the Policy Map to the Commercial Place Type. The rezoning proposal calls for the development of up to 1,000 square feet of nonresidential space with an accessory drive-thru. The petition prohibits certain more noxious uses allowed under the CG District, including electronic gaming establishments, nightclubs, dealerships, gas stations, etc. Access to the site is proposed to be at

Orchard Trace Lane and an internal driveway connection to the shopping center located to the south. An eight-foot sidewalk and eight-foot planting strip will be constructed along the site's frontage with North Tryon Street. Buildings must be positioned to allow pedestrian access from North Tryon Street with outdoor seating near the sidewalk. Drive-thru lanes shall not be placed between the building and the street, and the parking and maneuvering areas will be screened from view on Orchard Lane.

Staff does not recommend approval of this petition as the site's located within a short walk to the Tom Hunter Lynx Blue Line Station in an area that's quickly developing to transient-oriented housing, promoting Community Activity Center Place Type intention to create places where people can walk, bike or take transit to access goods and services within a 10-minute trip, the proposed development on the site does not align with the goals of the Community Activity Center Place Type, as drive-thrus prioritize vehicular access and circulation, which undermines the Activity Center's emphasis on walkable pedestrian-friendly environments, and the current TOD-TR Districts permit a wide variety of uses, including a restaurant by-right. Following the standards of the TOD-TR District would not permit a drive-thru, however, in this location, and it would achieve a more pedestrian focused design. Happy to take any questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7th Street, Suite 100** said Mayor Pro Tem, Council members, Zoning Committee members, Collin Brown on behalf of the petitioner, JBJH Investments. Maxx did a good job on the presentation, this is pretty straight forward. This is a small site, it is on Tryon Street, is adjacent to an existing shopping center. We concede we are proposing a very automobile-oriented use, frankly. This is a Dutch Brothers Coffee, a new retailer that is entering the market that is very excited to be here. We get staff, I'm not going to joust the staff over the challenges of putting a drive-thru use near transit, understand their position. The client team, though, is very active in the community. They know that there are some challenges there, there are some challenges with the nearby center, and this is just a situation where we believe the community is looking for some positive development. So, at the outset, we said, hey, let's go out and talk to the community. What we believe we will hear is that folks want something positive to take place on the site, and so you'll hear from Ms. Parker who is here tonight on behalf of the Hidden Valley community. They've been very involved in this project, and essentially, that was kind of the agreement from the outset. We said, look, we know where staff will have to be because of the plan. We'll do as much as we can to design a plan that is as accommodating and as attractive as possible, if this is something the community would like, very much strong support from the community on, hey, we want something to happen there, so let's work together and make it happen. So, this is the site plan that we've put together. Maybe I'll just stop there and let the community speak, but we'll continue to work with staff. Again, we've done as much from a design perspective as we can. We do understand the use and where staff is with the plan and understand that, but sometimes we take direction from our community. So, Ms. Parker, if you don't mind.

**Marjorie Parker, 5131 Springview Road** said good evening, Mayor Pro Tem, Council, City Planning, City staff. Of course, I'm Marjorie Parker. On behalf of the Hidden Valley Community Association, I would like to thank Bryan Wyker for working with the Hidden Valley Community Association and the CMPD (Charlotte-Mecklenburg Police Department) to help clean up his property at Tom Hunter and North Tryon. We also support the Dutch Brothers Coffee Shop. He wants to develop near Orchard Trace. We all see firsthand the major economic development stretching from I-485 to University City. These areas have gained businesses, jobs, amenities, and their neighborhoods have been strengthened. While we celebrate their growth, it's important to acknowledge that from Sugar Creek at North Tryon to Tom Hunter, there has been little to no economic development, and so we are asking that you support this development for us and other developments in the future. We have had apartments being built. Something that Mayor Pro Tem said, that resonated with me, and also Councilmember Tiawana Brown, when they talked about Brookhill, Mayor Pro Tem, and I'm summarizing, bring vitality and positive energy to that area; Councilmember Tiawana, not enough love in

that area. So, we want some economic development from Sugar Creek to Tom Hunter Road. Thank you.

Mr. Brown said thank you, Ms. Parker. Again, happy to answer questions. Small site, Tryon next to existing shopping center. We've done as much as we can on the site design. We do think it will bring some stability to that site, bring some investment, provide some jobs. So, appreciate it, and we're happy to answer any questions.

Mayor Pro Tem Anderson said absolutely, thank you. So, I'd just like to say of course this is my District, and Ms. Parker said it aptly. We've been in discussions ideating around how we can bring some economic vitality to that corridor. This is a partner who is willing to work with the community and invest in that area, and we understand where staff sits from a drive-thru perspective. However, I know that staff understands that this economic opportunity for that area doesn't come along every month, it doesn't come along every term, and the community is asking for it. So, I'm hoping that as we move forward, that some of my colleagues would support this effort, understanding where staff is. Staff is not against the economic aspect of it, it is from a policy perspective. Thank you, Mr. Parker, for coming out, and the Hidden Valley Association.

Motion was made by Councilmember Driggs, seconded by Councilmember Brown, and carried unanimously to close the public hearing.
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**ITEM NO. 22: HEARING ON PETITION NO. 2025-023 BY ANTHONY KUHN FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.49 ACRES LOCATED ON THE WEST SIDE OF GREENSBORO STREET, NORTH OF RALEIGH STREET, AND EAST OF EAST SUGAR CREEK ROAD FROM TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT - MIXED USE, OPTIONAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER).**

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

**Holly Cramer, Planning, Design & Development** said this is 1.5 acres, east of East Sugar Creek Road along Raleigh Street, and just north of the Sugar Creek Station along the Lynx Blue Line in an area where of course we've seen a lot of changeovers from industrial uses to transit-oriented supportive projects. It is currently zoned Transient-Oriented Development Mixed-Use, Optional. They are proposing to go to Transient-Oriented Development Community Center, which is consistent with the Policy Map's recommendation for the Community Activity Center Place Type. This is a conventional petition with no associated site plan.

Staff does recommend approval of this petition. It brings the site into alignment with its Community Activity Center Place Type, maintains Transit-Oriented Development Zoning on the site, but updates it to a TOD CC District. It has very close proximity to that Sugar Creek Station just south of the site, and I'd be happy to take any questions.

Mayor Pro Tem Anderson said yes. So, I believe this is actually in my District. I just want to double check. The listing says District Three, however, with the proximity to the Sugar Creek Light Rail Station, I don't believe that could be.

Ms. Cramer said yes, sorry, on our mapping I have it listed as your District.

Mayor Pro Tem Anderson said oh, it's just in the language on the first page.

Ms. Cramer said okay, I apologize for that.

Mayor Pro Tem Anderson said the only question I have, and Ms. Parker actually has left, I see that there wasn't high attendance for the community meeting. Can you speak about that?

Ms. Cramer said as you can see in this aerial, it's in an area with a lot of commercial or some still industrial uses. So, because of the users that it is directly surrounded by, that 300-foot radius wouldn't necessarily pick up a lot of folks that might typically come out to a community meeting, like a neighborhood, for example, like a single-family neighborhood. So, that's likely the reason for low attendance.

Mayor Pro Tem Anderson said yes, I see that it's also by the Independent Picture House as well, and there are some new multi-family that are going up, but not actually populated just yet. So, I understand exactly where it is, and the mix of that neighborhood. Okay, I don't have any additional questions.

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

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**ITEM NO. 23: HEARING ON PETITION NO. 2025-052 BY THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.81 ACRES LOCATED SOUTH OF SOUTH TRYON STREET, WEST OF STELECROFT PARKWAY, AND NORTH OF STEELE CREEK ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO OG (GENERAL OFFICE).**

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

**Holly Cramer, Planning, Design & Development** said this site is just under an acre along South Tryon Street, west of Steelecroft Parkway, north of Steele Creek Road, in the most southwestern portion of our City and County. It is currently zoned Neighborhood-1A, and they are proposing to go to General Office. This is consistent with the Policy Map's recommendation for Campus. As you can see in this image here, we have a lot of existing office zoning, neighborhood services, there's some multi-family zoning to the north, but what you don't see is single-family zoning, unlike what is directly on this parcel. So, it's bringing a Zoning District onto the site that makes a lot more sense just given the context that it sits in, and the uses that it's surrounded by, which are predominately medical offices, some commercial, and some multi-family to the north, and because this is a conventional petition there is no associated site plan. Again, this is bringing the site into alignment with that Campus Place Type recommendation from the 2040 Policy Map. Staff does recommend approval of this petition given the area that it's situated in. Removing the Neighborhood-1A Zoning designation on this parcel just makes sense to bring it into alignment with the broader area, and I'll take questions following petitioner comments.

**John Carmichael, 600 South Tryon Street, Suite 2300** said thank you, Madam Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael, here on behalf of the Charlotte-Mecklenburg Hospital Authority, and Bennett Thompson with the Hospital Authority is with me tonight. As Holly said, the site is very small, it's a little over eight-tenths of an acre. It's located on the south side of South Tryon Street, just west of the intersection of Steelecroft Parkway and South Tryon Street. The petitioner, Steele Creek Emergency Department and medical office facility, is adjacent to the site. In fact, property owned by the petitioner surrounds this eight-tenths of an acre site. All the property surrounding this site is zoned O-2(CD), which is an Office Zoning District under our Legacy Ordinance. The Policy Map places this site in a Campus Place Type, therefore, this request to rezone the site to OG, Office General, is consistent with the 2040 Policy Map. This is the existing Steele Creek Emergency Department, and medical office facility here. This is the site. Property owned by the petitioner surrounds

this eight-tenths of an acre parcel. It used to be the Steele Creek Volunteer Fire Department, you may recall that. This is looking towards the site at the intersection of Steelecroft and South Tryon site here. This is the emergency department and the medical office facility operated by Atrium. Once again, the site's surrounded by Office Zoning, and the Policy Map places this parcel in the Campus Place Type. This zoning would be more compatible with the surrounding uses and surrounding zoning, than the current N-1A Zoning, which is a single-family Zoning District, as you're aware. We're happy to answer any questions. We did meet with the Steele Creek Residents Association back in May 2025, and they're not opposed to the request. Happy to answer questions.

**Councilmember Ajmera** said Mr. Carmichael, is this for emergency visits or urgent care? What is the site going to be used for?

Mr. Carmichael said well, I don't think they've decided exactly what type of use it would be, but it'll be consistent with what their purpose is, Atrium's purpose. Councilmember Ajmera, they have an existing emergency department right here. I don't think they've determined the exact use yet, but it would be something that'll be consistent with what services Atrium provides.

Ms. Ajmera said is this Atrium?

Mr. Carmichael said yes, Charlotte-Mecklenburg Hospital Authority is Atrium, yes ma'am.

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

Mr. Carmichael said thank you.

**Councilmember Brown** said Mr. Carmichael, thank you for all your hard work. Thank you for always reaching out to me and making sure that I know what's going on with the petitions and the community members, as I reach out to them. So, this is our last Zoning Meeting with me sitting in this seat, but thank you so much for your hard work and thank you. I support this, it won't be under approval under my watch, but you've already come, as you always do with all your petitions to me diligently, making sure that the community's voice is heard, and that means a lot to me. So, thank you so much. Have a good night. Alright, thanks.

Mr. Carmichael said thank you. Thank you for your service. Thank you.

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.
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**ITEM NO 24: HEARING ON PETITION NO. 2025-061 BY LIVING SPACES FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.95 ACRES LOCATED NORTH OF TYVOLA ROAD, EAST OF I-77, AND WEST OF SEVENTY-SEVEN CENTER DRIVE FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO ML-1(CD) (MANUFACTURING AND LOGISTICS-1, CONDITIONAL).**

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

**Joe Magnum, Planning, Design & Development** said this site is just shy of 21 acres, located north of Tyvola Road, just east of I-77, and west of Seventy-Seven Center Drive. It is currently vacant, surrounded by a lot of office uses and commercial uses. The current zoning is ML-2, with the proposed zoning of ML-1(CD). The 2040 Policy Map recommends the Manufacturing and Logistics Place Type. The proposal would allow for 165,000 square feet of gross floor area of retail goods showroom, as well as

2,000 square feet of accessory restaurant. Proposed building envelope is illustrated in purple, with a parking and loading dock envelope surrounding it. There'd be a 100-foot Class A landscape yard along the northwestern property boundary where abutting OFC Zoning. Site access would be through an access easement to Tyvola Road at West Park Drive. Committing to implementing an eight-foot planting strip and 12-foot multi-use path along the site's Tyvola Road frontage.

Staff recommends approval of this petition upon resolution of an outstanding issue related to the environment. The petition is consistent with the Policy Map recommendation for the Manufacturing and Logistics Place Type and would allow for uses permitted in the ML-1 District while eliminating the possibility of more noxious uses that would otherwise be permitted under the existing ML-2 Zoning. The proposed retail goods showroom is more compatible with the adjacent office and commercial uses than development that would be permitted under the ML-2 Zoning. Retail good showrooms along with several other commercial uses are not permitted in the ML-2 Zoning District, while they are allowed in ML-1, necessitating a rezoning for this site to be able to accommodate the proposal. I'll take any questions following the petitioner comments.

**John Carmichael, 600 South Tryon Street, Suite 2300** said thank you, Madam Mayor Pro Tem, member of the Council and the Zoning Committee. I'm John Carmichael here on behalf of Living Spaces. Living Spaces is the petitioner. With me tonight are Brian Saltikov with Living Spaces and Ryan Lewis with Kimley-Horn. Living spaces is a California-based retail furniture showroom, and if this rezoning petition is approved, this would be their first location in the Carolinas. As Mr. Mangum stated, the site contains just over 20 acres. It's located on the north side of Tyvola Road, at the I-77 Tyvola Road Interchange. The site is currently zoned ML-2, which is Manufacturing and Logistics. You have ML-2 Zoning to the east, ML-2 and Office Zoning to the north, and then you have ML-2 Zoning to the south. The request is to rezone the site from ML-2, basically downzone it, to ML-1(CD) to allow uses allowed in the ML-1 Zoning District, including a retail furniture showroom and an accessory restaurant. The maximum size of the building would be 165,000 square feet. The Policy Map places this site in a Manufacturing and Logistics Place Type. This request is consistent with our 2040 Policy Map. This is the rezoning plan Mr. Mangum shared with you, and then this is just a picture of a Living Space retail furniture showroom, and this just gives you a sense of the accessory restaurant, it's just a place where customers can go, take a break from shopping, and then resume shopping after they restore their energy. We're happy to answer any questions you may have. We do feel like this use is more consistent with the surrounding office and commercial uses. We're happy to answer any questions that you may have.

**Councilmember Ajmera** said well, welcome to Charlotte. Hopefully we'll see more of Living Spaces. That's all I have.

Motion was made by Councilmember Ajmera, seconded by Councilmember Johnson, and carried unanimously to close the public hearing.
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**ITEM NO. 26: HEARING ON PETITION NO. 2025-076 BY KEVIN NGUYEN, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.58 ACRES LOCATED NORTH OF SHOPTON ROAD, EAST OF STEVE CHAPMAN DRIVE, AND SOUTH OF SULLIVANS TRACE DRIVE FROM CG ANDO (GENERAL COMMERCIAL, AIRPORT NOISE DISCLOSURE OVERLAY) TO N2-A(CD) ANDO (NEIGHBORHOOD 2-A, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY).**

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

**Joe Magnum, Planning, Design & Development** said this site is just over 2½ acres, located on the north side of Shopton Road, east of Steve Chapman Drive, and west of

Pinecrest Drive. The site is currently vacant. Current zoning is CG ANDO, that is Airport Noise Disclosure Overlay. Proposed zoning is N-2A(CD), the overlay carrying forward. The 2040 Policy Map recommends the Neighborhood-1 Place Type. The proposal would allow for a community of 24 multi-family attached dwellings, that will include two six-unit buildings, one quadraplex, two triplexes, and one duplex building. Access would be provided through private alleys. A 20-foot Class B landscape yard with six-foot opaque fence is proposed along the site's northern property boundary with a 10-foot Class C landscape yard and six-foot fence along the site's eastern and western property boundaries. Green area is proposed along the western property boundary with open space along the eastern boundary. Proposed eight-foot planting strip and eight-foot sidewalk along the site's Shopton Road frontage. Petitioner's committing to preferred design standards, including usable porches and stoops, and recessed garage doors. Provides a menu of possible open space components, of which the petitioner is committing to providing four of those.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design. The petition is inconsistent with the 2040 Policy Map recommendation for the Neighborhood-1 Place Type; however, the site is adjacent to multi-family attached residential dwellings to the west along Shopton Road. The site is within one-third mile of a commercial node at Shopton Road and Steele Creek Road providing walkable access to goods and services. The petitioner is committed to providing a larger landscape yard than required by ordinance, with a 20-foot Class B landscape yard, with six-foot opaque fence along the northern property boundary where adjacent to single-family dwellings. The petition also meets preferred criteria for changing to a Neighborhood-2 Place Type, given its adjacency to the Neighborhood-1 Place Type, proximity to a commercial node, and location fronting an arterial street. I'll take questions following the petitioner's comments.

**Frances Fennell, 1801 Beckwith Place** said good evening, I'm Frances Fennell again. I'm with Urban Design Partners. I'm representing the petitioner, Kevin Nguyen, LLC. This is Rezoning Petition 2025-076. So, we're asking to rezone the property from CG to N-2A(CD), and this is for the development of a 24-unit townhome community. So, the site context. So, surrounding us directly adjacent is actually multi-family attached, and the site is directly south of Sullivans Trace residential community. As mentioned, the zoning is currently CG, but it should be noted that the properties directly adjacent to us are actually developed as townhomes, they were developed under that CG Zoning that was allowed previously. The future 2040 Policy Map has this site as a Neighborhood-1 and everything kind of surrounding directly as a Neighborhood-1. Across the street, there's Manufacturing and Logistics, and a little bit of Commercial in the area as well. So, the revised Policy Map actually changes the townhomes adjacent to us, N-2, and so this site would be consistent with that, following the approval of this petition.

This is our rezoning plan that was submitted to staff, and then here's our rendered site plan. So, as staff mentioned, this is 24 units, they take the form of duplexes, triplexes, and two six-unit buildings in the back. The six-unit buildings were done that way purposely, because there is very steep topography as you move from Shopton Road towards the back of the site, and so there's some concerns with sewer, and just making sure all the topography works out, so that's the reasoning for those larger buildings. We purposely did those internal to the site and made sure we have adequate landscape yards and tree save screening those from surrounding area. As mentioned, there is an eight-foot planting strip and eight-foot sidewalk. This also includes a left turn lane into the site along Shopton Road, and then that buffered bike lane. So, there'll be a three-foot buffer and then a five-foot bike lane. I think that's really it on our end.

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.
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**ITEM NO. 27: HEARING ON PETITION NO. 2025-078 BY IMAGE CUSTOM HOMES LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.46 ACRES LOCATED EAST OF CASTLETON ROAD, WEST OF CRAIG AVENUE, AND NORTH OF NORTH SHARON AMITY ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N1-C (NEIGHBORHOOD 1-C).**

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

**Holly Cramer, Planning, Design & Development** said this parcel might look a little familiar, because we've had a couple of rezoning in this direct neighborhood, along Castleton Road, but also along Craig Avenue just to the east there. This site specifically is a half acre along Castleton Road, and north of North Sharon Amity Road. It is currently zoned Neighborhood-1A. They are proposing to go to Neighborhood-1C. This is an area that is predominantly single family, but there are two Activity Centers just to the east and west along North Sharon Amity Road in this area. It is consistent with the Policy Map's recommendation for Neighborhood-1. This is a conventional petition, so there is no associated site plan.

Staff does recommend approval of this petition. Like I noted at the top, this is a half-acre lot, so this is a very large lot, and they are looking to take it to Neighborhood-1C. There is no established real lot pattern in this area, especially as a couple of the lots have moved to the Neighborhood-1C designation along Castleton and Craig Avenue. There's some multi-family uses just north of the site, and when we're looking at a higher classification, Neighborhood-1 District, we're looking at other significant established lot patterns to consider, and what are the individual characteristics of this lot specifically, and given what a large lot it is and the existing lot patterns that we're seeing being relatively mixed in this area, we thought that this was an appropriate request. I'll take questions following petitioner comments.

**David Murray, 5950 Fairview Road Suite 710** said thank you, Mayor Pro Tem and Council. David Murray, Attorney for the petitioner. I'm happy to answer any questions you have.

**Councilmember Ajmera** said this question is for staff. This Rezoning Petition is from N-1A to N-1C. What is it in N-1C that's allowed, that's not allowed in N-1A? Just the density?

Ms. Cramer said so, the two Zoning Districts allow for the exact same uses. The only differences are really related to dimensional standards. So, for example, the minimum lot width is 70 feet in N-1A, whereas in N-1C you're looking at a minimum lot width of 50 feet, and this parcel in particular its lot frontage is 105 feet. So, this is a conventional petition, but just considering the large lot frontage that you're dealing with under N-1A, you can only get one lot out of its current configuration, but those are really the differences between the different N-1 Districts, are related to lot standards and those dimensional items.

Ms. Ajmera said any difference in the density? Is higher density?

Ms. Cramer said so, conceivably you could get more units on any rezoning when you're comparing different Neighborhood-1 Districts. If you're looking at potentially a higher classification Neighborhood-1 District that could yield a subdivision of a lot, you could get greater density, because it allows for smaller lots, and so you could have more units. So, yes, because this is rezoning from N-1A to N-1C, again, N-1C has a minimum lot frontage of 50 feet, so you could technically just by looking at lot frontages, and I don't have the other numbers in front of me, but if you're just looking at lot frontages, you could conceivably fit two lots on the existing parcel here.

Ms. Ajmera said yes, this site is very small, it's less than an acre, so 0.46. So, under N-1C, how many units would be allowed, single-family homes?

Ms. Cramer said so it allows for the same uses under N-1A, so you're talking about single-family duplex or triplex.

Ms. Ajmera said okay, alright.

**Councilmember Johnson** said my question is in line with Ms. Ajmera. So, did you get the answer, how many units? If there were duplexes or triplexes, how many units could be built conceivably on this lot?

Ms. Cramer said so, I have not done a test fit of this site to know exactly how you could splice it, because there are other things that you need to take into account, like sidewalk heights and looking at the surrounding developments, but if you have any lot that then can be subdivided, you could then do a duplex on each lot. I don't know if the petitioner has likely looked at this lot, because they are rezoning it themselves.

Mr. Murray said so, this would be I believe the fourth rezoning that I've done on Castleton from an N-1A to N-1C, and this will be now going to I think our fourth City Council member also, as this has gone. If you go on Castleton now, there are single-family detached homes being built on these lots, and that's what Councilmember Molina wanted us to commit to on the prior rezonings that we've done, and that's what we're committing to here. This builder is building also on another site on the street, and so these would be single-family detached on this site, yes.

Ms. Johnson said those are single-family detached, thanks for telling me that. We're those also conventional petitions, or were they conditional?

Mr. Murray said those were conventional.

Ms. Johnson said those were conventional also, because I noticed we have eight conventional petitions tonight, and I know one is Community Garden, I know that's a simple one in the hospital. Thank you that you gave us that information, but I think we have to be very careful as Council members when neighborhoods are changing like this. We need conditional petitions. I think we should have site plans, so that we can answer to the neighbors of what's going to go there.

**David Pettine, Planning, Design & Development** said let me try and answer the question a little bit more clearly for you. So, you've got about 100-foot-wide lot here, maybe a little bit less. Currently, they need 70-feet of frontage to split this lot into two. So, right now all that can be built today is up to a triplex, so up to three units. If this rezoning were approved, they'd have the ability to potentially split this lot into two, and you would see either a single-family duplex or triplex on potentially either lot. You can see that's been done here, we've had a couple in the past that were done under the UR District here, and at the end of Castleton I think there's been a couple on this side of Craig that haven't been maybe subdivided out yet. Essentially, right now, again, you could get up to three units on the lot. If the rezoning were to be approved, they'd get the ability to potentially split this into two, and then put a triplex potentially on either, or a single-family on either. So, it's hard to tell the yield, as Holly mentioned, but what this does is allow this lot to be split into two, and they could build two single-family detached. Right now, you could only get up to, again, three units. This could give the ability to split that and do that on both lots.

Ms. Johnson said so, there's currently a single-family on the lot?

Mr. Pettine said it's vacant.

Ms. Johnson said so, they're rezoning it to divide it into two lots?

Mr. Murray said that's correct and put two single-family detached houses, that's correct.

Ms. Johnson said so, I would prefer to see a conditional rezoning, only so there's some commitment of what's going to be built there, just my thought. I know this is not in

District Four, but I think that we as a Council want to have some idea of what's being built, especially in our single-family neighborhoods. So, just for staff, I think I'd like to see more conditional instead of conventional, and for that reason I'm not real sure. I know our other Council members will be watching to see what they think about this, but those are just my thoughts, if you're committed to single-family detached. There's some really huge lots in District Five right around this area, and I know off Washington, what is that, Grove Park, that's really changing. So, I think the neighbors would prefer that we have some oversight and accountability over what's being built in these neighborhoods. Thank you.

Motion was made by Councilmember Ajmera, seconded by Councilmember Johnson, and carried unanimously to close the public hearing.
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Mr. Murray said thank you.

Mayor Pro Tem Anderson said thank you.

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**ITEM NO. 28: HEARING ON PETITION NO. 2025-092 BY TOLL BROTHERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 27.82 ACRES LOCATED EAST OF OLD STATESVILLE ROAD, SOUTH OF WEST W.T. HARRIS BOULEVARD, AND WEST OF OLD POTTERS ROAD FROM MX-3 (MIXED-USE, CONDITIONAL) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

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

**Maxx Oliver, Planning, Design & Development** said Petition 2025-092 is an undeveloped site, approximately 27.82 acres, located along the north and south side of Pete Brown Road near the intersection of Old Statesville Road. The site's currently zoned MX-3, Mixed-Use, Conditional. Proposed zoning is N-2A(CD), Neighborhood-2A, Conditional. The 2040 Policy Map recommends the Neighborhood-1 Place Type. The N-2A District is inconsistent with this Place Type, and approval of this rezoning would revise that Policy Map.

A little background. The site is a portion of a larger 129-acre rezoning from 2007, titled for more than 2,000 units and over 700 square feet of commercial space. This portion of the site plan proposed single-family detached under that 2007 rezoning. This rezoning proposal calls for the development of up to 113 townhome units. Primary access will be from Pete Brown Road and an extension of public street stubs from the adjacent Griffith Lakes development, which this site was a portion of. A 25-foot Class B landscape yard will be provided along the north side of Pete Brown Road, which separates the site from existing single-family development to the south. The building shall be limited to a maximum of five units each. The façades will include blank wall limitations, transparency requirements, articulation, and varied architectural features. Porches and stoops, if provided, will have a minimum dimension of six feet for porches and three feet for stoops.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design. The site's currently zoned MX-3, and is a portion of a larger site primarily designated as a Community Activity Center by the 2040 Policy Map, that contains townhome development. This proposal is compatible with the previous MX-3 entitlements. The petition commits to dedicating a greenway easement to Mecklenburg County Park and Rec, and the site's currently served by transit, and is located along the proposed Lynx Red Line commuter rail, and is within three-quarters of a mile of the proposed Harris Station. Happy to take any questions following Ms. Grant's presentation.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council. Bridget Grant, Land Use Consultant with Moore & Van Allen. It's a pleasure to be here tonight on behalf of Toll Brothers. My client, Robert Price, is still here with us this evening. Maxx did a great job on the presentation. As he mentioned, this is part of a previously approved rezoning, we're making a modification to it, and we're happy to answer any questions. I do have a presentation, but it's not up.

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

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**ITEM NO. 29: HEARING ON PETITION NO. 2025-093 BY FLYWHEEL GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.43 ACRES LOCATED SOUTH OF NORTH TRYON STREET, EAST OF MATHESON AVENUE, AND NORTH OF CHICK GODLEY ROAD FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT-NEIGHBORHOOD CENTER).**

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

**Holly Cramer, Planning, Design & Development** said alright, this is just under a half acre, located south of North Tryon Street, just nearby the 36<sup>th</sup> Street Station, north of Chick Godley Road and east of Matheson Avenue, in an area where we've seen, again, similar to the other TOD petition earlier a lot of transition over from industrial, or previously industrial uses, over to transit supportive projects. This is currently zoned Manufacturing and Logistics-2, and they are proposing to take it to Transit-Oriented Development, Neighborhood Center. This is consistent with the 2040 Policy Map's recommendation for the Innovation Mixed-Use Place Type. This is a conventional petition, so there is no associated site plan. Staff does recommend approval of this petition. It brings the zoning into alignment with the Policy Map's recommendation for the Innovation Mixed-Use Place Type. The 36<sup>th</sup> Street Station has close proximity to this site, and there is just generally a lot of development happening with transit supported projects and mixed-use development occurring, and I'll take questions.

Mayor Pro Tem Anderson said I'm just taking a look at it, as there is no site plan. There's a lot of development in this particular area along Matheson, and a recent grocery store and bank and other development that just went up a little further down the road. I'd like to see more, so I'll follow up with some questions on this one, because I'd like to see a little bit more about what's actually being planned and double click on it. So, I'm okay for now.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2025-098 BY HIGH STREET DISTRICT DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.09 ACRES LOCATED ON THE SOUTH SIDE OF PINEVILLE-MATTHEWS ROAD, EAST OF CARMEL COMMONS BOULEVARD, AND WEST OF BANNINGTON ROAD FROM OFC (OFFICE FLEX CAMPUS) TO CAC-1(CD) (COMMUNITY ACTIVITY CENTER-1, CONDITIONAL).**

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

**Joe Magnum, Planning, Design & Development** said this site is just over 7 acres, located on the south side of Pineville-Matthews Road, east of Carmel Commons

Boulevard, and west of Bannington Road. The site is currently developed with an office building, and zoned OFC, with their proposed zoning of CAC-1(CD). The 2040 Policy Map recommends the Community Activity Center Place Type. The proposal would allow for 380 multi-family stacked dwelling units, as well as 4,500 square feet of non-residential uses, and establish building envelopes along the street frontages and property boundaries with vehicle parking in the center of the site. Public and private open space areas would be between building envelopes around the perimeter of the site. They'll be one driveway coming off of Carmel Commons Boulevard, an eight-foot planting strip and 12-foot multi-use path along Pineville-Matthews Road, and eight-foot planting strip and eight-foot sidewalk along Carmel Commons Boulevard. There's a proposed pedestrian cross access in the southeastern corner of the site. Building height would be limited to 80 feet or 120 feet with bonus provisions. It provides a menu of possible open space components, of which the petitioner is committing to implementing at least four of those.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and site and building design. The petition is consistent with the 2040 Policy Map recommendation for the Community Activity Center Place Type. The CAC Place Type promotes a variety of uses, such as retail, restaurant, office, and multi-family residential, and a walkable and transit-friendly environment, and an activity center characterized by segregated uses. The petition would combine multi-family stacked dwellings with 4,500 square feet of non-residential uses on one parcel. The site is served by CATS bus route 51, providing transit access between Carolina Place Mall, Arboretum Shopping Center, and the Matthews Independence Park and Ride. We'll turn it over to the petitioner and answer any questions after her comments.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Bridget Grant, Land Use Consultant with Moore & Van Allen. Pleased to be here tonight on behalf of High Street District Development, and Tom Burr is with me here tonight as well. We are pleased to be bringing forward a petition that is consistent with the Adopted Land Use Policy. We are thrilled to have staff's support, and no neighborhood opposition, and I'm happy to answer any questions.

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.
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**ITEM NO. 33: HEARING ON PETITION NO. 2025-099 BY CRESCENT RIVER DISTRICT LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 62 ACRES LOCATED ON THE WEST SIDE OF DIXIE RIVER ROAD, NORTH OF WESTBOUND DRIVE, AND SOUTH OF SADLER ROAD FROM N1-A (NEIGHBORHOOD 1-A) AND MX-2 (INNOV) (MIXED-USE, INNOVATIVE) TO MX-2 (INNOV) SPA (MIXED-USE, INNOVATIVE, SITE PLAN AMENDMENT).**

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

**Joe Magnum, Planning, Design & Development** said this site is 62 acres, located on the west side of Dixie River Road, north of Westbound Drive, and south of Sadler Road. The site is under development right now for 488 multi-family residential dwellings of different types. It is adjacent to the River District. Current zoning is MX-2 Innovative, for 61 acres, just one acre that is currently zoned N-1A, with a proposed zoning of MX-2 Innovative, Site Plan Amendment. The 2040 Policy Map recommends the Community Activity Center Place Type. The proposal would add a one-acre parcel to a 61-acre parcel, for a total of 62 acres, would increase the number of residential dwelling units of all types by 22, for a total of 510 residential dwelling units, while maintaining all previous commitments for development standards and transportation improvements.

Staff recommends approval of this petition. It is consistent with the Policy Map recommendation for the Community Activity Center Place Type. CAC Place Type promotes a variety of uses, such as retail, restaurant, office, and multi-family residential in a walkable and transit-friendly environment. The petition proposes to incorporate a one-acre parcel into a previously approved plan, and to add a proportional number of residential dwelling units to the site, while maintaining all previous commitments for development standards and transportation improvements. I'll take any questions following the petitioner comments.

**Edwin Suddreth, 1213 West Morehead Street, Suite 300** said good evening. Edwin Suddreth with Ardurra, representing Crescent communities for this project. As staff had mentioned, it's really just a site plan amendment to include that one-acre parcel from the previous rezoning that was not included in the original rezoning. Since that time, the applicant has acquired that land, so trying to incorporate that into the wholistic River North rezoning as it was deemed at the time. I'm happy to take any questions you might have.

**Councilmember Brown** said I don't have a question at all, because you will be dealing with your new representative.

Mr. Suddreth said thank you.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2025-101 BY JORDANS POND HOLDING COMPANY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.73 ACRES LOCATED ON THE NORTH CORNER OF VALLEYDALE ROAD AND FRED D. ALEXANDER BOULEVARD, AND SOUTH OF BEN LIVINGSTON ROAD FROM I-2 (CD) (GENERAL INDUSTRIAL-1, CONDITIONAL), N1-B (NEIGHBORHOOD 1-B), AND ML-2 (MANUFACTURING AND LOGISTICS-2) TO N1-F (NEIGHBORHOOD 1-F).**

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

**Holly Cramer, Planning, Design & Development** said this site is three-quarters of an acre, located at the intersection of Fred D. Alexander Boulevard and Valleydale Road. It is currently zoned three different Districts, I-2, Conditional, which is General Industrial Conditional from the Legacy Ordinance; Neighborhood-1B to just a small portion of it just on the north side; and Manufacturing and Logistics-2 on the eastern portion of the site. They are proposing to go to Neighborhood-1F, which is consistent with the Policy Map's recommendation for the Neighborhood-1 Place Type at this site. This is a conventional petition, so there is no associated site plan.

Staff does recommend approval of this petition. It would bring the site into alignment with the Policy Map's recommendation for Neighborhood-1 at this site, and remove any undesirable Industrial Zoning on the property, which does directly abut single-family uses. The site is located at the intersection of a major and minor arterial, making it an appropriate location for slightly more intense residential zoning abutting lower density Neighborhood-1 Districts along the site's northern boundary. The property is also bisected by a utility easement that would limit the total developable area and would provide a natural buffer between this site and the existing single-family that's just to the north of the property. I'll take questions following petitioner and opposition comments.

**John Carmichael, 600 South Tryon Street, Suite 2300** said thank you Madam Mayor Pro Tem, members of Council and the Zoning Committee, I'm John Carmichael here on behalf of the petitioner, Jordans Pond Holding Company, LLC. With me tonight is John

Maxwell, the petitioner. The site is a small site. It contains just over seven-tenths of an acre. It's located on the northwest corner of the intersection of Fred D. Alexander Boulevard and Valleydale Road, that's a signalized intersection, it's an intersection of a major and minor arterial. This is an aerial of the site, it's outlined in green, it's Fred D. Alexander Boulevard running north/south, Valleydale east/west. This is a zoomed in aerial. The site is outlined in green here. Once again, it's just over seven-tenths of an acre. This is a 68-foot-wide power utility easement that runs through a portion of the site. This is the utility easement that Ms. Cramer was referring to. About a 30-foot-wide portion of that 68-foot-wide power utility easement, is located along this portion of the seven-tenths of an acre site. Residential structures could not be located in that utility easement. So, the utility easement itself would provide a buffer between the residential uses to the north and any residential structures located on the site.

So, this is an unusual site, it has three zoning classifications. This portion of the site is zoned I-2(CD). I-2 is a Legacy Industrial Zoning District under the prior ordinance. This portion of the site is zoned ML-2, which is what I-2 transitioned to under the new UDO. So, these two portions of the site are zoned I-2(CD) and ML-2, and then this corner portion right here, this portion is zoned N-1B, which is a Residential Zoning classification. Parcels to the north, there's also zoned N-1B, to the west is an N-2B Zoned parcel that's owned by the petitioner, but it's not subject to this rezoning application. South of site, you've got parcels zoned I-2(CD), those are across Valleydale Road from the site. Then, across Fred D. Alexander from the site, you've got parcels zoned I-2(CD) and ML-2. The request is to rezone the site from I-2(CD), ML-2, and N-1B, to the N-1F Zoning District to accommodate uses allowed in the N-1F Zoning District. This is a conventional rezoning request. That is consistent with the 2040 Policy Map. The Policy Map has this as a Neighborhood-1 Place Type. Once again, we feel like the uses here would be compatible with those surrounding uses to the north, utility easement would provide buffering, and then the residential structures would be placed up here closer to the intersection of Valleydale and Fred D. Alexander Boulevard.

I did want to point out, I was looking at the community meeting report this morning in preparation for this meeting, and I noticed that I inadvertently made a misstatement of fact at the community meeting that I want to make sure I point out. I said at the meeting that the N-1F Zoning District does not allow multi-family stacked dwelling units. What I should've said is that it doesn't allow them by-right, it allows them under prescribed conditions. So, I saw that today. I didn't prepare the report, a colleague did, so I didn't look at it until this morning, but I wanted to bring that to your attention, so that the record is clear. I'm happy to answer any questions that you may have. Appreciate your consideration.

**Quenton Mann, 1120 Homestead Glen Blvd,** said I'm a resident of this area which they're trying to rezone. I moved back and forth from Connecticut two years before I bought my house, and I bought it simply because I was told it was going to stay a wooded area. About five years into me owning my property, Fred D. Alexander came running through. Since Fred D. Alexander came through there, our traffic has picked up, accidents have picked up. They cut half of parts of Valleydale, that little zone where it says N-B, they cut that portion of that parcel down to run Valleydale up to Rozzelle's Ferry. The trees that were there, they buffered the train tracks. They buffered a lot of noise that was coming off of Rozzelle's Ferry. Since then, noise picked up, trash picked up. I don't see nobody from Jordans Pond coming weekly picking up trash. I do that, and have been doing that for about 14 years now. So, for them to add some more houses there, you're going to add more traffic, you're going to add more trash. With the zoning that's been going on in the area, a lot of kids have been displaced from the schools they were going to. My daughter was going to Paw Creek. After they put this rezoning in and other areas around the area, my daughter had to move to a different school after three years at Paw Creek. So, this is not just going to affect me, but it's going to affect all the other people in the neighborhood. So, I'm gonna have to take my kids are out of school now, graduated college, thank God, but there's other children that are in the area that are going to be affected if they add more homes to this space here. If they cut down the trees, now we're going to get traffic noise from off of Fred D. Alexander. No one cares about rezoning until it comes into their neighborhood, and I

care about this rezoning here, and it's going to affect more than just me. It's going to affect the children. It's going to affect our abilities to get around traffic. I don't want my neighborhood to turn into University City. I don't want it to turn into University where we can't get home for 45 minutes at a five-minute drive when nobody's there. So, I would urge you to decline this petition, so that our neighborhood can stay a neighborhood, let the kids come out and play, because right now with the addition of Fred D. Alexander, my neighborhood used to be a dead end, but now there's a cut-through, so now we have cars cutting through our neighborhood to get down on Valleydale faster. So, if you want that at your house, fine. I don't want that at my house. It's putting children in jeopardy. That's all I've got to say.

Mayor Pro Tem Anderson said okay, thank you, and you should wait around at the top in case Council has any questions for you.

Mr. Carmichael said CMS (Charlotte Mecklenburg Schools) did provide school information for this rezoning request. He's certainly right, the Paw Creek Elementary is overcrowded, it's at 115 percent; Coulwood's at 79 percent; and West Mecklenburg's at 75 percent. CMS did state that it's such a small site that the development may not add any students to the schools. So, just take that for what it is, that's their statement, but we do recognize that Paw Creek is at 115 percent; Coulwood is at 79 percent; and West Meck's at 75 percent. If the site is developed, whether it's pursuant to this zoning request or under the existing zoning, trees would be removed from the site to accommodate the development, and that's all I really have to say in response to that. We appreciate his comments, and we're happy to answer any questions that you may have.

Mayor Pro Tem Anderson said okay. I'll start off the questions and then I'll go to you. Just one quick question. We don't see a whole lot of N-1F's come through. Can you tell us why this one is an N-1F versus an N-2?

Mr. Carmichael said well, to be frank with you, we had a discussion with planning about N-2 at first, and planning said it's a Neighborhood-1 Place Type, so you need to go to N-1F, and we certainly wanted to try to be consistent with the Policy Map.

Mayor Pro Tem Anderson said okay. It's just interesting, because we haven't seen too many of them.

Mr. Carmichael said I mentioned my misstatement at the community meeting. I don't I've ever done anything that's been an N-1F either.

Mayor Pro Tem Anderson said yes, absolutely, okay.

**Councilmember Johnson** said you bring up a good point that N-1F is unique. So, again, this is another conventional petition, so we don't have a site map, we can't answer to the resident, and we have somebody opposed of what's going to be built. With a conditional, we'd have a site plan, we'd be able to negotiate the concessions with the petitioner. So, I don't understand why this one was filed as a conventional so close to a single-family neighborhood. Can you tell me why?

Ms. Cramer said so, we felt that an N-1F conventional request here could be appropriate for a number of reasons. It would be consistent with the Policy Map, as has been stated, but I do think the utility easement providing a natural buffer to the adjacent single-family is significant, but also because it is significantly limiting the developable area, just naturally by that utility easement occurring on the site. N-1F is appropriate for application on more intense road frontages, and this is along a major arterial and a minor arterial located at this intersection here. So, I think it's an appropriate transition given that you're looking at that single-family to the north, and then industrial and commercial uses to the south there. So, transitioning to a more intensive residential, but still Neighborhood-1 Zoning District, we thought would be appropriate, and with that utility easement there, but also with the limitations in terms of the site being so constrained naturally, we thought it would be okay to proceed as conventional.

Ms. Johnson said so, Mr. Carmichael, thank you. Do you want to state what you said for the record again, you said it kind of fast, so the neighbors hear. You said you wanted to clarify.

Mr. Carmichael said oh, I said at the community meeting, I inadvertently made a misstatement of fact. I said that multi-family stacked is not allowed in N-1F Zoning District. It's not allowed by-right, it's allowed under prescribed conditions, that's what I should've said.

Ms. Johnson said okay, so is the developer proposing multi-family stacked?

Mr. Carmichael said he doesn't know what he's going to do here. At the meeting, we said his intention was to do townhomes, but he could do multi-family stacked under this zoning. So, I'm not going to represent to you what he would do if this rezoning is approved, but what I would say is it's a small site, and there's not that much that can go on there, and I don't mean to cut you off, but nevertheless, it's at a major intersection that's signalized. I don't think single-family would be appropriate there. I do think rezoning this from Industrial to a Neighborhood-1 District is more consistent with what's to the north. I can't look you in the eye and tell you that somebody would develop industrial there, but that's what it's currently zoned.

Ms. Johnson said and how close is this to the single-family neighborhood?

Mr. Carmichael said well, I think your house is like right here, right?

Mr. Mann said that's my house right there.

Mr. Carmichael said yes, and so these are the single-family homes here. This is not in the petition, that is a Neighborhood-2 Zoning there, and then this right here, Councilmember Johnson, is the site. This is the utility easement that Holly was referring to here that would provide a buffer to the homes to the north.

Ms. Johnson said okay, so again, this is not in my District in the University area, District Four, but I would want to know, and I think it's fair that the residents know, specifically what's going to be built there. So, again, I would ask staff that this not be conventional. I don't know if that can be refiled as conditional, but that would just be something I would recommend. Then, Mr. Mann is it?

Mr. Mann said yes.

Ms. Johnson so, you said you were told that this would remain a wooded area. For the record, any resident in Charlotte, if there's a wooded area close to you, it's probably going to be redeveloped, and that's just a sad fact.

Mr. Mann said I understand that, but I would like to keep the zone the way it is, because when I moved there in 2006, there was nothing there except for the DOT (Department of Transportation) section of Valleydale, that was it. Then, they moved in and put their little refuge station over there for incidentals, and I don't think nobody's going to buy that little parcel to put something small there if we keep it the way it is. So, I'd rather have the trees there. During our meeting, they were letting it be made known, it's not financially beneficial for them to keep it that way, but it benefits me to keep it that way. I'm not concerned about their finances. You're not concerned about my family.

Ms. Johnson said I understand, okay. Alright, that's all I wanted to say. Thank you.

Mayor Pro Tem Anderson said so, Mr. Mann, just one more question. It says that there was one person at the community meeting.

Mr. Mann said that was me.

Mayor Pro Tem Anderson said that was you, okay. Have you spoken to any of your neighbors?

Mr. Mann said I've spoken to a couple of my neighbors. The neighbors that were there when I moved there, they all since moved because they saw the redevelopment happening, after they put in the highway, and many of the people that owned began to move, and now we have newer families coming in.

Ms. Johnson said gotcha, okay. I would just encourage you, if you haven't had dialogue with Mr. Graham, this is in Mr. Graham's District, that you reach out to him. His email is malcolm.graham@charlottenc.gov. You can find it on our website, but I think he needs to lean into this, and you would benefit from having a conversation with him about it.

Mr. Mann said alright, thank you for your time.

Mayor Pro Tem Anderson said okay, thank you.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2025-103 BY PAPPAS PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.78 ACRES LOCATED EAST OF SMITH FARM ROAD, SOUTH OF SUGAR MAGNOLIA DRIVE, AND NORTH OF BROOKSHIRE BOULEVARD FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT).**

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

**Maxx Oliver, Planning, Design & Development** said 2025-103 is a proposed site plan amendment for an undeveloped parcel, approximately 11.78 acres in size, and located within the Riverbend development, east of Smith-Barnes Road near the intersection of Brookshire Boulevard. The site's currently zoned CC, Commercial Center, which is a Legacy Conditional District. Proposed zoning is CC SPA, Commercial Center Site Plan Amendment. The 2040 Policy Map recommends the Community Activity Center Place Type for this site. The CC District is consistent with the CAC Place Type.

A little background. In 2016, the 11.78-acre subject site, which is part of the Riverbend Village development, was rezoned CC to allow for the development of a 200-room hotel, 9,000 square feet of mixed-used retail, and 60,000 square feet of entertainment space. The plan has undergone several subsequent administrative amendments. The site currently permits a 200-room hotel, 69,000 square feet of retail, EDEE (Eating/Drinking/Entertainment Establishment), general and medical office, and up to 15,000 square feet of medical office potentially transferred from development area E of the Riverbend development, but this rezoning proposal calls for the elimination of the 200-room hotel. It proposes to increase the permitted square footage of general medical office, retail, EDEE, personal services, bank and childcare center, from 69,000 square feet to 130,900 square feet. That 130,000 square feet proposed includes approximately 110,000 square feet of medical office, 9,500 square feet of retail, which includes a freestanding bank with a drive-thru, 10,000 square feet of potential medical office, retail or daycare, including that 15,000 feet that would be transferred from development area E.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation. As the site is part of a larger existing Riverbend development, which contains a variety of retail, restaurant, office, personal services uses, and is adjacent to a development with a mix of multi-family residential uses, the Community Activity Center Place Type supports the development of office, medical, retail, financial institutions, as

they are uses that provide essential goods and services to nearby residents, and the area is also served by transit. Happy to take any questions following Mr. Floyd's presentation.

**John Floyd, 100 North Tryon Street, Suite 4700** said Mayor Pro Tem, members of Council, members of the Zoning Committee. John Floyd with Moore & Van Allen, here on behalf of the petitioner, Pappas Properties. I'm joined this evening by Tom Walsh of Pappas Properties and Mike Copeland of Land Design, in case ya'll have any questions that I can't answer. This project is in Councilmember Graham's District. The petitioner did have a meeting with him last week, and he is aware of the project even though he's not here this evening.

High level what the petitioner is proposing here is to significantly reduce square footage of retail and a 200-room hotel in exchange for increasing medical office on the site. If we were to compare the entitlements that currently exist with what is being proposed, existing entitlements allow up to eight buildings, we're proposing five buildings. Existing entitlements up to 69,000 square feet of retail, 200-room hotel, and then as Maxx mentioned, that 15,000 square feet of medical office that can be transferred from another development area within Riverbend. The proposal is for 100,000 square foot medical office, a 10,000 square foot emergency medical facility, a bank, essentially like with two restaurants, and then what I'll call a 10,000 square foot flexibility, in that the developer's still considering whether to put a daycare, additional medical office, or additional retail. The likely use of that building would be medical office or some type of medical-related retail, such as an eyeglass store. This is just a comparison, again, of the entitlements, and what you see is a reduction in the number of buildings. If you assume what we did, 134,000 square feet for a 200-room hotel, you get an overall drop in development of almost 90,000 square feet, and again, pretty significant drop in retail.

We had our traffic engineer conduct three kinds of scenarios to see what the impact would be on traffic with the changes in these entitlements. This is what I'll call the middle scenario. This assumes that that 10,000 square foot undetermined building was medical office. You see here a total drop in daily trips of over 3,200 trips, and peak hour trips in excess of 200 trips, during both the a.m. and the peak hour. If you looked at, what I'll call, the less intense, using the daycare, that difference would increase to almost 3,500 trips reduction. If you looked at the more intense, the retail of that 10,000 square feet, that would still be over 3,000 trips per day.

Last thing I'll just say is, here's the site plan. We did, based on community feedback, add in 50 percent additional open space. One of the comments that we got was, this area lacked kind of outdoor dining, some seating, and things like that, so we tried to accommodate that. Thank you. Happy to answer any questions.

**Councilmember Johnson** said is this currently a vacant or empty lot?

Mr. Floyd said yes, ma'am.

Ms. Johnson said okay, thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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**ITEM NO. 36: HEARING ON PETITION NO. 2025-105 BY ZEALOUS EMPOWERING NURTURER FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.18 ACRES LOCATED EAST OF PROSPERITY CHURCH ROAD, NORTH OF WHITE CASCADE DRIVE, AND SOUTH OF KATELYN DRIVE FROM R-8MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO N1-A (NEIGHBORHOOD 1-A).**

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

**Holly Cramer, Planning, Design & Development** said this site is just over an acre, on the west side of Prosperity Church Road, in an area where we have predominantly single-family uses with some institutional uses just to the south of the site. It is currently zoned R-8 Multi-Family, Conditional, that's from an old 1994 Petition that allowed for a daycare facility. They are requesting to go to Neighborhood-1A, which is consistent with the Policy Map's recommendation for the Neighborhood-1 Place Type at this site. This is a conventional request, so there is no associated site plan. Staff does recommend approval of this petition. It is asking for the lowest classification of the Neighborhood-1 Districts. It is still consistent with the Policy Map's recommendation on the site, and I'll take any questions following petitioner comments.

**Lisa Thompson, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council. My name is Lisa Thompson, Land Use Consultant with Moore & Van Allen.

**April Booker, 3733 Prosperity Church Road** said, and my name is April Booker with Zealous Empowering Nurturer.

Ms. Thompson said pleased to be here on behalf of April Booker, Founder and Executive Director of ZEN's Garden, and appreciate their efforts in the community. Staff did a great job presenting the petition, so we're just here to answer any questions.

**Councilmember Johnson** said I know we're all ready to leave. Thank you for your patience, April. Zealous Empowering Nurturer is a wonderful community garden in District Four. Thank you for the work that you do, and this petition is just a cleanup petition, right, to bring it into compliance. So, I will be supporting it.

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

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## ADJOURNMENT

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

  
Billie Tynes, Deputy City Clerk

Length of Meeting: 3 Hours, 59 Minutes  
Minutes completed: December 29, 2025