

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, February 17, 2025, at 5:11 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Dante Anderson presiding. Council members present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, and Marjorie Molina.

**ABSENT:** Mayor Vi Lyles, Councilmembers Tiawana Brown and James Mitchell

**ABSENT UNTIL NOTED:** Councilmember Victoria Watlington

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**Mayor Pro Tem Anderson** said good evening, everyone and welcome to the February 17, 2025, Zoning Meeting. We will start our meeting with introductions.

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### **INVOCATION AND PLEDGE**

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

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

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

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### **INTRODUCTION OF THE ZONING COMMITTEE**

**Andrew Blumenthal, Chairman of the Zoning Committee** said thank you very much, Mayor Pro Tem, and thank you to Council. My name is Andrew Blumenthal, and it's my pleasure to serve as the Chairman of the Zoning Committee of the Planning Commission. First, to introduce my fellow commission members here this evening, we have Rick Winiker, Erin Shaw, and Shana Neeley, as well as a few tuning in virtually as well. The Zoning Committee will next meet on Tuesday, March 4, 2025, at 5:30 p.m. At that meeting, the Zoning Committee will discuss and make recommendations on the petitions that have public hearings this evening. The public is welcome to attend that meeting; however, please note that it is not a continuation of any of the public hearings that are being held here tonight. Prior to that meeting, you are welcome to contact us to provide input. You can find contact information, and information on each petition, on the City's website at [charlotteplanning.org](http://charlotteplanning.org). Thank you, Mayor Pro Tem.

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### **DEFERRALS/WITHDRAWALS**

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to defer: a decision on Item No. 13, Petition No. 2024-116 by Feven Negash to March 17, 2025; a hearing on Item No. 16, Petition No. 2024-073 by CLT Operations Holdings, LLC to March 17, 2025; a hearing on Item No. 17, Petition No. 2024-112 by DreamKey Partners to June 16, 2025; a hearing on Item No. 18, Petition No. 2024-124 by Aviation Metals of North Carolina, Inc. to March 17, 2025; a hearing on Item No. 19, Petition No. 2024-137 by Wilkes Asset Management to March 17, 2025; and a hearing on Item No. 20, Petition No. 2024-138 by Peak Development to March 17, 2025.

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## CONSENT AGENDA

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

**Mayor Pro Tem Anderson** said please note that these petitions meet the following criteria. There was no public opposition at the hearing, staff recommends approval, the Zoning Committee recommends approval, and there were no changes after the Zoning Committee's recommendation. Are there any Consent Agenda items Council would like to pull or question for separate vote?

**Councilmember Molina** said I'd like to pull Item No. 4 and Item No. 9 for comment.

Mayor Pro Tem Anderson said okay, Item No. 4 and Item No. 9.

**Councilmember Johnson** said Item No. 5, please, for comments.

Mayor Pro Tem Anderson said Item No. 5.

**Councilmember Mayfield** said yes, Item No. 6 and Item No. 10 for separate vote.

Mayor Pro Tem Anderson said 6 and 10, okay.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 4, Item No. 5, Item No. 6, Item No. 9 and Item No. 10 which were pulled for a separate vote.

The following items were approved:

**Item No. 3: Ordinance No. 933-Z, Petition No. 2024-014 by KB Holdings LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.98 acres located on the north side of West Boulevard, south side of Nobles Avenue, and west side of Holabird Lane from B-1(CD) (Neighborhood Business, Conditional) to N2-B (Neighborhood 2-B).**

The Zoning Committee voted 7-0 (motion by McDonald, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is well-connected to public transit, with two CATS bus routes nearby, providing convenient access to other parts of the city without needing a car. The site is within walking distance (about a quarter mile) of a Mecklenburg County park (Southwest District Park), (half mile) of a CMS K-8 school, and walking distance (1.5 miles) to the Irwin Creek Greenway, which offers easy access to recreational spaces and educational facilities, which supports walkability and a more active lifestyle. Rezoning to a denser district with more residential options makes sense in areas with good access to transit and nearby services, as it provides housing options for people who rely on those connections. The rezoning complements the character of the neighborhood, which already includes a mix of residential and small-scale commercial uses, creating a seamless transition between the surrounding properties. The proposed zoning district aligns with the surrounding residential and small-scale commercial uses, maintaining neighborhood character. The proposed zoning enables productive use of a currently vacant site, fostering neighborhood activity. The proposed zoning supports existing urban-to suburban transitions in the area and complements ongoing pedestrian and bike improvements

along West Boulevard. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 610-611.

**Item No. 7: Ordinance No. 937-Z, Petition No. 2024-111 by The Presbyterian Home at Charlotte, Inc. by amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 27.27 acres located along the west side of Sharon Road, south of Hazelton Drive, and east of Sunnybrook Drive from R-3(CD) (Single-Family, Conditional), MUDD-O (Mixed-Use Development District, Optional), and INST(CD) SPA (Institutional, Conditional, Site Plan Amendment) to R-3(CD) SPA (Single-Family, Conditional, Site Plan Amendment), MUDD-O SPA (Mixed-Use Development District, Optional, Site Plan Amendment), and INST(CD) SPA (Institutional, Conditional, Site Plan Amendment).**

The Zoning Committee voted 7-0 (motion by Shaw, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Campus 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 a site plan amendment requesting to combine two buildings into one larger structure, increasing the building height by five feet, altering the proposed building elevations, and increasing the footprint of the MUDD-O zoned area on the site from what was outlined in the previously approved rezoning petition 2018-027. These changes are proposed in the area identified as Development Area B by the rezoning plan. Allows for an additional monument sign to be erected near the intersection of Eastburn Road and Sharon Road in the area identified as Development Area A by the rezoning plan. Overall, the site plan amendment would not increase the number of dwelling units, increase the nonresidential square footage, or make changes to the permitted or prohibited uses proposed under the previously approved 2013 and 2018 conditional rezoning plans. The site is designated as the Campus Place Type by the 2040 Policy Map. The Campus Place Type recommends a cohesive group of buildings and open spaces containing a variety of activities on the site serving a single institutional user. The site is located within a quarter-mile walk of mixed-use commercial developments containing grocery, restaurants, retail, and financial institution uses. The site is within a quarter-mile walk of the proposed route of the SouthPark Loop Trail. The site is served by the number 20 CATS local bus providing service to the Charlotte Transit Center and to SouthPark Mall. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 618-619.

**Item No. 8: Ordinance No. 938-Z, Petition No. 2024-117 by Steelfab, Inc. by amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 29.80 acres located along the north and south side of Denver Avenue, east of Mulberry Church Road, and north of Wilkinson Boulevard from ML-1(ANDO) (Manufacturing and Logistics-1, Airport Noise Disclosure Overlay) and N2-B (ANDO) (Neighborhood 2-B, Airport Noise Disclosure Overlay) to OG (General Office).**

The Zoning Committee voted 6-0 (motion by Stuart, seconded by Winiker) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing & Logistics Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The area around the site is undergoing significant changes in land use and development trends. While historically focused on manufacturing and logistics, there is a shift to include office spaces, light industrial operations, and mixed-use developments. While the petition is

inconsistent with the 2040 Policy Map recommendation for the Manufacturing and Logistics Place Type, it aligns with the changing land use trends in the area, such as the increasing demand for business spaces and mixed-use developments supporting light industrial and commercial activities. The shift to the General Office zoning is consistent with adjacent developments, including business parks to the east and recent rezoning petitions favoring light industrial and commercial uses. The site's location near the airport supports office uses, contributing to economic activity and employment opportunities. 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 (2022) from Manufacturing and Logistics place type to Campus place type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 620-621.

**Item No. 11: Ordinance No. 941-Z, Petition No. 2024-128 by Penmith Holdings, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 5.24 acres on the northwest corner of Mallard Creek Road and Hubbard Road, and to the east of Garrison Drive from INST(CD) (Institutional, Conditional) to N2-A(CD) (Neighborhood 2-A, Conditional).**

The Zoning Committee voted 7-0 (motion by McDonald, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: While the site is designated as a Neighborhood 1 (N-1) Place Type by the 2040 Policy Map, the property is zoned INST(CD) (Institutional, conditional) and has development rights for a residential independent living facility with up to 107 units. The site is adjacent to a recently developed multi-family attached project located on the south side of Mallard Creek Road designated as the Neighborhood 2 (N-2) Place Type. The site is within one-mile walk of a node of Neighborhood Center Place Type at Derita Ave and West Sugar Creek Rd and a node of Campus and Commercial Place Types at Mallard Creek Rd and W.T. Harris Blvd. The proposed development would fill a need for housing in an area that has been identified as lacking Access to Housing Opportunity by the 2040 Comprehensive Plan. The site is served by transit, the number 22 CATS local bus, providing service between the JW Clay park and ride at the Lynx Blue Line and the Charlotte Transportation Center (CTC). The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 626-627.

**Item No. 12: Ordinance No. 942-Z, Petition No. 2024-130 by Abacus Acquisitions, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.44 acres located on the west side of West Tremont Avenue, east of I-77, and south of West Boulevard from ML-1 (Manufacturing and Logistics-1) to IMU(CD) (Innovation Mixed Use, Conditional).**

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Manufacturing & Logistics Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The Innovation Mixed-Use Zoning District is intended to accommodate those areas that have typically developed as industrial areas but are transitioning from an exclusively industrial orientation to a broader mix of

light industrial, artisan industrial, commercial, and moderate density residential uses, within a more walkable environment. The proposed use, consisting of 28 multi-family attached units in context with the adjacent mix of uses is consistent with the intent of the overall IMU district. The subject property request could provide additional transition between adjacent Neighborhood 1 and aging Manufacturing & Logistics. The surrounding area is also seeing multiple sites rezoned for IMU. Access to housing is the highest priority need in this area according to the EGF Community Reports. The petition may help address the housing need with the proposal of multi-family attached units. The site is in an aging manufacturing area in the Wilmore community that is naturally transitioning to more residential uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Manufacturing & Logistics Place Type to the Innovation Mixed Use Place Type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 628-629.

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**ITEM NO. 4: ORDINANCE NO. 934-Z, PETITION NO. 2024-099 BY MECKLENBURG COUNTY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 24.75 ACRES LOCATED AT THE EASTERN END OF CAGLE AVENUE, EAST OF SHARON AMITY ROAD AND WEST OF WT HARRIS BOULEVARD FROM ML-1 (MANUFACTURING AND LOGISTICS-1) AND ML-2 (MANUFACTURING AND LOGISTICS-2) TO IC-2(CD) (INSTITUTIONAL CAMPUS-2, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Neeley, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Manufacturing & 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: The IC-2 zoning district is intended to address the needs of large-scale institutional campuses that could provide governmental, educational, medical, and social services as well as supportive uses. The petition would allow Mecklenburg County to provide public services on the site to serve eastern parts of Charlotte and Mecklenburg County. The development standards associated with the petition limit height to 80 feet to minimize visual impact to adjacent properties. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity, 10: Fiscally Responsible. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from the Manufacturing & Logistics Place Type to the Campus Place Type for the site.

Motion was made by Councilmember Molina and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Manufacturing & Logistics Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The IC-2 zoning district is intended to address the needs of large-scale institutional campuses that could provide governmental, educational, medical, and social services as well as supportive uses. The petition would allow Mecklenburg County to provide public services on the site to serve eastern parts of Charlotte and Mecklenburg County. The development standards associated with the petition limit height to 80 feet to minimize visual impact to adjacent properties. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity, 10: Fiscally Responsible.

The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from the Manufacturing & Logistics Place Type to the Campus Place Type for the site.

**Councilmember Molina** said I want to lift up this particular petition, because it's actually from our partners at Mecklenburg County. This petition is actually 24.75 acres that's planned for a Community Resource Center in the heart of the East Side. So, initially when I was gathering information about what it would be, I spoke to Chairman of the County Commission, who represents the East Side, Commissioner Mark Jerrell, and he actually brought staff, and he was talking about some of the amenities, and some of the new-aged services that they intend to deliver to the East Side that are very exciting. I think for the first time, based on what I was told by the staff at the County, as well as our Chairman, that there would even be dentistry available in this particular facility, which was extremely exciting for me. I mean, it would be great for the residents that are in East Charlotte, as well as serving our entire county, and those who choose to come to the East Side and take part in those resources. So, my comment is really just to lift up this to thank Mecklenburg County for their partnership and their implementation on the East Side, because this type of implementation is really what we need for our residents. I'm proud of my partner, Chairman Jerrell, because he's really forward thinking. So, I just wanted to make sure I lift that up and give the residents of the East Side and our County something to get really excited about for what's coming as a resource to our City, by way of the County and what they intend to do. Again, this has gone through all the processes, I'm really excited, and I thank you guys for your support.

**Mayor Pro Tem Anderson** said thank you, Ms. Molina. I remember your comments at the hearing, and I too underscore the support for the East Side, as you just so eloquently stated.

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

**Councilmember Watlington arrived at 5:24 p.m.**

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 612-613.

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**ITEM NO. 5: ORDINANCE NO. 935-Z, PETITION NO. 2024-103 BY ROCKY RIVER ROAD PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 24.46 ACRES LOCATED AT THE NORTHWESTERN CORNER OF THE INTERSECTION OF ROCKY RIVER ROAD AND JOHN RUSSELL ROAD FROM N1-A (NEIGHBORHOOD 1-A) AND R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by McDonald, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition would help to address the need for new and diverse housing options in this portion of the City. The Equitable Growth Framework of the 2040 Comprehensive Plan has identified housing as the highest priority need in this area. The petition is within a quarter mile of Reedy Creek Nature Preserve and Reedy Creek Greenway. Additionally, a significant portion of the site is preserved as tree save/common open space with an eight-foot multi-use path providing connectivity to the neighborhoods to the north and west. The site is within one mile of a neighborhood center surrounding the intersection of WT Harris Boulevard and Rocky River Road. The site is within one mile of J.W. Grier Academy, a

CMS elementary school. Existing zoning of the site allows for 75 multifamily attached dwellings as well as three acres of development under N1-A. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 Place Type to Neighborhood 2 Place Type.

Motion was made by Councilmember Johnson, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition would help to address the need for new and diverse housing options in this portion of the City. The Equitable Growth Framework of the 2040 Comprehensive Plan has identified housing as the highest priority need in this area. The petition is within a quarter mile of Reedy Creek Nature Preserve and Reedy Creek Greenway. Additionally, a significant portion of the site is preserved as tree save/common open space with an eight-foot multi-use path providing connectivity to the neighborhoods to the north and west. The site is within one mile of a neighborhood center surrounding the intersection of WT Harris Boulevard and Rocky River Road. The site is within one mile of J.W. Grier Academy, a CMS elementary school. Existing zoning of the site allows for 75 multifamily attached dwellings as well as three acres of development under N1-A. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 Place Type to Neighborhood 2 Place Type.

**Councilmember Johnson** said I just wanted to lift up this petition, and I don't know if Matt from Landworks is here? Okay, thank you. Alright, I wanted to thank you. It's been a pleasure working with him. He reached out to me very early, and I referred him to the Seven Oaks community, and we didn't have any opposition. I reached out to the Seven Oaks HOA (Homeowner Association) president today, and he said that they were excited about this petition. So, that's a lot of progress from the last time there was a development in this area, and I just want to thank the developer for the strategic approach, and the engagement with the community. Thank you for that. There's quite a few benefits. There's going to be road widening on Rocky River Road, sidewalk improvements. The site contains a new multi-use path, approximately 500 feet of off-site sidewalk extensions. So, this is just one of those strategic and balanced developments that I'm excited to support today. So, I'm looking forward to supporting it.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 614-615.

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**ITEM NO. 6: ORDINANCE NO. 936-Z, PETITION NO. 2024-105 BY ANGELO TILLMAN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.99 ACRES LOCATED ALONG THE NORTH SIDE OF TOM HUNTER ROAD, WEST OF HIDDEN FOREST DRIVE, AND SOUTH OF I-85 FROM N1-B (NEIGHBORHOOD 1-B) TO N1-F(CD) (NEIGHBORHOOD 1-F, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Neeley, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the

information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The Hidden Valley neighborhood hosts large swaths of single-family neighborhoods as well as multi-family developments, both of which are serviced by retail and employment areas along West Sugar Creek Road and North Tryon Street. The rezoning proposes two quadraplex buildings as a multi-dwelling development. Such a residential product type serves as a transition between the established multi-family apartment complexes to the north and west of the site and the single family detached homes to the east. The petition is mindful of existing building forms in the area and commits to a lower maximum building height than the zoning district allows and incorporates preferred architectural standards that help blend single family home characteristics into residential products that are denser than what exists east of the site. Densifying residential areas should be adequately supported by multi-modal transit options. Future residents at this site may access public transit via bus stop 32455 which is located just across the street along the frontage of Tom Hunter Park. The vast majority of the site will not be developed with impervious surfaces, consequently preserving significant green space and tree canopy on the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

Motion was made by Councilmember Ajmera, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The Hidden Valley neighborhood hosts large swaths of single-family neighborhoods as well as multi-family developments, both of which are serviced by retail and employment areas along West Sugar Creek Road and North Tryon Street. The rezoning proposes two quadraplex buildings as a multi-dwelling development. Such a residential product type serves as a transition between the established multi-family apartment complexes to the north and west of the site and the single family detached homes to the east. The petition is mindful of existing building forms in the area and commits to a lower maximum building height than the zoning district allows and incorporates preferred architectural standards that help blend single family home characteristics into residential products that are denser than what exists east of the site. Densifying residential areas should be adequately supported by multi-modal transit options. Future residents at this site may access public transit via bus stop 32455 which is located just across the street along the frontage of Tom Hunter Park. The vast majority of the site will not be developed with impervious surfaces, consequently preserving significant green space and tree canopy on the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

**Councilmember Watlington** said I did have a quick question, and forgive me for not asking this ahead of time, but I just wanted a very clear and concise why B to F, in particular, it went from a B designation to F. I was just curious as to why it makes such a large leap, I say large, relatively.

**Mayor Pro Tem Anderson** said Mr. Pettine, can you address that question?

**David Pettine, Planning, Design & Development** said there were limitations. I think the size of the lot and the configuration of it being kind of long and narrow, B just wouldn't really provide somewhat of the yield that they got out of this. An F gave them an opportunity to kind of concentrate the development on the frontside and keep everything else open space, because it's really just a skinny lot, and you couldn't really get too much with B, so they went to F which is a conditional district, typically, but it's limited to just two principal buildings on the lot, which can have four to five units. So,



they took advantage of that opportunity, and then kept everything else undeveloped and open space, which we thought was a good outcome.

Ms. Watlington said thank you.

Mayor Pro Tem Anderson said okay. Any additional comment? I will state that I spoke with the Hidden Valley Neighborhood Association about this particular petition, and they had an opportunity to speak with Mr. Tillman, and they are not in opposition. They support what Mr. Tillman is doing. So, the community is behind it.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 616-617.

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**ITEM NO. 9: ORDINANCE NO. 939-Z, PETITION NO. 2024-122 BY MINTWORTH COMMONS HOLDINGS, LLC C/O APG ADVISORS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY .330 ACRES LOCATED ALONG THE NORTHWEST SIDE OF MARGARET WALLACE ROAD, SOUTH OF IDLEWILD ROAD, AND NORTHEAST OF MINTWORTH AVENUE FROM NS (NEIGHBORHOOD SERVICES) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Shaw, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Commercial Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is consistent with the recommended 2040 Policy Map Place Type of Commercial. The CG zoning permits a variety of uses that are typical of shopping centers. The undeveloped site is currently zoned NS and is entitled to develop with neighborhood retail uses inside of an existing shopping center. The site is walkable to nearby neighborhoods and is adjacent to daily needs. The site could increase access to goods and services offered in the existing shopping center. The site is located adjacent to a 4+ lane Avenue which is considered an arterial street and is intended to serve high volumes of traffic. The site is located along the route of the CATS 52x express bus providing commuter access to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Molina, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Commercial Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the recommended 2040 Policy Map Place Type of Commercial. The CG zoning permits a variety of uses that are typical of shopping centers. The undeveloped site is currently zoned NS and is entitled to develop with neighborhood retail uses inside of an existing shopping center. The site is walkable to nearby neighborhoods and is adjacent to daily needs. The site could increase access to goods and services offered in the existing shopping center. The site is located adjacent to a 4+ lane Avenue which is considered an arterial street and is intended to serve high volumes of traffic. The site is located
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along the route of the CATS 52x express bus providing commuter access to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 8: Diverse & Resilient Economic Opportunity.

**Councilmember Molina** said I'll be brief on this one. Actually, what I found in our process. We understand it, but very often our community members don't really understand how our process works. A lot of the times, by the time the community member really understands, we may even be at this position where we're ready to decision something. So, I got an email from a community member who wanted to know what was actually taking place at this particular location. So, based on the type of petition, the actual uses are not stated, but it is consistent, what they can do, with the 2040 Policy Map, and I wanted to be clear in stating out loud that the 2040 Comp Plan goal alignment, per staff, the petition could facilitate a 10-minute neighborhood or aid a diverse and resilient economy opportunity. So, it's likely going to be something related to that. There was no public opposition, as previously stated by the Mayor Pro Tem. It's been approved by our Zoning Committee. There's been no additional issues, and it's consistent with the Policy Map, so it's merely by-right. So, I wanted to make sure that I took an opportunity to say that out loud for any of our community members that are concerned about Item No. 9 on the agenda, and what the possible uses were for that, and why I for those reasons am supporting this particular petition tonight that's on the agenda. So, I encourage anybody with any specific questions to reach out to me to make sure that I can guide you through the process as this continues to develop. So, that's all I have. Thank you.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 622-623.

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**ITEM NO. 10: ORDINANCE NO. 940-Z, PETITION NO. 2024-123 BY QCRE INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.30 ACRES LOCATED ALONG THE EAST SIDE OF TAPPAN PLACE, NORTH OF HERRIN AVENUE, AND SOUTH OF ANDERSON STREET FROM OFC (OFFICE FLEX CAMPUS) TO N1-D (NEIGHBORHOOD 1-D).**

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Located along Tappan Place this site is situated among an established single-family neighborhood that borders commercial activity fronting the area's primary transportation corridor, The Plaza. These existing uses and the trends of the area inform planning policy which has identified the primary place types for this area as Neighborhood Activity Center along The Plaza, and Neighborhood 1 along the peripheries of the activity center. Residential uses are not permitted under the rezoning site's current Office Flex Campus zoning. Development under the existing entitlements would not align with surrounding uses of the site, all of which are single family residential with commercial uses located along other blocks and centralized along the Plaza. If approved, this rezoning request would rectify an abnormal placement of campus zoning within a residential block face. The N1-D zoning district allows for single family residential uses that will be compatible with existing, adjacent development. Residents in this area are able to readily access goods and services along The Plaza. This corridor hosts diverse commercial uses, supporting its designation as a Neighborhood Activity Center. Increasing housing density in close proximity to activity centers directly supports the 2040 Comprehensive Plan Goal of 10-Minute Neighborhoods. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

Motion was made by Councilmember Molina, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Commercial Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the recommended 2040 Policy Map Place Type of Commercial. The CG zoning permits a variety of uses that are typical of shopping centers. The undeveloped site is currently zoned NS and is entitled to develop with neighborhood retail uses inside of an existing shopping center. The site is walkable to nearby neighborhoods and is adjacent to daily needs. The site could increase access to goods and services offered in the existing shopping center. The site is located adjacent to a 4+ lane Avenue which is considered an arterial street and is intended to serve high volumes of traffic. The site is located along the route of the CATS 52x express bus providing commuter access to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 8: Diverse & Resilient Economic Opportunity.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 624-625.

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## DECISIONS

**ITEM NO. 14: ORDINANCE NO. 943, PETITION NO. 2024-121 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT DEPARTMENT - TEXT AMENDMENT TO MAKE CHANGES THAT WILL RESULT IN BETTER FUNCTIONALITY. THESE CHANGES PROVIDE GREATER CLARITY, NEW AND UPDATED DEFINITIONS, ADJUSTS USE PERMISSIONS AND PRESCRIBED CONDITIONS, REVISES USE NAMES, UPDATES GRAPHICS, AND MAKES CHANGES AND ADDITIONS TO STANDARDS. THERE ARE PROPOSED CHANGES IN 23 OF THE 39 ARTICLES.**

The Zoning Committee voted 7-0 (motion by Neeley, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan based on the information from the post-hearing staff analysis and the public hearing, and because: The petition could facilitate the goals of the 2040 Comprehensive Plan. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: A major document such as the UDO (Unified Development Ordinance) requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions. The proposed text amendment will make the UDO a more user-friendly ordinance and result in better functionality.

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

1. Section 2.3 – General Definitions
2. Section 7.3 – Neighborhood 1 Zoning Districts Dimensional and Design Standards
3. Section 9.3 – Innovation Mixed-Use Zoning District (IMU) Dimensional and Design Standards

4. Section 10.3 – Neighborhood Center Zoning District (NC) Dimensional and Design Standards
5. Section 11.3 – Community Activity Center Zoning Districts (CAC-1, CAC-2) Dimensional and Design Standards
6. Section 12.3 – Regional Activity Center Zoning Districts (RAC, UE, UC) Dimensional and Design Standards
7. Section 13.3 – Transit Oriented Development Zoning Districts (TOD-TR, TOD-CC, TOD-NC, TOD-UC) Dimensional and Design Standards
8. Section 15.2 – Global Use Matrix
9. Section 15.3 – Use Definitions
10. Section 15.4 – Principal Uses: Prescribed Conditions
11. Section 16.1 - Lot Development Restrictions
12. Section 16.2 – Exterior Lighting
13. Section 17.2 – Standards for Specific Accessory Structures
14. Section 19.2 – Vehicle Parking Space Requirements
15. Section 20.5 – Required Screening for Parking Lots
16. Section 22.11 – Special Sign Regulations

The petitioner corrected the following sections:

1. Section 15.4.EE – Dwelling-Duplex
2. Section 15.4.GG – Dwelling-Quadraplex
3. Section 15.4.JJ – Dwelling-Triplex

**David Pettine, Planning, Design & Development** said those were just some minor administrative adjustments, nothing that affects where they're allowed to be located in the City, any other of those types of scenarios that we really would get into in that sense. So, all these changes were made after Zoning Committee, because again, we were kind of pushed into those by that Senate Bill passage. So, we don't recommend they go back, because frankly there's not much we can change about having to modify those provisions and sections that we outlined. So, with that, I'll be happy to answer questions that you may have on these changes and on the text amendment in general.

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

Motion was made by Councilmember Driggs, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan based on the information from the final staff analysis and the public hearing, and because: The petition could facilitate the goals of the 2040 Comprehensive Plan. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions. The proposed text amendment will make the UDO a more user-friendly ordinance and result in better functionality, as modified.

**Councilmember Driggs** said so, I did want to talk about this a little bit, because we've had a couple of conversations about text amendments in the past. I just wanted to mention these text amendments were presented to the Transportation, Planning and Development Committee, and discussed at much greater length. I think the members of the Committee, at least the majority of us, concluded that the changes were not material. I say that, because I think one of our concerns is, as we do these tweaks and language changes and updates and things, we want to make sure we're staying on course, and that we haven't undermined the basic purpose. We knew that it was a living document, as Mr. Graham likes to point out, and therefore, there was going to be this kind of ongoing maintenance. So, generally speaking, I think we were satisfied that these are within the scope of technical or operating refinements to the basic thing.

The presentation was in two parts, as we just heard, and a lot of discussion was around Senate Bill 382, which included a provision about downzoning and imposed some limits on local constituency's ability to make text amendments or adopt any policy that had the effect of downzoning a district without the consent of the owner, and that has been the subject of some controversy in the General Assembly. There is in fact right now a bill pending that might have the effect of reversing that. So, we're kind of waiting to see what the outcome is of the discussion and the legislature before kind of fully committing. What we have right now in the current text amendment is language that has had anything that might be offensive to 382 taken out, but in such a way that it could be put back if it turns out that the legislature takes a different position on it.

So, essentially what we're doing right now is a couple of more technical and minor changes, and we are passing language that is consistent for now with 382, and I guess that's the way I'll put it. There wasn't a vote in committee, because it's not actually a committee referral to the Council. So, it's coming from the Planning Commission. I recommend that we move ahead with these amendments. I will point out too, we got a fairly detailed discussion of the actual language from Ms. Holmes on Valentine's Day, on Friday, and so you have a chance if you're concerned about details of the language to look at that and see a lot of specific information. My personal recommendation is that these are things we need to do in the ordinary course of business, or as a result of 382, and they leave open for us the possibility of taking out some of the things we wanted to do, that we can't because of 382, in the event that the legislature takes a different position on that. Thank you.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 0630-1128.

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**ITEM NO 15: ORDINANCE NO. 944-Z, PETITION NO. 2024-102 BY DRAKEFORD COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.9 ACRES LOCATED ON THE NORTH SIDE OF SUNSET ROAD, EAST OF PAULA COURT, AND WEST OF LINDA VISTA LANE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

The Zoning Committee voted 5-2 (motion by Shaw, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed multi-family attached dwellings would provide an additional housing option in an area identified by the 2040 Comprehensive Plan as being in a housing gap. The site is less than two-thirds mile from a neighborhood center with retail and services. The Beatties Ford Road/Sunset Road Pedestrian Improvements project will provide sidewalk connectivity between the site and neighborhood center. The petition would allow development of a site that is heavily encumbered by a natural gas easement, while improving street connectivity. The petition commits to coordinating with Mecklenburg County to dedicate an easement for access to future McIntyre Creek Tributary Greenway. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 Place Type to Neighborhood 2 Place Type.

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

1. Subject to approval by the easement holder of the area labeled on the plan as "70' Piedmont Gas Easement" (currently held by Piedmont Natural Gas (PNG)) and in coordination with the Mecklenburg County Park & Recreation Department (Park and Rec), the Petitioner shall dedicate and convey to Mecklenburg County an area for a future McIntyre Creek greenway connection through the Site, prior to the issuance of the first building certificate of occupancy for the Site. Such dedicated and conveyed area may overlap with the PNG Easement and possible tree save areas, as generally depicted on the Rezoning Plan. For portions of the greenway connection that are outside of the PNG Easement and tree save areas, a minimum ten (10) foot wide sidewalk connection shall be provided, as generally depicted on the Rezoning Plan.
2. If approval by PNG is unable to be reasonably obtained, Petitioner may coordinate with Park and Rec on an alternative greenway connection via construction of a six (6) foot wide sidewalk through the remainder of the Site, prior to the issuance of the first building certificate of occupancy for the Site.

**David Pettine, Planning, Design & Development** said it was somewhat just clarifying, we did discuss some of this with Zoning Committee. The notes just got into a little bit more clear detail on it. So, again, we don't feel that that would change some of that outcome. It is minor, and would not warrant additional review by Zoning Committee. So, we'll take any questions you might have.

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

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 Place Type. 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 multi-family attached dwellings would provide an additional housing option in an area identified by the 2040 Comprehensive Plan as being in a housing gap. The site is less than two-thirds mile from a neighborhood center with retail and services. The Beatties Ford Road/Sunset Road Pedestrian Improvements project will provide sidewalk connectivity between the site and neighborhood center. The petition would allow development of a site that is heavily encumbered by a natural gas easement, while improving street connectivity. The petition commits to coordinating with Mecklenburg County to dedicate an easement for access to future McIntyre Creek Tributary Greenway. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 Place Type to Neighborhood 2 Place Type, as modified.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 1129-1130.

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## HEARINGS

**ITEM NO. 21: HEARING ON PETITION NO. 2024-125 BY TAY HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.47 ACRES LOCATED ON THE WEST SIDE OF SONOMA VALLEY DRIVE, EAST OF STONEYRIDGE DRIVE, AND NORTH OF MT HOLLY ROAD FROM MX-2(INNOV) (MIXED-USE, INNOVATIVE), AND NS (NEIGHBORHOOD SERVICES) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

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

**Holly Cramer, Planning, Design & Development** said this site is 8.5 acres, located north of Mt. Holly Road, west of I-485, in an area where the existing uses are predominantly single-family, but there is some multi-family zoning as well as ongoing multi-family development occurring directly west and south of this site. The site is currently zoned Mixed-Use Innovative. This very small section of the site along the site's southern boundary zoned Neighborhood Services. Current zoning is a result of a 2003 plan, which permitted 40 townhome units. This request is for the Neighborhood-2A Zoning District with a conditional plan. That is consistent with the Policy Map's recommendation for Neighborhood-2 at this site. The proposal itself would allow for up to 39 attached units with a maximum building height of 48 feet. A 10-foot Class C buffer would be provided where the site is adjacent to the Neighborhood-1 Place Type. A 40-foot setback would be provided where the site is adjacent to the Neighborhood-1 Place Type. Buildings would be limited to no more than six units each, HVAC (Heating, Ventilation, and Air Conditioning) and solid waste area [INAUDIBLE]. The petitioner shall construct a four [INAUDIBLE] concrete median on Sonoma Valley Drive, limiting access to right-in/right-out. Staff recommends approval of this petition upon resolution of outstanding issues related to environment, site, and building design. Proposal is consistent with the Policy Map's recommendation for Neighborhood-2 Place Type of this site, and maintains entitlements for the same residential product that was already entitled for this area under the approved existing zoning district. The site is abutting other Neighborhood-2 Place Type properties, and would help promote a variety of housing types, as the existing and developing residential options surrounding the site are single-family detached and multi-family stacked. The site is serviced by transit options, which would connect future residents to the Callabridge Commons and Riverbend Shopping Centers, as well as the Rosa Parks Community Transportation Center. I'll take questions following the petitioner's comments.

**Nolan Groce, 1213 West Morehead Street, Suite 450** said good evening, Mayor Pro Tem, members of City Council, and the Zoning Committee. Nolan Groce with Urban Design Partners, representing Tay Holdings, LLC, on Rezoning Petition 2024-125. This is our site as it exists today, off Sonoma Valley Drive. It's an 8.5-acre site. Again, part of the original Cedar Mill master development community. Additional aerial imagery showing it as a wooded vacant site. Next door, you can see the recent development of a multi-family stacked apartment complex. As Holly mentioned, the site is split zoned NS and MX-2 from that original 2003 entitlement. That original entitlement makes up parcel area D on this Rezoning Petition 2003-088, which was originally entitled for up to 40 multi-family attached townhome dwelling units. After a lot swap amongst developable areas, it currently is entitled for 31 units by-right today. The site is identified as Neighborhood-2. Jumping ahead to our rendered site plan, proposing up to 39 multi-family attached townhome dwelling units. These will be rear-loaded units off of a residential alley, all having a minimum 20-foot driveway and two-car garage. We have committed to landscaping along the residential alley, as well as increased buffers, as Holly mentioned.

One update, last week in coordination with C-DOT (Charlotte Department of Transportation), we will no longer be providing the concrete median. We'll be striping for a left turn lane, so that vehicular traffic can make a left turn into the site. Those actually are a request and concern of the exiting Cedar Mill community. They're concerned about traffic utilizing the roundabout to come around, turn around, and then make a right into the site. So, we will be revising our site plan following this meeting. I'm happy to answer any questions you may have.

**Councilmember Mayfield** said question for staff. We have in here, in the transportation summary, that the site is located adjacent to Sonoma Valley, mainly that a traffic impact study is not required. I am trying to understand what really is our trigger? My colleague, Councilmember Johnson, has mentioned a number of times regarding the traffic impact study. The reason I'm asking is because Mt. Holly Road is a two-lane road. It is right off of 485. So, you have a development that just opened, as well as a fast-food restaurant, as well as a gas station. What is currently happening is the individuals, whether they're

coming up Mt. Holly Road heading towards Mt. Holly-Huntersville Road, or they're coming off of 485, they're using that current turn lane to then try to get back over to the straight lane. We already have a multi-family complex that has just opened. Across the street, across the railroad tracks is another multi-family that is coming in. There is no traffic light right there. The traffic light is not until you get past Cedar Mill, where you're entering 485. There's also another proposed multi-family unit that is further up Mt. Holly. So, exactly when do we take into effect the accumulation of all of these multi-family, and the impact that it's having on our road infrastructure?

Ms. Cramer said yes, I'll let Jay Carpenter with C-DOT speak to you how they assess traffic impact analysis.

**Jacob Carpenter, C-DOT** said good evening. Jay Carpenter with C-DOT. So, a couple responses to that from a traffic study perspective for N-2 zoning. Approximately 1,500 daily trips or 150 peak-hour trips would trigger a traffic study. This development falls around 250 daily trips. So, they don't have any requirements per our ordinance to complete a traffic study. However, to the rest of your points, there is a traffic study being installed at the Sonoma Valley intersection. It's been in design with the railroad for over a year now, and is going into construction soon, and will be installed by approximately the end of 2025.

Ms. Mayfield said so, we do have a light that's going to be installed along with the left turn that you mentioned. 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. 22: HEARING ON PETITION NO. 2024-126 BY GREYSTAR DEVELOPMENT EAST, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.53 ACRES LOCATED ON THE NORTH SIDE OF QUEEN CITY DRIVE, ON THE SOUTH SIDE OF TUCKASEEGEE ROAD, AND TO THE EAST OF SHEETS CREEK FROM MUDD-O ANDO (MIXED-USED DEVELOPMENT, OPTIONAL, AIRPORT NOISE DISCLOSURE OVERLAY), N2-B ANDO (NEIGHBORHOOD 2-B, AIRPORT NOISE DISCLOSURE OVERLAY), AND N1-A ANDO (NEIGHBORHOOD 1-A, AIRPORT NOISE DISCLOSURE OVERLAY) TO N2-C (CD) ANDO (NEIGHBORHOOD 2-C, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY).**

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

**Holly Cramer, Planning, Design & Development** said this site is 11.5 acres along the north side of Queen City Drive, south side of Tuckaseegee, just north of the airport. This is an area with single-family residential neighborhoods [inaudible] of multi-family developments and commercial and industrial areas concentrated at major intersections accessible just off the Interstate. Majority of the site is currently zoned Mixed-Use Development District Optional, with smaller portions of this site zoned Neighborhood-2B and Neighborhood-1A along the Tuckaseegee Road frontage. This whole area is under the Airport Noise Disclosure Overlay. So, all the existing, as well as the proposed zoning districts, would also carry that overlay with it. The request is to go to the Neighborhood-2C Zoning District with a conditional plan. This proposal is inconsistent with the Policy Map's recommendation for the Neighborhood-1 Place Type at this property. This proposal is for up to 306 multi-family stacked dwelling units, and up to 10,000 square feet of a leasing office amenity building space. Access to the site is via Tuckaseegee Road, and there is a conditional note specifying, that in the event that access to the site through Grand Lake Drive on the adjacent parcel to the east cannot be achieved prior to the issuance of a Certificate of Occupancy of the 150-foot multi-family unit, the petitioner will create private driveway access point onto Queen City



Drive. Class B landscape yards with opaque fences shall be installed adjacent to the single-family homes along the northern and western boundaries. Eight-foot sidewalks and planting strips will be installed along all existing new and public streets. Five-thousand square feet of amenitized open space will be provided. There are architectural standards related to prohibited building materials, as well as the max building height of 48 feet. Staff recommends approval of this petition. The site may serve as a transition between the existing single-family residential neighborhoods along Tuckaseegee and the commercial areas along Queen City Drive. The site is located within a quarter mile to bus stops, a mile away from middle and high schools, within a half mile of commercial spaces along Queen City Drive that may provide goods and services to residents in this area. Where the site abuts single-family uses along its western and northern boundaries, it would buffer its development with landscape yards as well as environmental features. The entitled development along the site's eastern boundary would contain compatible uses, including general businesses, as well as hotel room uses. I'll take questions following the petitioner's comments.

**John Carmichael, 101 North Tryon Street, Suite 1900** said thank you, Madam Mayor Pro Tem, members of City Council and the Zoning Committee. I'm John Carmichael, and I'm representing the petitioner. With me tonight are Josh Glover and Mike Sullivan of the petitioner, and Thomas Haapapuro of Design Resource Group. As Holly said, the site contains just over 11.5 acres. It's located on the south side of Tuckaseegee Road, north side of Queen City Drive, just east of the intersection of Sheet's Circle and Tuckaseegee Road. This is an aerial photo of the site. An approximately nine-acre portion of the site is currently zoned MUDD-O, and the remaining portion of the site is zoned a combination of N-2B and N-1A. Under the approved conditional rezoning plan for the MUDD-O portion of the site, a maximum 225 room hotel with a maximum height of 75 feet can be constructed on the nine-acre portion of the site. Petitioner's requesting the rezoning of the site to the N-2C(CD) Zoning District to accommodate the development of a residential community on the site. It will contain up to 306 non-income restricted attainable multi-family stacked dwelling units. This is the rezoning plan. The petitioner would construct a westbound left turn lane into the site on Tuckaseegee Road. A minimum eight-foot-wide planting strip and a minimum eight-foot-wide sidewalk will be installed on the site's frontages on Queen City Drive and Tuckaseegee Road. The internal public streets would have eight-foot-wide planting strips and eight-foot-wide sidewalks, as well, a 30-foot-wide Charlotte Water easement is located along the large majority of the western boundary of the site. Additionally, there'd be a 25-foot-wide type B landscape yard with a six-foot-tall opaque fence established along the western boundary of the site. A minimum six-foot-tall berm with a six-foot-tall opaque wooden fence would be established along this portion of the western boundary line of the site, essentially a portion of the western edge of the public street from Tuckaseegee Road. The maximum building height would be 48 feet. Architectural standards are a part of the petitioner's rezoning plan. We appreciate the Planning staff's recommendation of approval. There are no outstanding issues, and we're happy to answer your questions, and once again, we appreciate your consideration. Thank you.

**Councilmember Mayfield** said question for staff. Explain to me what exactly is Neighborhood-2C, conditional, Airport Noise Disclosure Overlay? What does that mean?

Ms. Cramer said the Neighborhood-2C District is one of the three Neighborhood-2C multi-family districts. So, there's Neighborhood-2A, Neighborhood-2B and Neighborhood-2C. The Airport Noise Disclosure Overlay is over this parcel as well as most of the parcels in the area, just saying that it's within the overlay, that there's airport noise in the area. The Neighborhood-2C district allows for multi-family uses of this nature. It's really predominantly used for multi-family stacked.

Ms. Mayfield said so, we are going through multiple conversations regarding the Part 150 Plan and the impact. We have had residents and community members reach out regarding the environmental impact. So, I'm also trying to understand the support of Planning staff for a project that we already know it's in the Airport Noise Overlay, but it's also extremely close to the highway, and the environmental impacts of both noise as

well as gas, fumes, and other things that will be coming from the highway where traffic is going 24 hours. So, help me understand why this would be encouraged when we're at the same time trying to support our SEAP (Strategic Energy Action Plan) program, to ensure we have better air quality?

Ms. Cramer said so, in terms of the noise overlay, this image shows, and I wish it could be zoomed out further, it's a very large area that the Airport Noise Disclosure Overlay is over. So, everything in [inaudible]. Everything within this map, as well as a much larger area, is within this overlay. In terms of supporting just residential, are you asking as to why staff would support residential?

Ms. Mayfield said pretty much, because it seems like if it's in an Airport Noise Overlay, and the airport has spent hundreds of thousands of dollars out in the Steele Creek area, some of that land is now Manufacturing and Logistics, because of the impact of airport noise and other things. So, why would we think that this, when it's such a large swath of land, would be a good idea for residential housing?

Ms. Cramer said so, being within the Airport Noise Disclosure Overlay doesn't preclude housing, or that it should be exempt from being considered for a housing option. It's just that it should be within a disclosure, and it's just that it should be noticed to future residents. In terms of considering this for N-2C in general, we looked at this area and it was identified as a need for housing in terms of our equitable growth framework, when we talked to the folks in our long-range planning section, as being in an area where there is an intense need for a variety of housing, diverse housing options. So, having multi-family in this area does at least speak to that need, and the Airport Noise Disclosure Overlay doesn't preclude a need for residential product types.

Ms. Mayfield said so we've had conversations with SEAP regarding this project with our SEAP team. The answer is yes or no. So, let me rephrase the question, my apologies. When there's a conversation regarding a project that potentially would go into an Airport Noise Overlay, because there are challenges, as well as the proximity to the highway, because there are challenges, do we bring in our SEAP team to help with the discussion at any point?

Ms. Cramer said we're not talking specifics. So, these are all considerations. When we look at something within the Airport Noise Disclosure Overlay, it's not as if it's being ignored, no, but are we talking specifically to the folks within the SEAP team? No, but this isn't being ignored, per se. The Airport Noise Disclosure Overlay is being considered within this request, but we did not feel that it was something that should be considered against the proposal itself. We still believe that the N-2C request, and what was being proposed at this site, was appropriate given its location and given what we're seeing in this area and the need for housing in this area, especially as identified with the equitable growth framework.

Ms. Mayfield said so, the final question that I have is for clarification for me. I think it will be helpful, and it probably is a conversation for something to be referred to committee for us to have deeper conversation regarding what is our SEAP expectation for the growth of the City. Because I don't want to give the impression that, as long as you say well, it's housing, it can go anywhere, when we're already having multiple calls from community that are impacted negatively regarding environmental controls and environmental constraints. It seems like this would be a perfect area for some light industrial or manufacturing versus housing, when we know there's going to be a change. We say that it's a disclosure overlay. Okay, as an apartment renter, when I go in and apply for that apartment, depending on what time of day that I go, it might not be at the height of when the planes are going by, but they're not going to disclose to me that, oh, by the way, this apartment complex is built in the airport overlay, so there's a good chance. We also do not have language necessarily to say, construction wise, you need to have 3M or 5M insulation in to ensure that when you're inside your apartment, you're not impacted and/or you don't smell the gas from the highway and other things. We don't go into that much detail. So, to have an overlay, but it not be disclosed to the

potential renters that can come anywhere within the next year to five years or more, it seems a bit of a challenge for me, but thank you for explaining it.

Ms. Cramer said and I will just say, and I understand. Much of the Airport Noise Disclosure Overlay, much of those properties, especially as you get closer to the airport, are reserved for our Industrial Zoning, especially when you're closer to the airport. This is on really the northern periphery of the Airport Noise Disclosure Overlay. So, south of I-85 here, and you can see on the edge of the map here that purple, that's industrial. As you go south and south and further south, it gets industrial, but here on the northern edge of the periphery, you're seeing more residential, and that's really on the edge of the Airport Noise Disclosure Overlay. I don't know if that helps at all, but that's just the context of where it is within the overlay itself.

Ms. Mayfield said thank you.

**Councilmember Driggs** said so, I appreciate the questions, but I have to point out, we don't have a policy about this. You can't just take a zoning case and say, hey, what about this? If you want to do that, which is a perfectly reasonable suggestion, you have to then formulate what our standards would be. The SEAP doesn't address it. The SEAP is about greenhouse gases, it's about our buildings and lead certification. We have a new version of SEAP coming out, but I don't know if we said, oh, we're not happy about this one, because of where it is and because of the noise and the proximity. What test are we applying? We have to have a requirement that is not being met, and not just invent one on a case-to-case basis. So, I'm very open.

Ms. Mayfield said that's a great point, which is why I said it probably needs to go to committee for discussion, and because it's a hearing tonight and the first time it is being presented is tonight.

Mr. Driggs said so my point is, again, if it is the wish of the Council to make a referral about whether or not our zoning decisions should be informed by environmental concerns on a location-by-location basis, I can just tell you that that's not two sentences. Then you have to get deep into the circumstances and the limits that you're going to establish and how that works. As it stands right now, we don't have that policy so I accept the suggestion of a referral, and I'm just saying that that would imply that we get a majority to agree that that is something that should be taken up by the committee.

Ms. Mayfield said I agree with the sentiment that it does. Hopefully, enough of us will recognize that there is value in having this conversation, which is why I stated for our Assistant City Manager to share that. Let's look if we can get this to committee to have deeper conversations. The challenge is, the way our current system is set up, it is at the hearing that we learn of a number of these projects. It is at the hearing that we as a full Council get to see it and discuss it together, and it's at the hearing that we get the chance to ask the questions. So, therefore, with that opportunity to ask the question, I get to ask staff certain questions for clarity, not only for myself, but also for community that's watching. I would hope that my colleagues, that a number of us, will see value in extending this conversation. Because what I would hope we would not want, is in 20 years, to know that something that we voted on we are now seeing the negative impacts of it, and if it shows a direct contradiction to what we're trying to do to have a safe, healthy environment for our city, because we kind of like breathing fresh air, unlike other areas of the nation that have much more pollution. It's an opportunity for us to look at this living document that we are working with.

**Councilmember Johnson** said thank you Councilmember Mayfield for bringing that up. It's like, if not now, when? You're absolutely right, we as Council members are charged with making these decisions, with considering all of the priorities that we have. So, I appreciate the conversation, and based on our strategic planning session, I don't know that we even need the majority of the Council members to put that on the agenda. I think you're absolutely right. When we talk about cumulative impact and we ask these questions, then we're told, well, we're considering this one petition. So, we do need to take some time and maybe get some followup with the infrastructure discussion that we

talked about and be able to talk about what you said. I'm so glad that you didn't say unintended consequences, that you said negative impact. Because when we're not considering these foreseeable challenges, it's not unintended, it's just not addressed. So, I really appreciate it. I will support moving that to the committee or doing whatever it is that we need to do. We do need to put all of these priorities together. We know about the environmental challenges, the traffic impact, and if the hearing is not the time to address it, we have to make time to address it, so I support that. Thank you.

**Councilmember Ajmera** said so when Councilmember Mayfield brought up SEAP, I knew I had to listen closely, because that's something I had championed. I look at this rezoning as more of where we can consider air, because that is part of our land use. In the past, we have made decisions where industrial was a better use than housing, where we have also denied rezonings where housing wasn't the right use, because it's too close to factories or high I2 industrial sites. So, personally, I think this is the right time to bring this up, because this is not a policy conversation, this is about land use, about making sure is this the right site for this kind of development. I don't have an opinion at this point, because I do have to study this a little bit further. When you were going over where the industrial site is near this development, I was trying to follow what you were saying with some of the attachments that are here to our Rezoning Petition. So, if you can go back. So, this is the Rezoning Petition. Where is the nearest industrial site or sites that would probably be a concern from the air environmental perspective?

Ms. Cramer said the nearest industrial areas are realistically on the other side of the highway to the south of the site entirely. It might help also to consider here, you can tell also with the Place Type recommendations as well, in terms of what our long-range planning team, what they looked at when they considered the Policy Map, where Manufacturing and Logistics was going. When I talked about the Airport Noise Disclosure Overlay, a lot of the Manufacturing and Logistics stays on the ground, even in the Policy Map, with that future land use and what it's considering, and they only mapped out Manufacturing and Logistics nearest to the site to continue to stay south of the site on the other side of the highway. So, we don't have a zoomed out visual here, so I apologize for that. I can send you more mapping later if you prefer, but we don't have anything directly adjacent to the site that is industrial in nature, and in terms of what the Policy Map recommends, there's nothing that would be industrial envisioned for this property itself.

Ms. Ajmera said yes, I think that addresses my concern, but certainly if you can do, I guess, more zoomed out map, I think that would be helpful. That's all I have. If I have additional questions, I'll reach out to you and Mr. Carmichael.

Ms. Cramer said yes, of course.

Mr. Carmichael said thank you.

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

**Councilmember Watlington** said I just wanted to lend my voice. I'm absolutely open to having this policy conversation, and I would also just remind us that if there's a policy and it's straightforward, that doesn't separate us from our obligation to vote and assess each one of these petitions. So, I want us to be careful not to say that, well if there's not a policy, then we cannot make a different decision. Yes, we are bound by certain legalities with it, but I just want [INAUDIBLE] we don't have specific policy language on something, we still have to consider that, at the end of the day, the vote is what approves these items, not whatever is written in our policy. Of course, it has to be consistent with, but in the absence of a policy, we still have to decide as this Council.

Mayor Pro Tem Anderson said thank you, Ms. Watlington. I will say that this resides in Ms. Brown's district, and I had an opportunity to communicate with her today, and she wanted me to just make the statement that she's been working with Mr. Carmichael on a variety of different topics on this petition, and that has gone well, and you all will continue to work together. So, I just wanted to make that statement for her.

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

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**ITEM NO. 23: HEARING ON PETITION NO. 2024-131 BY PULTE HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 35.26 LOCATED ON THE NORTHWEST AND SOUTHEAST SIDE OF MOORES CHAPEL ROAD, SOUTH OF CHARLIE HIPP ROAS, AND NORTH OF I-85 FROM N1-A (NEIGHBORHOOD 1-A) AND ML-2 (MANUFACTURING AND LOGISTICS 2) TO N1-E(CD) (NEIGHBORHOOD 1-E, CONDITIONAL).**

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

**David Pettine, Planning, Design & Development** said 2024-131 is just over 35 acres, on the northwest and southeast side of Moores Chapel Road, south of Charlie Hipp, and north of I-85. It is currently zoned N-1E, and the proposed zoning is for N-1E, conditional. The Policy Map also recommends the Neighborhood Place Type, meaning this petition would be consistent with that recommendation. The proposal for this petition is for a community of up to 78 triplex dwelling units and 79 single-family detached dwelling units. There'd be buffers established around the perimeter of the site. A 30-foot reverse frontage buffer along the Moores Chapel Road frontage, meaning that you'd have 30 feet off the road where it would be screened and buffered before the houses would be placed along that frontage. Also identifies open space, to include a pocket park and a dog park. Commits to contributing \$40,000 to Mecklenburg County Park and Rec to accommodate future parks within the general area of the site. Does commit to some design standards for the residential units, as well as some transportation improvements, which would include an extension of Performance Road through a portion of the site. You can see that going through this general area up to the kind of northeast portion of the site, that would provide potentially for a future extension of that road. Public street network would access all the dwellings on the northwest side of Moores Chapel Road, and then alley access would be provided for those triplex units on the south side of Moores Chapel. There would be a left turn lane constructed on Moores Chapel to get into the site, as well as an eight-foot planting strip and 12-foot multi-use path, and then an eight-foot planting strip and six-foot sidewalk would be provided along Performance Road. Staff does recommend approval of the petition. We do have some outstanding issues related to transportation, environment, site and building design to work through. As mentioned, it is consistent with the Policy Map recommendation for Neighborhood-1. We'll be happy to take any questions following the presentation by the petitioner, and members of the community. Thank you.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore & Van Allen. It's a pleasure to be here tonight on behalf of the Pulte team. We're pleased to be here tonight with staff's support, and we'll work through all those outstanding issues. Dave did a good job giving the overview, so I'm just going to hit on a few highlights. I'm here with Mrs. Washington tonight. She's one of the neighbors that's the property owner behind us. Since our last submittal, we've made some additional changes to our plan that we want to memorialize here tonight, and also continue to work with the Washingtons prior to our plan submittal. So, in addition to what Dave described, we're going to increase our building separation an additional 20 feet along our rear property line for a total of an 80-foot building separation between our closest home and where the Washington's existing home is. We've also committed to adding a six-foot privacy fence along that property line, and some additional supplemental landscape planning that's beyond the buffer requirements of the 10 feet within that increased buffer site. So, with that, I'm going to go ahead and turn it over to Mrs. Washington and give her the opportunity to speak.

**Janaris Washington, 4749 Charlie Hipp Road** said good evening. I'm Janaris Washington, and I'm here along with my husband, Terrance Washington, and we

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obviously live behind the property. We are for the rezoning, contingent upon the additional buffer that will benefit both parties, as well as add additional green space. So, we do look forward to the additional conversations with Pulte Homes. Thank you.

Ms. Cramer said happy to answer any questions.

Mayor Pro Tem Anderson said thank you for coming out, Mr. and Mrs. Washington.

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

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**ITEM NO. 24: HEARING ON PETITION NO. 2024-133, BY KENJOH OUTDOOR ADVERTISING FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.16 ACRES LOCATED EAST OF ROZZELLES FERRY ROAD, NORTH OF HONEYWOOD AVENUE, AND WEST OF BROOKSHIRE BOULEVARD FROM I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO ML-1(CD) (MANUFACTURING AND LOGISTICS-1, CONDITIONAL).**

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

**Holly Cramer, Planning, Design & Development** said this site is just over an acre, located along I-85, Rozzelles Ferry Road, in an area developed with longstanding industrial uses, limited commercial uses, and residential neighborhoods. The parcel is currently zoned Light Industrial, conditional, or I-1(CD). Petitioner is requesting to go to M&L-1, conditional, Manufacturing and Logistics-1, conditional. That is the UDOs version of a Light Industrial Zoning District. Though, it's not a one-to-one equivalent of the I-1 District of the Legacy Ordinance, it's pretty close. This request is inconsistent with the Policy Map's recommendation for the Innovation Mixed-Use Place Type. The proposal includes development standards allowing for all uses in the M&L-1 District with the following exceptions. There are some prohibited uses listed with this conditional plan to limit some of these allowed typically within the M&L-1 District, including adult electronic gaming establishments, adult uses, amusement facility, outdoor employment, labor service agency, kennel, vehicle auction facility, recycling collection center, truck stop, vehicle operations facility, and temporary uses, mobile car wash. Staff recommends approval of this petition. Existing uses in the zoning of this district are already industrial in nature and would not change as a result of this rezoning. If anything, this rezoning provides further restrictions on this site and further limits what Manufacturing and Logistics uses may occur on the property. This request is compatible with the existing zoning surrounding the property and provides an appropriate transition between the adjacent M&L-2 and General Commercial properties. I'll take questions following petitioner's comments.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore & Van Allen. Pleased to be here on behalf of Kenjoh. As Holly mentioned, this is inconsistent with the adopted land use policy; however, it is consistent with the context of the surrounding uses. I did want to go ahead and point out that even the orange area that's identified as N-2, is actually hotel, mortuary and outdoor storage, and so it really is surrounded by nonresidential uses. This is our list of prohibited uses [INAUDIBLE] I didn't have the slide under the prohibited uses. Again, it's adult electronic gaming establishments, adult uses, amusement facility, outdoor employment, labor service agency, kennel, all of those things are prohibited. Happy to answer any questions.

**Councilmember Graham** said are there any other billboards over there in the close proximity?

Ms. Cramer said I would have to look into it and get back to you on that.

Mr. Graham said yes. I'm going to take a look at the site just to be sure for myself, but I know all the other uses are pretty much industrial in nature, but just curious whether or not this would be a singular one, or are there others over there as well?

Ms. Cramer said I can look at it along the corridor and see if there are other ones in the area. Happy to provide that tomorrow.

Mr. Graham said thank you.

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

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**ITEM NO. 25: HEARING ON PETITION NO. 2024-134 BY ST. CHARLES AVENUE LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.47 ACRES LOCATED ALONG THE EAST SIDE OF CASTLETON ROAD, NORTH OF NORTH SHARON AMITY ROAD, AND WEST OF CRAIG AVENUE FROM N1-A (NEIGHBORHOOD 1-A) TO N1-C (NEIGHBORHOOD 1-C).**

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

**David Pettine, Planning, Design & Development** said 2024-134, just under a half-acre. It is located on Castleton Road, just north of Sharon Amity, west of Craig Avenue. You can see the current zoning is N-1A. Proposed zoning is N-1C. We do have some N-1C just two lots over from this petition, and you can also see coming up on our agenda, two items after this, is 2024-136, just on Craig Avenue. So, we've seen this transition start to take shape in this neighborhood. In the past, we were processing those with the UR-2, conditional, which you can see on both sides of the parcel on Castleton as well in orange there. So, we have seen, again, some transition to some smaller lots including a UR-1 up on Craig and Falcon, and then you've got some in [INAUDIBLE] a mix of lot sizes and lot pattern in this area. Again, an N1-C is something that we've seen on the street, just on a couple of adjacent lots. So, it is consistent with the recommendation for the Policy Map for Neighborhood-1. Again, it's something the staff is recommending approval for. We'll be happy to take any questions following Mr. Murray's presentation. Thank you.

**David Murray, 5950 Fairview Road, Suite 710** said thank you Mayor Pro Tem, Council and Zoning Committee. I'm David Murray. This rezoning, the purpose of it like the other N-1Cs on this street, is to allow this lot to be subdivided into two parcels, and so that's why we're seeking the move from an N-1A to an N-1C. If you have any other questions, I'm happy to answer them.

**Councilmember Molina** said thank you both for your explanation. For, I guess, the record, I want to make sure that I'm clear, we're going to talk about this two petitions from now as well, because we have two that are actually on the same street. So, your company is buying both?

Mr. Murray said it's my client. I'm an attorney here.

Ms. Molina said your client's company is buying both of them?

Mr. Murray said no. These are separate. In fact, all these rezonings have been from different petitioners on this street. So, they're not connected with each other.

Ms. Molina said okay. I do have a few concerns, and again, I see that there wasn't a great deal of participation at the meeting.

Mr. Murray said yes. I actually rezoned one of the UR-2's that's across the street on Castleton also, and I also went back and looked at some of the other N-1Cs. I can tell you on that street in particular, there is some interest for other homeowners that have been interested in N-1C also for this use, but we only had one person attend the community meeting in the prior rezoning that we did a couple years ago. Then, on this particular petition, there really wasn't anybody specifically there. The one that we're going to talk about in a little bit, the neighbor did come.

Ms. Molina said I guess my primary concern with regard to zoning petitions is generally that. Our community members really don't understand this process. Very, very often, what I've seen since I've been in this position, is that by the time our community members understand what's going on, the process has progressed far beyond where their implementation will make a difference. For us, and because we get that sentiment right away, that's where the challenge lies. So, we've actually been constrained by the state to say that we can't downgrade any type of density that is currently in place, but to say that we're then going to upgrade on a case-by-case basis density, then we can do that from a decision-making perspective.

I'm a big proponent, and I'm not going to stop saying this, I bust my bottom for the little teeny weeny house that I own on the East Side, do you understand? It is one of the greatest assets that I own. I'm not a rich woman. What happens to it, where I spend my money, and how I invest in it, is one of the greatest returns on investment that I'm going to get. I imagine that most humans who are purchasing a property feel that way. What my neighbor does matters. What my neighbor doesn't do matters. How they choose to upgrade, downgrade, all of those things matter. I realize that there's a level of autonomy. We can't tell our neighbors what to do, but if there's some general interest in what takes place in a neighborhood, because my investment is directly affected, then I'd at least like to know what's going on to have some autonomy on my behalf to say whether I want to be your next door neighbor, or whether I want to live in your neighborhood, or whether there are other opportunities for me to find a place with humans that would like to live the way that I would like to live. So, I think the worst thing that we can do is not be responsible enough to let the people that we represent know what we intend to do, and give the ones that aren't in agreeance the autonomy to decide whether they want to do something differently. So, instead of having a full scope conversation online, I want to make sure that you understand, until I understand what the neighbor sentiment is, because I don't know that right now, right now only saying based on what my personal preference is. I am a great believer in people being able to, especially with homeownership, make decisions that are good for them. Some people want density, some people want to split their lots, and that is absolutely okay. There are also people who don't want that, and I think we can't villainize either one. We also have to give an opportunity for both with regard to what their sentiment is to make their autonomous decisions where necessary. So, like I said, I'm interested in community feedback to find out what the general sentiment is in that neighborhood. If I can get some, that would help me greatly to know how to recommend to my colleagues what this decision should look like. Because again, we are a large landscape. I know that we're making a lot of different decisions, and it would help me greatly to know what the general sentiment of the community was around this.

Mr. Murray said sure. On this one in particular, the individual that did attend owns the lots that are at the corner of Sharon Amity, and most of our conversation was about them potentially rezoning their property too. So, that was kind of a unique kind of twist on this. If you drive on Castleton right now, there's a lot of new houses being built on Castleton. So, that was kind of brought out, that interest, but since we had the other one, since I was representing the other one, we had two community meetings. So, the neighbors got two notices from me, and we still only had, I think, two or three people total respond, so there just wasn't a lot.

Ms. Molina said and Mr. Murray, I don't want you to feel as though I'm saying yes or no. I want you to understand that this is just a general interest in understanding what the general sentiment is. It might be that that neighborhood wants this, and they like it and they're okay with it, and I'm happy to support them if that's what they want, but I need to



hear from them in order to know that. So, like I said, I'd love to circle with you offline. You and I discuss how I can be a part of getting a pulse of what's going on with those neighbors. It would help. Thank you.

Mr. Murray said sure, I totally understand. Perfect, thank you.

**Councilmember Johnson** said so how large is the lot currently?

Mr. Murray said what was the size? It's just under half an acre, so it would be 0.7. So, it'd be 0.35 each, very similar to the N-1C. There's actually another N-1C that's on this street that's not showing up that's directly next to the N-1C that's showing up.

Ms. Johnson said I'm sorry, so it's currently?

Mr. Murray said 0.7.

Mayor Pro Tem Anderson said let's be clear. The size of this particular lot is 0.47.

Mr. Murray said 0.47, and then if the rezoning was approved, you would divide that in half. We're looking at putting a line through the middle of that lot, similar to the N-1C that would be to the north there.

Ms. Johnson said okay, so about 0.23 and a half, something like that, okay.

Ms. Molina said minus ingress and egress and all of that stuff.

Ms. Johnson said so, I do have a question for staff, and I don't know who can answer it. In 2023, Council proposed that staff look at the infill policy, and that was sent for committee. I know I asked about it in November 2024, and I wanted to know the progress of that, and if we had a policy that we had taken a look at, would that affect this current petition? I know you know the petition that I'm talking about, when we sent it to staff to take a look at our infill policy, because what I'm looking at is, this is an established neighborhood, and we're looking at splitting the lots. So, I want to know if the policy that we sent for discussion would impact this petition?

Mr. Pettine said I'm not sure I'm familiar with what was sent forward.

**Alyson Craig, Assistant City Manager** said I think it's the referral that came to TPD (Transportation, Planning and Development) Committee, so.

**Councilmember Driggs** said right. I was going to say there was a referral, and there was a lot of discussion around infill, different sizes of lots affected by it. Essentially, we came back with a congestion overlay, and some other provisions, and we essentially concluded that policy referral. I think we finished the work that we were going to do about that on infill development. It doesn't mean that aren't any unanswered questions, but that particular referral led to, we have the congestion overlay, we have the cottage overlay. We went through the process where people were using the higher density development inappropriately and we shut that door. Then we created an opportunity under the congestion overlay for higher density development in areas like this. Pardon me if I made a hash of that, but that's my recollection of our process in the committee.

Ms. Craig said I think the outcome of that referral was the compact and the conservation. So, that was the product of that referral, was to create some additional standards for those types of by-right developments to have fewer private streets, greater open space, and there's also a restriction in the number of allowed triplexes in subdivisions.

Mr. Driggs said and it was the congestion overlay that we tightened up. There was one provision that was being used by 90 percent of petitioners. That was conservation, so we tightened that one up, and then we came up with compact. I've got my nomenclature

wrong, but anyway, the fact is, as far as I'm concerned, the committee's work on that particular referral is done.

Ms. Johnson said and we can talk offline, because I know the full Council did have a concern. So, I just want to make sure that that was addressed. Okay, I just wanted to know if there was any pending discussion on, like you said upsizing the density or allowing lots to be split, because we can always tell when there's a trend. So, I think this is a new trend that we're going to be seeing from the developers. So, thank you.

Mayor Pro Tem Anderson said thank you, Ms. Johnson. I'd like to say I do agree with Ms. Molina here. This is a relatively small lot that is having a request to be split. In this case, for the neighborhood of Castleton Gardens, I do see that there have been five past petitions that have been approved that have allowed for effectively additional density on similar size lots. However, in our packet at least, this particular parcel is surrounded single-family detached homes, and I didn't hear you mention that any of the neighbors came to either one of these meetings. So, I would just like to make sure that, either through the Castleton Gardens Neighborhood Association or some other measure, perhaps Ms. Molina can [INAUDIBLE] that at least the neighbors, completely abut to this parcel, understand the request that's being asked.

Mr. Murray said yes. One neighbor at the intersection of Sharon Amity did come, but you're right, the immediate neighbors, we did not hear anything from them. When we had the prior rezoning on the UR-2, they didn't participate either. That was several years ago, so they might be different, but yes, I'm happy to have more communications.

Ms. Molina said that'd be great.

Mayor Pro Tem Anderson said okay, thank you.

Ms. Molina said I know that there's a note about transportation on this, because it looks kind of narrow as well. You guys would have to do some type of upgrade in order to substantiate this change. Can you explain that, Mr. Pettine? I see some transportation notes on here, or maybe someone from DOT (Department of Transportation), or maybe it's the next one, I don't remember. I'm going off memory, because I was looking at it over the weekend.

Mr. Pettine said it'll be subject to anything that's triggered by the UDO for a subdivision like this. So, if there's sidewalk improvements or other improvements, they would still have to meet all of those, but it hasn't been determined what would get triggered until they get into any kind of permitting based on what they do and what they propose to build.

Ms. Molina said so, I want to make sure that I understand that from a general community perspective. So, basically, what you're saying is, if this were improved, once they got into the permitting process, then you guys would enforce what the UDO says that they would have to do. So, there would be really no general opportunity for me to work with the developer to say, this is too narrow, can we do something like widen the street, etc., etc., until afterwards?

Mr. Pettine said yes, that would come in the permitting process. A project like this of this small scale wouldn't trigger probably any real road improvements. They may trigger frontage improvements like I said, improving the sidewalk, putting a planting strip in, making sure the driveways are up to whatever C-DOT standards are to access the road, but I wouldn't anticipate any significant improvements to the road itself just based on what they can do with the size of the lots and the types of units they would build, but there would likely be some frontage improvements for the sidewalk infrastructure.

Ms. Molina said okay, and again, those types of questions, Mr. Murray, are things that I anticipate based on just sitting in this seat long enough to know what community members are going to ask me, to say this is what we're saying out loud, this is what we're asking, just so that a lot of these generalized conversations that we're going to

have to have. Some of this stuff has been asked to you to kind of get those things going. Again, I want to reiterate to you that this is not yes or no. This is giving the humans that I represent the autonomy to know what's going on, participate, say yes or no, etc., etc. Because generally I've never learned to take no participation as not interested, because from a civics perspective people see the Z all the time. They don't know what that means. The number of humans that actually watch our meetings that aren't really engaged in this level, because of said thing or another, they don't know until then there's a buzz in the community, and then it's like, hey, do you realize that they're doing da, da, da, da, da, and then boom, I get blown up, and it's like, how do you let this happen, and we've been working on it for six months. Then it's one of those things where we're kind of trying to put it all together, and we can't stop the process. So, I'm just trying to be proactive is what I'm attempting to try to do. So, that's all I have, Mayor Pro Tem.

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

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**ITEM NO. 26: HEARING ON PETITION NO. 2024-135 BY HAROLD CARRILLO FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.92 ACRES LOCATED ON THE EAST SIDE OF GROVE STREET, NORTH OF TREXLER AVENUE, AND NORTHWEST OF NEVIN ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N1-C (NEIGHBORHOOD 1-C).**

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

**David Pettine, Planning, Design & Development** said 2024-135 is just under an acre, it's 0.92 acres, located on the east side of Grove Street, north of Trexler Avenue, and northwest of Nevin Road. The property is currently zoned N-1A. You can see it's two separate properties there, and the proposed zoning, similar to our last petition and our upcoming petition, is going to that N-1C District. I'll stay on this slide just for a moment just to kind of give you some context of this one. I know we were just talking about splitting lots, and the size and width. This petition, should it be approved and the owner elect to subdivide these parcels, would essentially result in similar parcels that you can see just to the south of it, or if you're looking at it kind of to your right, those long, skinny, narrow parcels that are already existing on Grove Street on this side, and then also on that kind of northwest side would be the result. Should this rezoning get approved and they elect to subdivide, you'd essentially have the same kind of lot pattern that we can see in this area, and then also on that other side of Lake Road, where there are longer and skinnier lots. So, again, kind of an area where there's not a distinctive lotting pattern, but looking at this one, we didn't have any significant concerns giving that we'll see a similar outcome to what's just next door on those three parcels. So, that's kind of what our thought was when we looked at this one and made our recommendation. It is consistent with the Policy Map, similar to the last one and similar to the upcoming one, for that Neighborhood-1 Place Type. Again, it's just taking that from A to C. We do recommend approval. I know we don't have a speaker for the petitioner's team, but we'll be happy to take any questions you may have.

**Councilmember Graham** said thank you for the presentation. Certainly, the petitioner was aware that there was a meeting tonight?

Mr. Pettine said yes.

Mr. Graham said alright, and secondly, are you aware whether or not there was a community meeting? I think it'd be pretty simplistic, but.

Mr. Pettine said yes, there was a community meeting. I was just taking a look at that while we were discussing the last one. I did not see any attendees. I don't know if that's

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a result of some of the lots that are in the area. I know there's some next door that are vacant, but there were no attendees for the community meeting. They held it virtually, advertised it, sent us the notice as well, but did not have any attendees on record.

Mr. Graham said thank you.

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

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**ITEM NO. 27: HEARING ON PETITION NO. 2024-136 BY KEEN BUILDING COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.51 ACRES LOCATED ON THE WEST SIDE OF CRAIG AVENUE, EAST OF CASTLETON ROAD, AND NORTH OF NORTH SHARON AMITY ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N1-C (NEIGHBORHOOD 1-C).**

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

**David Pettine, Planning, Design & Development** said alright, 2024-136 is 0.51 acres, so just a little bit larger than the lot we looked at on the other side on Castleton. Similar request, similar context, N-1A back to the N-1C District. I know we've talked about this prior to, but just the reminders of the UR-2s, UR-1s, N-1Cs that we've seen in this neighborhood to date, and again, just something that we saw that kind of pattern continuing through this petition as well. It is consistent with the Policy Map for Neighborhood-1. I hear all the conversation we've had around these, and we certainly are receptive to what we've heard from Council on these petitions, also what we heard last month on some others. We are continuing just interdepartmentally on our side, just so you guys can kind of understand where we are with these requests as well. As we're finishing up and working through some area planning. Obviously, you know the community area plans will be coming out to you guys soon. As part of that, we are looking to see if there are some things we can consider to look at when we're talking about going from within one N-1 District to another. That's something I think we'd like to try to get a little bit more solid footing to understand what those potential impacts would be, what kind of context we look at for those. So, I would just say, we hear what the conversation has been. We are taking that into consideration as well, and we hope to have some additional dialogue to share with ya'll over the coming months about how we can continue to evaluate these, their appropriateness, and how even if they are consistent with the plan, what that means for development patterns and lot patterns in existing neighborhoods.

So, with that, I'll get to our recommendation, which is similar to the other ones we just discussed. Again, it's recommended for approval. It is consistent with the map, but I did want to just throw that context out, because I know we've had several of these over the last two hearing nights between January 2025 and February 2025, and we will likely continue to see some of those types of requests. We do hope to have a little bit more information and clarity to provide as we continue to get them and process them to put in front of you guys when you're making decisions on them. So, with that, I'll turn it over to Mr. Murray, and we'll take any questions following his presentation. Thank you.

**David Murray, 5950 Fairview Road, Suite 710** said thank you again, Mayor Pro Tem, Council, Zoning Committee. David Murray, here for the petitioner. This is Keen Building Company. They are builders in Charlotte. They're seeking to obtain this rezoning to divide the lot. In this community meeting, we did have the adjacent property owner that did attend, as well as the property owner directly across the street, and most of our questions were general questions about the rezoning process and what we're going to do. The house that's on this property has fallen into disrepair, and so it will be torn down regardless, rebuilt, but the petitioner is seeking to subdivide it, as we've discussed.

**Councilmember Molina** said I won't go through the whole thing again. This is a statement for public consumption. David, I appreciate your comments, because I do think as we continue to see these, I think as a body we're going to have to have some additional conversations, leaning on your expertise. We have new constraints that we're dealing with and new realities that are beyond our control. In the interim, I think as we make these decisions, we have to be very responsible with the trust that's being expected of us. So, again, thank you for that, because I think we're going to have to talk about that more offline as well, but I look forward to hearing from you, Mr. Murray, because again, I'm going to relay that to my colleagues to let them know what we've come up with. That's all I have, Mayor Pro Tem.

Mr. Murray said absolutely.

**Councilmember Johnson** said same question as the last time, what's the current lot size?

Mr. Pettine said the lot size is 0.51 acres, just like four-tenths of an acre larger than the last one, and I'm not sure how wide it is, it may be about 120 feet in width.

Ms. Johnson said okay, that's all.

Motion was made by Councilmember Johnson, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.
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**ITEM NO. 28: HEARING ON PETITION NO. 2024-140 BY URBAN TRENDS REAL ESTATE FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.45 ACRES LOCATED NORTHEAST OF WEST TRADE STREET, SOUTHEAST OF FRAZIER AVENUE, AND SOUTHWEST OF WEST 5TH STREET FROM NC (NEIGHBORHOOD CENTER) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

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

**Holly Cramer, Planning, Design & Development** said this site is just under half an acre, located along West Trade Street, just outside of Uptown, as you can see here. Currently zoned Neighborhood Center. Proposing to go to Transit-Oriented Development Neighborhood Center. That is consistent with the Policy Map's recommendation for the Neighborhood Center Place Type. This is a conventional petition, so there is no associated site plan. Staff does recommend approval of this petition. This does meet the applicability requirements for the TOD-NC Zoning District. It is located within a 500-foot walk of the Wesley Heights Gold Line Station. The TOD-NC District may be applied to sites within a one-mile walking distance of an existing transit station. The TOD-NC District is appropriate at this site given its proximity to the Gold Line Station, and general location where we have already identified the Neighborhood Center Place Type being appropriate. I'll take any questions following the petitioner's comments.

**Matt Langston, 1230 West Morehead Street** said thank you, Mayor Pro Tem, members of Council. Matt Langston with Landworks Design Group. I've got Chris Ogunrinde here with Urban Trends Real Estate. So, real quickly, Urban Trends has been around since 2010. Focuses are on infill and workforce housing, and usually multi-family attached. This project we're proposing, like Holly said, we're a stone's throw from the Gold Line Station, and we think that the TOD-NC is an appropriate zone for here. What we're proposing is a Mixed-Use building that would have ground floor retail. Upper floors will be a combination of workforce and market rate housing. We're here to answer any questions you may have.

**Chris Ogunrinde, 227 West 4<sup>th</sup> Street, Suite 100** said if you have any questions for me.

**Councilmember Graham** said good neighborhood meeting?

Mr. Ogunrinde said the first one was very, very good, just Tanya Adams and some other leaders were present at the first meeting. The second one was just only one person, I guess. Spoke to her, very supportive, and didn't have any opposition to the project.

Mayor Pro Tem Anderson said please just state your full name for the record.

Mr. Ogunrinde said oh, my name is Christian Ogunrinde. I'm a Third Ward resident, and longtime Charlotte resident.

Mayor Pro Tem Anderson said thank you. Chris, what I wanted to say, I was just saying to Mr. Graham, that that particular area needs to be touched. I think it would help the community quite a bit with the growth that's going on over there along that particular corridor. So, look forward to seeing what's to come with this.

Mr. Ogunrinde said thank you very much.

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

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**ITEM NO. 29: HEARING ON PETITION NO. 2024-148 BY CSE COMMUNITIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.60 ACRES LOCATED ALONG THE EAST SIDE OF COULOAK DRIVE, SOUTH OF MT HOLLY-HUNTERSVILLE ROAD, AND WEST OF BROOKSHIRE BOULEVARD FROM CC (COMMERCIAL CENTER, CONDITIONAL) TO CAC-1(CD) (COMMUNITY ACTIVITY CENTER-1, CONDITIONAL).**

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

**Holly Cramer, Planning, Design & Development** said this site is just over two and a half acres, south of Mt. Holly-Huntersville Road, on the east side of Couloak Drive, in an area with extensive commercial and multi-family development. Site is currently zoned Commercial Center, conditional. They're proposing to go to Community Activity Center-1, conditional. This request is consistent with the Policy Map's recommendation for the Community Activity Center Place Type at this site. The proposal itself doesn't have a site plan, but it does have detailed development standards with the following conditions, which are 80 multi-family stacked units with 70 percent of the units being limited to households earning no more than 80 percent of the area median income for a period of no less than 20 years. This project would be utilizing Housing Trust Fund financing. The petitioner commits to an 18-month period, including two-year request for proposal to obtain the Housing Trust Fund financing. If after that 18-month period, the Housing Trust Fund financing is not obtained, the site would be permitted to develop under the CAC-1 standards, as outlined in the conditional rezoning plan without the affordable housing commitment. The 18-month period begins upon the approval of the Rezoning Petition. Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design. The petition is appropriate and compatible with the surrounding uses in the CAC Place Type designation, as it replaces an underutilized portion of a large parcel with 80 dwelling units. The property abuts the Mountain Island Marketplace Shopping Center, which boasts a wide variety of daily goods and services that would directly support future residents at this site. The property is located along two bus routes and is a short walk from an express bus stop, providing commuter access into Uptown. Such transit options further support increased residential density at this site, and I'll take questions following petitioner comments.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening again, Mayor Pro Tem, members of Council, members of the Zoning Committee. It's a pleasure to be here tonight with Crosland Southeast, Tim Sittema and Peter Stipicevic. I think many of you are familiar with Crosland Southeast's effort in the affordable housing arena, and so, this development is going to be similar to what some of you have recently had the opportunity to see at Eastland. As Holly mentioned, it's an affordable housing opportunity. We put the limitation on it, so that in the event they're unable to secure Housing Trust Fund dollars within the first like two cycles, 18 months, it gives it the opportunity to revert back to all the uses permitted in the CAC District, which is consistent with the adopted land use policy. I hate to repeat anything that Holly has already said regarding consistency and benefits, and so with that, Tim and I are happy to answer any questions.

**Councilmember Graham** said could you talk a little bit about infrastructure impact over? I got maybe an email or two in reference to residents' concerns in reference to that, and also just an overview of the attendance and the participation at the neighborhood meeting?

Ms. Grant said so, at the community meeting, we only had one person attend, it was an adjacent property owner, and we typically offer, if you have any questions and can't attend, please follow up, we'll send out PowerPoint presentations. So, if there are residents that have reached out to you, we welcome the opportunity to have additional conversation. The adjacent property owner, most of our discussion with them was positive regarding investment in the area, managing access to and from the site.

**Tim Sittema, 801 Est Boulevard** said I'm Tim Sittema with Crosland Southeast. Nice to see all of you again. Thanks for the opportunity to be here tonight. The property that we're under contract is owned by SECU, State Employees Credit Union, and we're thrilled to be working on this property for this opportunity. We are not aware, as Bridget said, of any infrastructure concerns from any neighbors. None have been expressed to us. If there are neighbors that have concerns, we'd love to talk to them.

Mr. Graham said and any improvement that's a result of the rezoning that will be made as a part of it? Just curious.

Ms. Grant said we don't have a site specific plan at this point, so when it goes in for permitting, if C-DOT has the opportunity to review and identify any traffic improvements, it'll happen during the land development permitting process.

Mr. Graham said okay, thank you.

Ms. Grant said thank you.

**Councilmember Watlington** said you noted the idea that if the Housing Trust Fund dollars were not approved within two cycles, or 18 months, that it would revert back to, essentially, I guess market rate or unrestricted housing. Can you speak to where that policy or where that is derived from?

Ms. Grant said so, it's something we've used on a few developments, because several years ago when people were coming in and requesting petitions for affordable housing, when the petitions didn't receive Housing Trust Fund dollars after a few cycles, then we figured out that they weren't going to get the dollars of the fund. The property had to be rezoned again to relieve them of the affordable housing requirement. This is a tool that we developed with staff, and I think Dave might be able to answer, or Holly, to basically create an opportunity that if the Housing Trust Fund dollars weren't available, it wouldn't require rezoning, but would still align with the adopted land use policy or other zonings that they could support.

Ms. Watlington said so, Dave, if you could speak to that, I'd like to understand exactly what policy that is, where it sits. The reason I ask is because I'm keen on making sure that we're not making Housing Trust Fund decisions via a rezoning.

Mr. Pettine said essentially, as Bridget kind of outlined, if they go through those cycles a few times, it's not a guarantee that they would get that funding. So, we have seen quite a few over the years that they kind of hit the breaks at that point, where if they don't get funding, they can't convert it to another type of project, whether it be market rate apartments or other uses even allowed in that zoning district that they rezoned to, because they're just locked into that HTF (Housing Trust Fund) funding process. So, if they don't get that, it kind of absolves them then of continuing that pursuit after two tries, and then they could convert the project either to a market rate apartment project or any of those uses allowed in the Activity Center District, which then would be consistent with our land use policy. So, it's something that we've, like we said, have done on others, because it would just have to go back through the process then of coming in and saying, well, we just essentially want to take that note away that said we're going to go after HTF funding, but we can't get that funding now. So, it's just a mechanism that saves everybody that time and effort to go back through the process again of rezoning.

Ms. Watlington said and where is this policy?

Mr. Pettine said so, it's not a related policy, it's just part of the zoning documents that are put together for the conditions. So, it doesn't affect their ability to go after HTF funds. Even if they want to pursue it again after two years or two cycles, they could continue on as long as want to. It's just after those two tries, if they don't get successful funding, they have the option to then convert that to a market rate project.

Ms. Watlington said okay, I'd like to understand a little bit more about that, because I want to make sure that I'm clear about where the legal authority sits for that, and how that is impacted by Council's decisions.

Mr. Pettine said yes. I mean, we're not legally binding them to even go after the HTF funding. They could sit on this and never pursue it on their own, but if they don't get through that funding cycle, it didn't make sense for those to then be tied to a funding mechanism that they can't get, and then the project just becomes kind of dead and you're sitting with a vacant piece of property that has no other entitlement rights.

Ms. Watlington said yes. I'm interested, because if we are making our decisions based on what we believe is going to go on that land, and then that doesn't happen for whatever reason, we don't deem it to be a project that's prioritized in those particular cycles, and then there's a rezoning.

**Terrie Hagler-Gray, Senior Assistant City Attorney** said yes. I think I understand your question, and we can get some more information for you.

Ms. Watlington said okay, thank you.

Mr. Pettine said yes, certainly.

Mayor Pro Tem Anderson said thank you, Ms. Hagler-Gray.

**Councilmember Mayfield** said so I have a question for the petitioner, and full disclosure, this is the side of town that I live on, so I drive this road rather frequently. As Councilmember Graham mentioned, we did receive, I would say, two emails that have concern regarding the traffic. So, if we can go back, if the team up top or whoever's in charge of the clicker, can go back to the map that was just up. So, I'm just trying to figure, because full disclosure, I'm geographically challenged. So, am I'm coming up Mt. Holly-Huntersville Road from say the Harris Teeter Shopping Center, and this is Brookshire that will be on my left, or am I heading away where Brookshire, I will be making a right? Because I'm trying to get an idea of how recent is this map, because there's this turnoff that's on Mt. Holly-Huntersville Road, that is this Mario Go Kart state-created turn that is extremely confusing. Depending on which way you're coming, trying to get out onto the street, that backs up, a lot, because it's really just one lane, and then you have to turn to get onto 16, which is kind of interesting, because then you have to



immediately jump over to try to get on, it's some interesting things going on at Brookshire. So, I'm trying to figure out, if we say there's no traffic conversations that's happening around here, this is a one-lane road, Mt. Holly-Huntersville is a one-lane road. There is already a lot of congestion from development and things that are happening in that area. So, I'm trying to understand, whether this is workforce housing or not, the potential impact when the concerns from one of the residents that reached out, the roads and crossing sections in the areas are not pedestrian friendly, which presents a significant safety concern for all residents. Increasing number of pedestrians and visitors, the lack of sidewalks and safe crosswalks, can make it even more difficult for pedestrians to navigate the area as the population increases. That is a very heavy vehicle area. So, help me understand?

Mr. Pettine said I'm not sure I follow what the question is at the end of that.

Ms. Mayfield said so we don't have in here, and maybe I missed if we do, some additional road infrastructure plan. This is a heavy vehicle area with challenges for pedestrians. I'm trying to understand why Planning staff would not have conversation or a recommendation regarding infrastructure?

Mr. Pettine said so, they'll have the infrastructure conversation in the permitting side from a transportation standpoint. So, on this particular petition, they've elected to do that and look at that when it comes in through permitting, because they can assess what the actual use is going to be, if they actually get that funding for the multi-family, or they build market rate multi-family, or something else down the road. They'll assess all the transportation impacts and potential improvements when they get into that land development process.

Ms. Mayfield said so, we're not going to talk about the transportation or assess the transportation until after it's potentially approved?

Mr. Pettine said so, they look at it during the rezoning process, and they determine if there's anything significant that may trigger them to say, hey, we need to look at something a little bit further at this time versus permitting. When they were looking at it for this particular instance, they felt that the permitting side of it would capture it in the same sense that they would now. So, it's just a matter of the timing of when they're going to look at that, knowing that they've got to get through the process by, I think March 2025 or April 2025, to go into the HTF funding pool. That was another consideration that we made to look at transportation impacts when they get into permitting, because this petition just came in late in January 2025, for this funding opportunity, so we had to move it through the process to go into that HTF cycle pretty quickly.

Ms. Mayfield said oh, so we fast forwarded this project?

Mr. Pettine said we did get this project in at a pretty quick timeframe, because it was a late addition to getting to that HTF cycle.

Ms. Mayfield said okay. Mr. Sittema, you build great product, that is not the question. What I would like to know is if there's possibly an opportunity to maybe have an additional meeting with community. If not, then maybe we can get together and have a followup, because I want to make sure that community members understood and understand this particular proposal, because I think some might not have received the information or understood the information when it was sent to them for whatever reason. So, I would just like the opportunity, if we can, to maybe follow up, even if it's a small group, to just be able to have a conversation, if that's okay.

Mr. Sittema said thank you for the comment. As Dave mentioned, we are on a schedule. It's not HTF, it's for the LIHTC (Low Income Housing Tax Credit) credits, and all that kind of stuff, but as long as we can remain on that schedule, we'd be more than happy to have another neighborhood meeting and meet with folks. I might add two other comments, Ms. Mayfield. One is, this is a senior affordable development, and so as

such, the traffic impact will be less than other projects of that size and scale. Secondly, in the state's Low Income Housing Tax Credit process, there's a very precise scoring methodology, which one of the factors does take into account, area infrastructure and pedestrian sidewalks, and so on, and on the state's scoring metrics, this site scores perfectly. So, that doesn't mean there's no need for sidewalks, or whatever, but it's better than average, because it's perfect on the state's scoring methodology here.

Ms. Mayfield said thank you.

**Councilmember Ajmera** said Tim, thank you for your commitment to affordable housing. We appreciate the partnership with the City. I think having this as part of our condition, but after two years, if you're not successful with the Housing Trust Fund dollars, that you could develop this site based on this rezoning. I think it actually lessens the risk for affordable housing developer, and hopefully it will attract other affordable housing developers to come and partner with the City to build more affordable housing, because there is substantial risk. I get it, because you are hoping that you'll get Housing Trust Fund dollars. Rezoning, let's be honest, it takes six months to a year, and there is substantial investment that developer is making, petitioner is making. So, I understand that. I'm glad that we have been able to work that out to help with affordable housing. In terms of the timeline, I know you have done so many affordable housing developments with the City. What's the usual timeframe that it takes from the time the rezoning is approved to the time housing trust dollars are announced?

Mr. Sittema said so, you've made several points, Ms. Ajmera, thank you for that. From the timing standpoint, the state publishes a very precise schedule, and so there is a window that you can apply for tax credits in January. If you miss it by one day, you miss it by one year. That's why Dave and his staff get frustrated sometimes when we come in. We literally had a deadline to submit the application to the state for the tax credits at noon on a Friday. We were working with the seller for three months, four months on this deal. They signed it at 12:05 p.m. We missed the deadline by five minutes. We submitted the application without the property contract, and we knew it was imminent, we were hoping to get it, and we got it five minutes later. We sent it in, and they accepted the application, but they charged us a penalty for being five minutes late. So, we might have missed it for a whole year, but they were gracious to us for the five minutes. So, we made that deadline, but we've got to have the rezoning done by a certain time in order to file the final application, and then the Housing Trust Fund, all the timing that Council works on, all fits into the state's timeline. So, it's very regimented.

One thing I'll mention about the two-year kind of sunset on the affordable deal. Our interest in this property is solely for affordable. We have no plans to do anything other than affordable on this deal. We hope and pray that we get tax credits and Housing Trust Fund and close the financing gaps, and so on. It's hard enough to get a site under contract, for any seller to sell to an affordable housing developer, because it takes a year longer to do an affordable housing project than any other project. So, that's hard enough. Then, if you say, okay, and we're going to rezone your property, and we may not get credits, but you may only be able to do affordable housing on your property, that's another deterrent where a seller says, "I'm not working with you guys." We had a situation last year, Bridget helped us on a site off of Arrowood and Microsoft Way, and we got it rezoned, but we didn't get the tax credits. We wasted all the money on all the pursuit and everything else, but that seller was pretty smart and they demanded saying, "Ookay, I'll take a risk with you, but you've got to make sure that you can't limit my zoning." So, on that deal, we put that sunset on it, and it turned out to be to their advantage, because we didn't get the credits, and so we had to drop the contract, and so he was not constrained or stuck with a project that he couldn't develop. The seller here said the same thing, hey, we'll work with you. The State Employees Credit Union is kind of missional, that's why they're giving us the time to go through this, but they said, "We don't want you to limit our zoning if you're not able to get credits or Housing Trust Fund, or whatever else." So, it just gives us another opportunity to win the argument to try to get the site under contract.

Ms. Ajmera said that's all I have.

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**Councilmember Johnson** said thank you, Tim, for that explanation. Can you show me the slides presentation? A slide said affordable housing, right? So, I appreciate the explanation. We're kind of putting the cart before the horse, but you have to because of a timing issue. I do have a question about 80 percent AMI (Area Median Income). If it's granted tax credit, there are certain levels. There are certain numbers, or there has to be some at 30 and different ranges, so you're not including that in this presentation?

Mr. Sittema said to get tax credits, and I might add to get Housing Trust Fund, the City and the State mandate what the AMI ranges are. We always build a little wiggle room in the application. Here, I think we're asking for 80 units and at least 80 percent. Our plan is 72 units and 100 percent affordable. You build a little bit of wiggle room just in case you need some for one issue or another, but we plan to have 100 percent of the units serving between 30 percent and 80 percent AMI, with the average being at or below 60 percent AMI for the whole entire project.

Ms. Johnson said okay, because it doesn't say that.

Mr. Sittema said correct, but that's not in the zoning limitations, but it is in the tax credit limitations, it is in the Housing Trust Fund stipulations.

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

Mayor Pro Tem Anderson said thank you. I'm going to give it to Mr. Graham here, but I just wanted to make a comment before he made a comment. Thank you, Mr. Sittema, for giving the example, because I know we had some conversations earlier around when this took place before. I agree with my colleagues. It's a difficult task to build affordable housing, and yet, it's one of the things that's the top priority of Council, and so needed in the City, across the AMI bandwidth, from 30 percent to 80 percent, and so, I just wanted to highlight that. I know it's very difficult as we work with developers throughout the City who want to do this work, and contribute to the community, and yet, it's just a very rigid, stringent, difficult process. So, I just wanted to underscore that.

Mr. Graham said Madam Mayor Pro Tem I think you kind of read my mind. I was going to articulate basically the same thing, that we're really trying to thread a needle here based on scale and scope and timing in terms of what we're trying to do. Obviously, in any rezoning, there's some outstanding issues to be resolved, and I'm looking forward to working with you to bring it to a conclusion. Thank you.

**Councilmember Molina** said really quickly. It's a praise to Tim Sittema, just to say thank you for being a great partner with the City of Charlotte. You've done some great work across the City, and partnered with us in some Hail Mary missions too. So, thank you for your partnership, and I look forward to following up with Mr. Graham about this project.

Motion was made by Councilmember Ajmera, seconded by Councilmember Graham, and carried unanimously to close the public hearing.
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The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.


**Shelley Alicea**, [turtletulip@yahoo.com](mailto:turtletulip@yahoo.com)

**Erin Oliverio**, [emaciup@yahoo.com](mailto:emaciup@yahoo.com)

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**ADJOURNMENT**

The meeting was adjourned at 7:15 p.m.

  
Billie Tynes, Deputy City Clerk

Length of Meeting: 2 Hours, 4 Minutes  
Minutes completed: March 25, 2025