

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, March 17, 2025, at 5:10 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Danté Anderson presiding. Council members present were Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, James Mitchell, and Victoria Watlington.

ABSENT: Mayor Vi Lyles, Councilmembers Tariq Bokhari, Tiawana Brown, and Marjorie Molina

ABSENT UNTIL NOTED: Councilmember Dimple Ajmera

* * * * *

Mayor Pro Tem Anderson said welcome to the March 17, 2025, Zoning Meeting. We begin our meeting with an invocation and an expression of inspiration, and before we do that we will begin with introductions.

* * * * *

INVOCATION AND PLEDGE

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

* * * * *

EXPLANATION OF THE ZONING MEETING PROCESS

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

Councilmember Ajmera arrived at 5:13 p.m.

* * * * *

INTRODUCTION OF THE ZONING COMMITTEE

Andrew Blumenthal, Chairman of the Zoning Committee said thank you very much, Mayor Pro Tem, and thank you Council. My name is Andrew Blumenthal. It's my pleasure to serve as the Chairman of the Zoning Committee of the Planning Commission. Please allow me to introduce my fellow committee members here this evening. We have Shana Neeley, Clayton Sealey, Rick Winiker, Theresa McDonald, and Robin Stuart. The Zoning Committee will next meet on Tuesday, April 1, 2025, at 5:30 p.m., here in this building. 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 we are hearing this evening. Prior to that meeting, you are welcome to contact us to provide input. You can find all of our contact information, and the information on each petition on the City's website at charlotteplanning.org. Thank you, Mayor Pro Tem.

* * * * *

DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Driggs, seconded by Councilmember Mitchell, and carried unanimously to defer: a decision on Item No. 9, Petition No. 2024-131 by Pulte Homes to April 21, 2025; a decision on Item No. 10, Petition No. 2024-134 by St. Charles Avenue LLC to April 21, 2025; a decision on Item No. 11, Petition No. 2024-136 by Keen Building Company to April 21, 2025; a decision on Item No. 14, Petition No. 2024-116 by Feven Negash to April 21, 2025; a hearing on Item No. 16, Petition No. 2024-124 by Aviation Metals of North Carolina, Inc. to April 21, 2025; and a withdraw of Item No. 8, Petition No. 2024-118 by Weekley Homes, LLC.

* * * * *

CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 7 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 rezoning petition Items No. 3 through 7 may be considered in one motion, except for those pulled by a Council member. Please note that these petitions meet the following criteria. They've had no public opposition to the petition at the hearing, staff recommends approval, and the Zoning Committee approves as well, and there have been no changes to the petition after the Zoning Committee's recommendations. Are there any consent items Council would like to pull for a question or comment or a separate vote?

Councilmember Mayfield said I would like Items No. 3 and 7 to be pulled for separate vote.

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 3 and Item No. 7 which were pulled for a separate vote.

The following items were approved:

Item No. 4: Ordinance No. 946-Z, Petition No. 2024-133 by Kenjoh Outdoor Advertising amending the Official Zoning Map of the City of Charlotte to affect 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).

The Zoning Committee voted 5-0 (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 Innovation Mixed-Use Place Type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition site is currently light industrial, a zoning district from the legacy ordinance. A rezoning to ML-1 would bring the site up to date with the current UDO without increasing intensity. The UDO prescribes automatic triggers for landscape yards that could provide buffering to the adjacent Neighborhood 1 uses. The ML-1 zoning district accommodates light industrial uses, including warehousing, distribution, and logistics. These uses are compatible with the site's proximity to ML-2 and ML-2(CD) districts, allowing for a consistent pattern of development. The ML-1 zoning district is designed for light industrial uses and can allow for a transition between more intense industrial uses, such as those allowed in ML-2 zoning district and the surrounding General Commercial zoning district. The site is in close proximity to Interstate-85 allowing efficient access of large trucks typical of M&L

uses. The subject property is not within the Uptown or City Center and the site is served by an arterial and abuts an existing rail corridor. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Innovation Mixed-Use Place Type to the Manufacturing & Logistics Place Type for the site.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 003-004.

Item No. 5: Ordinance No. 947-Z, Petition No. 2024-135 by Harold Carrillo amending the Official Zoning Map of the City of Charlotte to affect 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).

The Zoning Committee voted 5-0 (motion by Winiker, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible as the site is within an area designated by the 2040 Policy Map for the Neighborhood 1 Place Type. The petition could help facilitate the goal of providing a variety of housing types within an area where single family housing is the predominate land use. The Neighborhood 1 Place Type calls primarily for single-family detached and attached dwellings. Additionally, this place type recommends development of parks, religious institutions and neighborhood schools. The N1-C zoning district could facilitate these plan goals. The development pattern prescribed by the Neighborhood 1 Place Type and permitted by the N1-C zoning district is consistent with the character of this area.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 005-006.

Item No. 6: Ordinance No. 948-Z, Petition No. 2024-140 by Urban Trends Real Estate amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately y 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).

The Zoning Committee voted 5-0 (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 final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood Center 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 site is within a 500-foot walk to the Wesley Heights Gold Line station. The TOD-NC district may be applied to parcels within a one-mile walking distance of an existing rapid transit station or within a one-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. Conventional TOD-NC zoning applies standards and regulations that create the desired form and intensity to support transit-oriented development. With the support of the Gold Line, the site supplies easy access to both everyday necessities and employment opportunities engendering a pedestrian oriented environment. The rezoning is consistent with the Neighborhood Center Place Type for the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development.

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 007-008.

* * * * *

ITEM NO. 3: ORDINANCE NO. 945-Z, PETITION NO. 2024-126 BY GREYSTAR DEVELOPMENT EAST, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 5-0 (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 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 the Neighborhood 1 Place Type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This section of Tuckaseegee Road is bordered by Neighborhood 1 uses to the north and General Commercial uses to the east and west. The area along Queen City Drive has seen an increase in commercial development. The Policy Map revision is supported by the transition being provided from the lower-density single-family homes and the more intense commercial uses. The site can serve as a transition between the existing single-family residential neighborhood off Tuckaseegee Road and the entitled commercial developments along Queen City Drive. The N2-C zoning district is intended for the development of multi-family dwellings with smaller setbacks and the incorporation of build-to zones. The site is located within a quarter-mile of two CATS bus route 8 stops. The site is located within a half-mile walkshed of the Commercial Place Type, with current uses providing access to daily needs and services. A 25-foot Class B landscape yard is required along property lines abutting single-family, duplex, triplex, or quadraplex dwellings. The petitioner is proposing a 6-foot-tall opaque fence along the landscape yards to enhance screening measures. Access to housing is the highest priority need in this area according to the Equitable Growth Framework Community Reports. The petition could address the housing need with an allowance for 306 new residential units. 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 Neighborhood 1 Place Type to new recommended Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Driggs, and seconded by Councilmember Anderson to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This section of Tuckaseegee Road is bordered by Neighborhood 1 uses to the north and General Commercial uses to the east and west. The area along Queen City Drive has seen an increase in commercial development. The Policy Map revision is supported by the transition being provided from the lower-density single-family homes and the more intense commercial uses. The site can serve as a transition between the existing single-family residential neighborhood off Tuckaseegee Road and the entitled commercial developments along Queen City Drive. The N2-C zoning district is intended for the development of multi-family dwellings with smaller setbacks and the incorporation of build-to zones. The site is located within a quarter-mile of two CATS bus route 8 stops. The site is located within a half-mile walkshed of the Commercial Place Type, with current uses providing access to daily needs and services. A 25-foot Class B landscape yard is required along property lines abutting single-family, duplex, triplex, or quadraplex dwellings. The petitioner is proposing a 6-foot-tall opaque fence along the landscape yards to enhance screening measures. Access to housing is the highest priority need in this area according to the Equitable Growth Framework Community Reports. The petition could address the housing need with an allowance for 306 new residential units. 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 Neighborhood 1 Place Type to new recommended Neighborhood 2 Place Type for the site.

Councilmember Mayfield said as I've shared before with this particular petition, the concerns that I have is that this is an airport overlay area. The long-term impact of this, what I personally am not comfortable with is, fast forward a decade or so later, we're looking at tax dollars having to be a part of a mass displacement event. I do appreciate that the petitioners have added some additional insulation around the windows. That's great inside the unit, but if you ever step out of that building. I think it is a bad precedent after spending thousands of tax dollars through the airport to buy out properties, hotels, motels, trailer parks, as well as single-family homes, that are directly in the airport overlay area. I do believe that my colleague, even though she is not here tonight, sent an email to everyone. I received a text from her, and I have a different understanding based on the text, because when we looked at the actual map of where the location is, based on the airport overlay, I still have a lot of concerns for this. So, I will not be supporting this petition.

Councilmember Johnson said I just have a question. We did receive an email from Councilmember Brown that she was in support of it.

Ms. Mayfield said I would encourage my colleagues to make the best decision that they can. I've shared why I have concerns with this particular petition.

Ms. Johnson said okay, thank you.

Councilmember Driggs said so, I appreciate the concerns that Ms. Mayfield has raised. I'm afraid that it invites other situations in which questions like these are raised and that we don't have an organized answer for. The truth is, this has been brought forward in an orderly fashion. People who choose to live there will know what they're getting into. So, I intend to support it. I think we should back up the District Rep, who did a lot of work on this, she told me, went to a lot of meetings, and engaged with a lot of people. I believe, based on our procedures right now, that we should approve this.

Mayor Pro Tem Anderson said thank you. Any additional comments? I will state that Ms. Brown did send an email and said that she supports this particular petition. I did receive that from her. She is traveling today.

Councilmember Ajmera said I agree. Councilmember Brown, who is the District Council member, had sent an email in support of this rezoning petition. I also want to acknowledge the work that has happened over the last several weeks to address some of the community's concerns, specifically around the noise, and additional insulation. With that, our job is difficult, because we are trying to balance supply of the housing, while addressing some of the community's concerns. So, we have to take all of that into consideration. So, this will definitely help provide additional housing that we need. So, I'll be supporting the District Councilmember Brown with this rezoning petition, and I'll be voting in favor. Thank you.

Mr. Driggs said I'm not sure everybody saw the message from Ms. Brown. So, we could read it into the record, or if we're ready to vote, let's vote.

Mayor Pro Tem Anderson said if you would like to read it into the record, Mr. Driggs, you can, absolutely.

Mr. Driggs said I will read, I think, the recommendation portion. She had indicated to me she had reservations. She said, "I later realized that this rezoning request was one I dedicated significant time to, working closely with both the community and developers, even visiting the site in the rain to ensure we could achieve a solution. I share the same concerns as Councilmember Mayfield regarding the project's location within the airport overlay. That said, since the community and developers were able to address and resolve key concerns, I want to ensure this context is taken into account we move forward. Thank you for your time and consideration." So, that's the input from our colleague.

Mayor Pro Tem Anderson said okay, thank you.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 001-002.

* * * * *

ITEM NO. 7: ORDINANCE NO. 949-Z, PETITION NO. 2024-148 BY CSE COMMUNITIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT 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).

The Zoning Committee voted 5-0 (motion by Shaw, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for the Community Activity Center (CAC) Place Type. The CAC Place Type promotes a variety of uses such as retail, restaurant, office, and multi-family residential. This petition is appropriate and compatible with the surrounding uses and the CAC Place Type designation as it replaces an underutilized portion of a large parcel with

80 dwelling units. Increasing the number and variety of housing types in the area. The proposed development is directly abutting the Mountain Island Market Place shopping center which boasts a wide variety daily goods and services such as retail, restaurant, and financial institutions. The site is located along the route of the CATS number 1 and 18 local bus providing transit access between the Callabridge Commons Walmart and the Charlotte Transportation Center (CTC) and the Rosa Parks Community Transit Center. As well as being a short walk from a stop on the 88x express bus providing commuter access to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 3: Housing Access for All, 5: Safe & Equitable Mobility.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for the Community Activity Center (CAC) Place Type. The CAC Place Type promotes a variety of uses such as retail, restaurant, office, and multi-family residential. This petition is appropriate and compatible with the surrounding uses and the CAC Place Type designation as it replaces an underutilized portion of a large parcel with 80 dwelling units. Increasing the number and variety of housing types in the area. The proposed development is directly abutting the Mountain Island Market Place shopping center which boasts a wide variety daily goods and services such as retail, restaurant, and financial institutions. The site is located along the route of the CATS number 1 and 18 local bus providing transit access between the Callabridge Commons Walmart and the Charlotte Transportation Center (CTC) and the Rosa Parks Community Transit Center. As well as being a short walk from a stop on the 88x express bus providing commuter access to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 3: Housing Access for All, 5: Safe & Equitable Mobility.

Councilmember Graham said I'm going to support the petition in front of us with reservations. I did have an opportunity to visit with a citizen and actually took a car tour of the Mountain Island Lake area, Mt. Holly-Huntersville Road in particular, and just kind of get a sense of the current existing infrastructure and traffic congestion, etc., and it certainly is a concern. As a result, I'll be hosting, probably sometime in late April 2025 or early May 2025, a town hall meeting in that area, specifically related to planning, the state of the infrastructure, bringing in NC-DOT (North Carolina Department of Transportation) and others. Most of the roads over there are state-owned roads, that probably needs to get a better understanding in terms of some timelines and just kind of basic information regarding future road improvements over there. So, I urge you to support it, but I just wanted to communicate directly to the public that there's some work being done on the ground to make sure that everyone's on the same page in terms of how we move forward, as it relates to future zoning decisions in the area, and acknowledging needing to communicate further with the state of North Carolina regarding some of the state roads in the area.

Mayor Pro Tem Anderson said thank you, Mr. Graham.

Councilmember Mayfield said as a resident that lives in that area and drives that road every day, the concern that I have I've already shared. It is a two-lane road. The current location is the State Employees Credit Union. That is what potentially would be redeveloped for this multi-family. There is a light there thankfully, but it's also right next door to a current multi-family development that is leasing right now. The challenge is, whether you make a left or a right at that light, immediately out of this potential development is a two-lane road, and it can easily take 30 minutes depending on the time of day, and that is multiple times throughout the day, to get back towards Belhaven if you're trying to access Belhaven up to Brookshire, or if you make a right trying to access

the state-maintained road that has a very interesting design, where you're getting onto 16 and having to merge two plus lanes if you want to stay onto Brookshire. We do not have the infrastructure, and although I appreciate that my District Rep is going to be having a meeting on this conversation, I do not think that it is a good idea for us to compile the traffic concerns with the hopes of having a discussion later regarding traffic improvement, because those pain points impact the residents today. If we don't have a clear plan through NC-DOT that's going to align where the road widening is going to happen prior to this development being completed, or simultaneously to give some type of relief, creating unnecessary additional traffic for our residents, even though there is a bus route over there, that bus is also sitting in traffic. It is a challenge that we have regarding how we're approving projects and not considering the impact on the residential communities that are already there.

Councilmember Watlington said my question is for staff. I want to understand that as well, as it relates to infrastructure on this one. I do see that the entitlement versus the proposed is actually a reduction. That said, as Councilmember Mayfield has just explained, today is already a problem, so anything net addition to that increases the problem. As we think about, just from a broader conversation around our budget and our ability to invest in the things that we need to respond to growth, which we understand now very clearly does not pay for itself, I'd like to understand what specific to this petition is being done for traffic mitigation?

Jacob Carpenter, C-DOT said good evening. Jake Carpenter with C-DOT (Charlotte Department of Transportation). Specific to this petition, because of the relatively low number of units, the development does not trigger any study or additional look at traffic mitigation and does not meet the levels needed for additional mitigation. So, they would be responsible for frontage improvements along their development frontage, but nothing externally outside their frontage at other intersections or locations.

Ms. Watlington said okay, thank you.

Councilmember Johnson said so, I'm going to be talking about this later. The cumulative impact in infrastructure. We, as a Council, really need to be intentional and start addressing this, or change the policy, so that it is addressed. If we look at development as a puzzle. We know the one piece may not impact or trigger traffic studies, but if you look at the area as a whole and see what the residents are seeing and feeling, and I think that's our responsibility, we do need to do that. So, I appreciate your concern, Councilmember Mayfield. I think, we as a Council, that this is something we deal with, with almost every petition, which is why we ask for the infrastructure studies. Thank you.

Mr. Graham said again, speaking for a second time, 80 units doesn't trigger any type of requirement, as the staffer indicated, in terms of directing a broader type of infrastructure requirement. I think a net addition can apply to any rezoning we do throughout the City, in terms of adding more to perceive any real infrastructure needs and our requirements. So, I think this petition doesn't take anything away from it or add to it, other than the fact that it's certainly yet another example where, as we look at the entire region, not just this particular petition, there's a bigger question that needs to be answered that goes beyond the scope of this particular petition. I think the petition meets the requirements that we need to vote to approve it, but certainly as I indicated earlier, there's a broader conversation that needs to be had. I'm reaching out to residents already, but I think a number of individuals agree that the steps that we're taking [inaudible] make sure that we do some foundation setting, in terms of where are we at. We know that the staff is doing their action review, planning review throughout the City. I want to bring some attention to this particular segment of the community, the Mountain Island Lake segment, goes beyond just Mt. Holly-Huntersville Road, it's the whole community. So, I think the initial steps that we're taking to gather information, study the future road improvements in the area, many of which are beyond our control, they're state-supported roads. So, just making sure that the citizens know what's coming, when they can expect it, how they begin to advocate for control growth. I think we all know throughout the City, whether it's in District 2, 6, 7, 4, which are the pain points in terms of where growth and developments are occurring, that we need to be mindful, and certainly I am as well, but I don't think this

petition is the issue. It's the broader issue of really working with our state partners to find out how do we figure out a larger problem.

Councilmember Driggs said I just want to note, it's not like we're not doing anything about this. We've got a huge mobility plan in the works that contemplates a referendum in November 2025, just wanted to plug that. That will give us resources for large investments in mobility, roads, rail, bus, and so we're moving forward to solve those issues. Then, these conversations about zoning will take place in the context of a potential that we haven't had, to actually deal, like create more opportunity in the mobility space, instead of just kind of managing the situation we're in. Thank you.

Councilmember Ajmera said I'm glad Mr. Driggs brought the mobility up, because in fact, this site is located along the route of the CATS (Charlotte Area Transit System) Number 1, an 18 local bus. So, that really helps us connect affordable housing with mobility options, and that's what we want to see more of. As someone who's a product of public transportation and affordable housing, this is so critical as we connect people to greater opportunities and upward mobility. I think this helps us address that with affordable housing. I appreciate the petitioner's work to bring affordable housing, help us meet our affordable housing goals, along the transit line. That's all.

Mr. Graham said and if I can add just one more thing, Madam Mayor Pro Tem, and thank you, Councilmember Ajmera and Councilmember Driggs, for talking about the mobility and the bus in particular, because when I did my driving tour, one of the things that I noticed is that there were bus stops, but no bus shelters, and that's part of the mobility. So, the issue that we're trying to plan for goes well beyond the scope of the petition that we're voting on tonight, and I don't want this petition to be held hostage of a bigger issue that we're trying to resolve. Thank you.

Ms. Watlington said sure. Great points by all. That said, though, our process is designed for us to vote petition by petition, and I think it's a question of whether we lean in, considering what we hope to have that is not yet approved by the voters to have, in terms of funding going forward. I will say that each part of our City is different. So, there are some places we just have a handful of consent agenda items, and I think all of us unanimously agreed was the appropriate thing to do, because every place in our City is not experiencing the same level of traffic congestion or infrastructure issues. So, I do think that it's appropriate to take these decisions on a case-by-case basis across the City, while also understanding that we are trying to do something at the broader level, but I want us to be very careful not to position our zoning decisions as if it's something that if you meet these criteria you automatically get approved. That's not my understanding of our process. So, I just want us to be thoughtful about each one of these, and it sounds like each of our colleagues have their reasons for sitting where they sit on these, but I just want to assure the public that this is not a situation where if it meets particular minimum criteria we automatically approve it, because at the end of the day, you've elected us to determine what's appropriate where, at a parcel level, and so we definitely intend to continue to do that.

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

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, and Mitchell

NAYS: Councilmembers Mayfield and Watlington

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 009-010.

* * * * *

DECISIONS

ITEM NO. 12: ORDINANCE NO. 950-Z, PETITION NO. 2024-047 BY HEAVEN PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.77

ACRES LOCATED ON THE NORTH SIDE OF HARRIS HOUSTON ROAD, EAST OF KEMPSFORD ROAD, AND WEST OF ASTORIA DRIVE FROM N1-A (NEIGHBORHOOD 1-A) TO N1-D(CD) (NEIGHBORHOOD 1-D, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Winiker, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes the development of 76 duplex units adding to the diversity of middle density housing options in the area. Single-family detached homes on lots are the primary use in this place type. Accessory Dwelling Units are also found. Duplexes, triplexes, quadraplexes, and civic uses, such as parks, religious institutions, and neighborhood scaled schools, may also be found in this place type. The project limits building height to 40 feet. The typical building in a Neighborhood 1 place is a single-family residential building up to three or four stories. The project proposes an internal street network with on street parking that has primary access from Harris Houston Road and extends Reigate Road. Development is characterized by low-rise residential buildings, uniformly set back from the street, and generally consistent lot sizes. Front lawns, landscaped yards, and tree-lined sidewalks are found between residences and the street, and individual back yards are commonly found for each main residential building. The project commits to 15.7 common open space and 16.5% green area on the site per compact residential development standards. The project provides 30-foot-wide landscape yards planted to Class B standards along and adjacent property lines abutting single family homes. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion.

Motion was made by Councilmember Johnson, and seconded by Councilmember Mitchell, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes the development of 76 duplex units adding to the diversity of middle density housing options in the area. Single-family detached homes on lots are the primary use in this place type. Accessory Dwelling Units are also found. Duplexes, triplexes, quadraplexes, and civic uses, such as parks, religious institutions, and neighborhood scaled schools, may also be found in this place type. The project limits building height to 40 feet. The typical building in a Neighborhood 1 place is a single-family residential building up to three or four stories. The project proposes an internal street network with on street parking that has primary access from Harris Houston Road and extends Reigate Road. Development is characterized by low-rise residential buildings, uniformly set back from the street, and generally consistent lot sizes. Front lawns, landscaped yards, and tree-lined sidewalks are found between residences and the street, and individual back yards are commonly found for each main residential building. The project commits to 15.7 common open space and 16.5% green area on the site per compact residential development standards. The project provides 30-foot-wide landscape yards planted to Class B standards along and adjacent property lines abutting single family homes. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion.

Councilmember Johnson said I just want to lift up the developer. We did work closely with the residents and the developer to try to get to a point where the residents were more supportive of the petition. So, I will be supporting this today.

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

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 011-012.

* * * * *

ITEM NO. 13: ORDINANCE NO. 951-Z, PETITION NO. 2024-072 BY THE DRAKEFORD COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 19.58 ACRES LOCATED AT THE DEAD END OF HARVEST HILL DRIVE, EAST OF LAWRENCE ORR ROAD, AND NORTH OF BARCLIFF DRIVE FROM MX-1 INNOV (MIXED USE, INNOVATIVE), N1-A (NEIGHBORHOOD 1-A), AND IC-1 (INSTITUTIONAL CAMPUS-1) TO MX-1 INNOV SPA (MIXED USE, INNOVATIVE, SITE PLAN AMENDMENT) AND N1-D(CD) (NEIGHBORHOOD 1-D, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be both consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 and Campus Place Types for the site. The petition is consistent with the policy map for the portion of the site proposed for N1-D(CD) and within the Neighborhood 1 Place Type. The petition is inconsistent with the policy map for the portion of site proposed for N1-D(CD) and within the Campus Place Type. The petition is inconsistent with the policy map for the portion of the site proposed for MX-1 (INNOV) SPA and within the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes to maintain the key elements of a previously approved plan while allowing for more units on additional acreage. A portion of the site lies within a housing gap. The petition proposes a mix of single-family attached and single-family detached dwellings, which will broaden the housing options in this area of the city. Upon sale of a City owned property, the petition commits to providing two affordable units in the first phase of the development. The proposed moderate density residential would provide an appropriate transition from the multifamily residential and institutional uses to the east of the site and single-family detached residential to the west. Planning staff requests that the properties at the end of Johnnette Drive be limited to single-family detached and/or duplex only. Johnnette Drive is as narrow as 17 feet in places and can only support limited new development. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 and Campus Place Types to Neighborhood 1 and Neighborhood 2 Place Types for the site.

Motion was made by Councilmember Driggs, and seconded by Councilmember Johnson, to approve this petition and adopt the following statement of consistency: This petition is found to be both consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 and Campus Place Types for the site. The petition is consistent with the policy map for the portion of the site proposed for N1-D(CD) and within the Neighborhood 1 Place Type. The petition is inconsistent with the policy map for the portion of site proposed for N1-D(CD) and within the Campus Place Type. The petition is inconsistent with the policy map for the portion of the site proposed for MX-1 (INNOV) SPA and within the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes to maintain the key elements of a previously approved plan while allowing for more units on additional acreage. A portion of the site lies within a housing gap. The petition proposes a mix of single-family attached and single-family detached dwellings, which will broaden the housing options in this area of the city. Upon sale of a City owned property, the petition commits to providing two affordable units in the first phase of the development. The proposed moderate density residential would provide an appropriate transition from the multifamily residential and institutional uses to the east of the site and single-family detached residential to the west. Planning staff requests that the properties at the end of Johnnette Drive be limited to single-family detached and/or duplex only. Johnnette Drive is as narrow as 17 feet in places and can only support limited new development. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 and Campus Place Types to Neighborhood 1 and Neighborhood 2 Place Types for the site.

Councilmember Driggs said Mayor Pro Tem, I just wanted to mention briefly, Ms. Molina is not here tonight for family reasons. She has recommended to all of us that we approve this, so I'm with her.

Mayor Pro Tem Anderson said that is correct, Ms. Molina has a family issue that keeps her from being here tonight, but she did communicate with the Council that she supports this.

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

The ordinance is recorded in full in Ordinance Book 68, at Page(s) 013-014.

* * * * *

HEARINGS

Councilmember Ajmera said I'd like to bring to the attention of the Council a very disturbing occurrence earlier today. The petitioner, for Rezoning Petition 2024-116, appeared at my home unannounced and uninvited, and this visit was startling for my children and to my family members. So, I serve at the pleasure of the voters and the residents, not my family. So, I ask that going forward, that everyone respects the privacy of each one of us that serve, as we conduct the work of the people. So, that's all I have. Thank you.

Councilmember Watlington said I'm sorry that happened to you.

Mayor Pro Tem Anderson said thank you, Ms. Ajmera, and that is quite disturbing.

Councilmember Driggs said I would like to extend the courtesy of the chamber to the UNC (University of North Carolina) Charlotte NBA (National Basketball Association) class this evening here with Mike Wilson. Would you stand up? Thank you, Mayor Pro Tem.

Mayor Pro Tem Anderson said absolutely, welcome.

ITEM NO. 15: HEARING ON PETITION NO. 2024-138, BY PEAK DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.54 ACRES LOCATED ON THE NORTH SIDE OF SHOPTON ROAD WEST, EAST OF KIRKWYND COMMONS DRIVE AND WEST OF CORY-BRET LANE FROM N1-A (NEIGHBORHOOD 1-A) TO N1-D(CD) (NEIGHBORHOOD 1-D, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said this petition is approximately 8.5 acres located north of Shopton Road West, east of Kirkwynd Commons Drive, and west of Cory-Bret Lane. The site is wooded, vacant, and surrounded by a mix of single-family detached, single-family attached, multi-family residential, as well as commercial uses. The current zoning is N-1A. Proposed zoning is N-1D(CD). The 2040 Policy Map recommends the Neighborhood-1 Place Type. The proposal is for a community of 60 duplex and/or detached single-family dwellings in accordance with N-1D standards. It would front-load all units from the public street. Commits to a 10-foot Class C landscape yard along both the eastern and western property boundaries. Commits to design standards including covered porches and stoops as predominant features. Provides common open space along the public street with recessed parking to accommodate visitors and commits to several transportation improvements including restriping of Shopton Road West to provide a left turn lane into the new public street, an eight-foot planting strip and eight-foot sidewalk along the Shopton Road West frontage, an eight-foot planting strip and six-foot sidewalk along the new north/south public street, and street stub to the east for future connectivity.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, the environment, and site and building design. It is consistent with the N-1 Place Type recommendation. Proposes duplex and/or single-family detached dwellings, building forms that are consistent with the N-1 Place Type. Though not required by ordinance, the petition commits to installing a 10-foot landscape area planted to Class C landscape yard standards. The petitioner preserves the rear of the site as a 100-foot green area and undisturbed watershed buffer. I'll take any questions after the petitioner's comments.

Brittany Lins, 1420 East 7th Street, Suite 100 said good evening, Mayor Pro Tem, members of Council and Zoning Committee. As my presentation's coming up, I prepared for 10 minutes, so I'm going to fly through it in three. Just want to emphasize two quick location points. First one, this is a fantastic infill development for walkability when we talk about a 10-Minute Neighborhood. This is a six-minute walk to the Berewick Commons commercial development that has Harris Teeter, it has banks, it has restaurants, it has a church, it has medical uses, you can go to a dentist, all within walking distance of this site. As you can see, from this site, it's a vacant parcel that's surrounded by mostly the Berewick development, so fantastic walkability. Also, the site shape is kind of interesting. We've been calling skinny Shopton, which makes for the layout. Part of why we're requesting this rezoning is because of the skinny Shopton layout.

So, jumping to a by-right development. You know you can do duplexes in A-1, but based on the A-1 restrictions, you have to put a road through the site, they'd be loaded on one side. Those would likely be rental product, from my understanding of financing and the yield that this would get, versus the plan that we're proposing is still all duplex units. So, from a rezoning perspective, we're not asking for a change in form, it's still duplexes, but we're able to fit more lots on and load them on both sides of the street to present a yield that then allows for it to be a for sale product.

The other thing I want to emphasize is how this site is kind of insulated from its neighbors. So, to the west, this is Kirkwynd Commons. This is part of the Berewick community. They have a 50-foot HOA (Homeowners Association) controlled buffer on their side that we can't touch. We can't get into. They have 50-feet of buffer. We're proposing a buffer on our side as well. We've also talked with the Cory-Bret Lane neighbors, this cul-de-sac

with these beautiful large lots, and we're proposing a buffer on their side as well. Again, this is N-1 compared to N-1, so no buffer is required, but we're proposing a 10-foot landscape buffer, Class C plantings, and a fence.

The other thing I want to emphasize is just the community outreach. We've done a lot of community outreach before even filing the rezoning. We met with the SCRA, the Steele Creek Residents Association. They're kind of an umbrella organization for the area. Their official position is not opposed. So, then we filed the rezoning application, had our official community meeting, Councilmember Brown participated in that. We then met with the Berewick HOA, hosted a meeting at their clubhouse. We've also had multiple site visits with those Cory-Bret neighbors, and I'm pleased to report that two Cory-Bret neighbors have emphasized their support, and I have two support letters to share with you tonight. As far as other community outreach, we'll continue working with the neighbors. Certainly, happy to reach out to Mr. Crosby to make sure we're trying to address their concerns, but overall, I think we've made some great progress, and we'll continue coordinating with those neighbors, and with Councilmember Brown. So, I'll take any questions.

Mayor Pro Tem Anderson said thank you. I see you've had 50 residents attend the meeting. That's very high numbers, based on what we see these days. So, that level of community engagement is to be commended. Are there any additional comments?

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

* * * * *

ITEM NO. 17: HEARING ON PETITION NO. 2024-137 BY WILKES ASSET MANAGEMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.29 ACRES LOCATED ALONG THE WEST SIDE OF JOHNSTON OEHLER ROAD, NORTH OF MALLARD CREEK ROAD, AND EAST OF PROSPERITY CHURCH ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A (CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2024-137. It's 13.29 acres on Johnston Oehler Road, just north of Mallard Creek and east of Prosperity Church. It is currently zoned N-1A, and the proposed zoning as requested is N-2A, conditional. Adopted place type for the area does show this for Neighborhood-1. You can see we've got quite a bit of parks and preserve with the some of the county facilities, some N-2 just off to the west over on Oak, and then some Campus for some of the nearby schools. A little further up Johnston Oehler, we do get into a fairly large Community Activity Center Place Type as well on the south and north side of I-485. The proposal is for up to 145 dwelling units, combined with duplex, triplex, quadraplexes, as well as other multi-family dwelling units that would be attached. Access is provided via a new public street off Johnston Oehler, and then at the existing intersections of Mourning Dove Lane and Song Sparrow Lane, so those would align with existing intersections across the road. It does provide a pedestrian crossing with rapid flashing beacon and striping across Johnston Oehler to allow pedestrians to cross safely. It does commit to a 30-foot setback along Johnston Oehler as well, and then a 25-foot-wide buffer back towards the school and to the park also. Common open space would be a minimum of 50-feet in width and have a maximum length of 500 feet, and it does provide preferred architectural design guidelines for those buildings that are adjacent to Johnston Oehler or that will have their orientation towards Johnston Oehler Road, and also would not include any more than six units in a buildings that does front along Johnston Oehler Road as well, so you'd have no more than six of those attached units along that frontage.

As mentioned, staff does recommend approval. We do have some outstanding issues related to transportation to work through. While it is inconsistent, there are several factors we look at in those situations, including some of the proximity to things like activity

centers, schools, and other types of community uses and community serving uses, which this does have a very close proximity to some of those. So, that is one of the reasons that staff does recommend approval of this. It is a unique piece of property here that's kind of wedged between the road and some schools and open space, and so an infill project like this does seem to be generally appropriate in that kind of context, again, particularly considering the proximity to the activity center there just to the west further up Johnston Oehler. So, with that, we'll turn it over to the petitioner, as well as the community, and we'll take any questions you may have following their presentation. 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, Moore & Van Allen. It's a pleasure to be here tonight on behalf of Wilkes Asset Management. I also have a couple of our other project partners, DRG, Design Resource Group, is a landscape architect, and Mungo Homes, a development partner. You all are pretty used to me giving fairly short presentations, so I apologize. This one's going to be a little longer. I want to give a little more time to it. Our site, as Dave mentioned, is 13.29 acres on Johnston Oehler Road. A unique thing about this site is that the family has owned it for over 100 years. They in fact sold the land to build the Robyns Glen neighborhood across the street some time ago, and this is the last part of the assemblage that they have. As Dave mentioned, the area is surrounded with a unique mix of zoning. It's definitely not all N-1A. You can see on the map, there's a good bit of N-2A, UR-2, N-1B, and if you look at the Place Type Map, there is an activity center that's located within 1.25 miles.

Staff and I often talk about how do you make the decision, even before we go in for our presubmittal meeting, what's the appropriate zoning? What level makes the most sense in this location? So, some of the factors that go into consideration are the fact that it's located within the 1.25 miles of an activity center. It has great proximity to schools, parks and other services, the road frontage, bike lanes, greenway connections, proximity to similar place types. It provides a transition between one place type and the next tier of intensity. There are funded infrastructure improvements in the area. The Mallard Creek Road widening is funded, and efforts have already begun on right-of-way acquisition, so it is moving forward. It also provides some community benefits. This is the overall layout. Sometimes it's just a little easier to see it in color.

We had our first community meeting and our first round of staff comments, and we were given a good bit of feedback, and we tried to respond to all of it. So, it was requested that we decrease the density, and we reduce the total number of units by 20. It was asked that we shift the buildings away from Johnston Oehler, so we increased the setback to 30 feet. We've committed to build all of the units for sale. We've increased the buffer adjacent to the school from 10 feet up to 25 feet, and there's a commitment for a midblock crossing across Johnston Oehler that will provide safe access to both the park and the school.

We did go back and have a second community meeting in collaboration with the D4 Coalition. We continue to have conversations with staff. So, ultimately, after the second round of meetings, we showed this more detailed plan just to give everyone an idea of how the form of the overall community would lay out, rather than just the building bubble diagrams. We showed these illustrative images to give an idea of what the Mungo Homes product would look like in terms of quality, change of rooflines, a front door orientation, that all of the units would be alley loaded. As a result of the second meeting, in collaboration with, not only the D4 Coalition, some of the neighborhoods, as well as the Property Village Association, that we would cap the rentals, the number of units that could be rented, from 25 percent down to 20 percent. We identified Mungo as the builder. We confirmed that we have 53 guest parking spaces, in addition to each unit space, and then we're looking at over two acres of pocket parks with enhanced landscaping, seating areas, dog runs. We also deferred our petition for one month to allow time for additional feedback.

I think all and all, we really appreciate all of the collaboration that went into working with the community. The D4 Coalition confirmed that they are not opposed to this, and Prosperity Village said, and I quote, "They're okay with it." When I look at the summary of

everything that resulted from the conditional zoning benefits, I do want to point out that through this process, through community engagement, we reduced the number of units, we're providing a great midblock crossing to the park and to the school. That commitment to for sale is a high value in this area where they're seeing a lot of rental community opportunities. We've made sure that we address the guest parking, the increased setback, the quality of materials, and again would continue to collaborate with the neighbors as needed. With that, I'm happy to answer any questions.

Michael Faust, 2735 Robyns Glen Drive said I appreciate you having me here. My name is Michael Faust. I've lived in that neighborhood for 20 years, Robyns Glen, which is directly across the proposed development. I've been a resident in Charlotte since 1988. Attended college here, as did my wife, who is a teacher in Charlotte-Mecklenburg. I get that Charlotte is growing, I understand. I also understand that property will likely be developed in some way other than what exists there now, which is four houses, so I get that, I understand that. I kind of wanted to address the fact that I'm the only speaker here. There is a lack of speakers here. We're a very kind of working class/middle class neighborhood. There's probably a lot of people that are still at work that couldn't come to a meeting like this. I'm fortunate enough to be able to come. I know that emails have been sent, and we're working on a petition as well to allow easier access for people to voice their concerns, but I think a lot of people feel like it's not going to matter if they come or not. I hate to say that, but that's the way most people in our neighborhood, that I've spoken with, feel. It won't matter what we say, it's going to happen. So, just thought I would address that.

The main concern that I've been hearing from other people in the neighborhood through email and through conversations, is the traffic. This development is about 100 yards from a T-intersection with Mallard. So, Johnston Oehler T's with Mallard Creek. Most mornings it backs up past the park. My wife has to be let out most of the time to get out of the neighborhood, and so do other residents. Literally, it's stopped traffic. You have to be let out to get out, and this will just add twice as many units. It's almost the same as what ours is, in terms of numbers of units. So, you're just adding that much more at a chokepoint. It's my understanding that, and I know you guys discussed this a little bit earlier, there hasn't been a traffic study since about 2022 or something like that. I know this doesn't meet the threshold for it, based on the number of, what do you call them, drives or whatever it is that you guys refer to, but we've had pretty much constant development on Johnston Oehler for the last two or three years, literally every day, dump trucks up and down, up and down, up and down, it's constant development. I think, as Ms. Johnson was saying, if you take the cumulative effect of that, all those developments combined would easily meet the threshold for a traffic study, and it's not like this one happened three years ago, and then there's another one, they're not spread out. It's been perpetual development at that opposite end of Johnston Oehler. So, that's one of our concerns.

Also, the way Johnston Oehler Road was redeveloped awhile back, they put in traffic circles down at that end, and access points over to get to 485 and to get across where you can go to there're shopping centers and other things on that side. On this end, there's none of that. It's still a two-lane road, and it's a two-lane road at a chokepoint. They talk about the widening of Mallard Creek, but that's not going to make a difference in the chokepoint. Even if it's a four-lane road, you're still running into it on Johnston Oehler at a stop light, so that's not going to make any difference. It might actually make it worse, because more people will start using Mallard Creek, because it'll be a more appealing road for them. Even if you think that will make a difference, my understanding is also that that road widening is slated for 2031, so that's six years before that road will even be widened. So, that's one of the concerns for traffic.

The other major concern I hear from residents that I've spoken with is that it's out of character with the neighborhood. I printed out a whole bunch, because a lot of times when you look at some of the images that are shown from the developer or from other places, you see a tighter in image, but if you look at it from afar, and I can give you these if you want, I mean you can see there's all that development down here, but up here there's none of that. Again, that to me is because the infrastructure was put in place down there to accommodate more of that development than there is right up at this end of Johnston

Oehler, right where it meets with Mallard Creek. They're proposing three-story units that will tower over our neighborhood. I can't find what the actual height is anywhere. I looked up what the maximum height is for it, but I don't know what the actual height will be, but there are three-story units. There is nothing in the area, like the school is one-story, the elementary school is one-story, the community center is taller. The highest in our neighborhood are smaller two-story homes. So, it's going to be a large towering over our neighborhood. It's kind of inconsistent. If you look at an overview on Google maps, and I encourage you to do so, you will see there is a lot of development, but it's not on that end of the road, and I think there's a reason for that. So, that was one of ours.

I know that the [inaudible] analysis and I don't know enough about zoning, but states that it is inconsistent with the 2040 Policy Map recommendation for the Neighborhood-1 Place Type. So, that alone tells me that that wasn't initially what they thought should be there, but again, I don't know enough about zoning. It's also a very green space at that end of the road, and that will destroy more of the greenspace. There's already a ton of greenspace that's been destroyed. We have I-485 kind of back behind our neighborhood a little ways off. Since all that development has occurred, it is so much louder. You can hear 485. You used to kind of could hear it, but you can't. So, when you destroy the greenspace, you're affecting the quality-of-life for the residents there with just the noise. You can stand in Mallard Creek Park now and it sounds like you're standing next to 485. I used to play soccer in that park all the time, and it was very peaceful. So, it's not quite as peaceful of a neighborhood, but that's how things go.

One thing I wanted to address is motivations, and this is not a criticism of anybody, but the landowner's motivation is obviously to make as much money off of that land as possible. That's why they're selling it to a developer. The developer's motivation is to make as much money as possible from developing that land, and that's why the three-story, because you can put more units so you can sell more so you can make more money. I understand that, that's their motivation, to maximize their profit, and that to me is why these designs are up and not out. So, correct me if I'm wrong, I think it's your responsibility to kind of act as an arbitrator between the two, because our motivation is to keep the community, we like it the way it is, that's just natural, but I think it's your responsibility to be an arbitrator between that, and say, well, we're not just going to rubberstamp your ability to maximize your profit and for the owner to maximize their profit. We're going to take into consideration what's already there, how the community feels and what they would like, and the quality-of-life for the residents that are already there. I know Charlotte's all about growth right now, but sometimes it feels like it's more about the people that they want to come or that are coming, and less about the people that are already here or have been here. That's the way a lot of people feel, at least that I've spoken with. So, I understand the developer will say, well, if we decrease this or if we decrease the number of units, because we make it smaller, or if we made it single-family, the market won't bear. Can they? I mean, I don't know. Is it just that they can't maximize their profit or is it that they just can't make any money if they do that, or they'll have to raise the price? Do they have to raise the price, or do they just want to make as much money as possible?

So, those are all concerns that we have. I had some concerns about the builder, and this is just because, what I do for a living is, I work for attorneys and I do background, and we help prepare them trial. I looked up in South Carolina. South Carolina is a really easy state to look up court records, and there's a lot of lawsuits against Mungo Homes. I didn't look at every single one, but some of them are related to building and environmental concerns. That was a concern I had. Then, some questions I had for the developer, just in general, because in the community meetings report, the developer states the "anticipated" market is for first time homebuyers, they're committed to them being owner occupied, I guess. They proposed a 25 percent rental cap to allow residents for sort of unforeseen circumstances. If your job moves, you might have to rent your home while you're trying to sell it. That seems high to me. When the 20 percent that they went down to still seems high to me, I thought that was a minimum. Twenty percent is still what, 29 homes or 29 people, are all going to have a life event at the same time that requires them to rent their homes. So, some of the questions I had is what is the height of those going to be? Will they commit to a lower cap than the 20 percent? This was something that our

District 4 Neighborhood Coalition meeting, that we talked about, was also putting in a 12-month restriction on renting. That's a very common provision in HOAs, with obviously individual case by case, so if your job did move you, and you only lived there for six months, you could go to the HOA and say, hey, this is what happened, and they usually say, that's fine, you can rent it. So, I'd like for them to commit to a 12-month restriction before you can rent. Then, what happens if they don't sell as anticipated? Will they just change the HOA to allow a higher rental cap? Those are the kinds of questions we have, because we do want it to be owner occupied, and the concern is that they'll just change it. They'll commit to that, but then after the fact it'll get changed, and next thing you know it's turned into a complete rental community. So, those are some of the questions, I will leave it at that, and thank you for your time.

Ms. Grant said there's a lot to unpack there, so I'm just going to try to hit some of it quickly. We appreciate the process, and think that we've got a lot of great feedback out of the two community meetings, and phone calls of the D4 Coalition in Prosperity Village that helped us make all of those changes. The question about the commitment to them, they are in fact conditions of the rezoning. So, we can't change this from a for sale community to a rental community. It's a commitment to for sale. The reason we put the 20 percent cap in, and that's kind of a market rate practice, it gives people the opportunity in times of economic change or crisis or job loss or loss of loved one, you're able to rent your home. So, it gives a homebuyer the ability to be able to rent, if in fact they need to.

Another thing that he hit on was the anticipated word. It's because we can't commit to every homebuyer being an absolute first-time homebuyer. So, the product type that they're building, the type of amenities that we're including in the neighborhood, the size of the homes and the location, make us believe that it's market ready for a first-time homebuyer. That's what we anticipate and that's what they bank on when they're identifying the types of homes that they're trying to build, but we can't guarantee that it's absolutely a first-time homebuyer. That's just essentially why we use that terminology.

In terms of infrastructure in the area, the Mallard Creek Road widening will assist and help with some of the stacking that occurs on Johnston Oehler by increasing the capacity along that corridor and your ability to make turns out onto Mallard Creek. I think that the amount of development in the area speaks to the fact that NC-DOT has funded it. I think that sometimes NC-DOT and other transportation and improvements are reactive, and this road widening is in response to that.

The maximum building height is by ordinance. Forty-eight feet is the maximum height in all residential zoning districts, all the N-1s, and we're sticking with that. Happy to answer any questions.

Councilmember Ajmera said I have a couple of questions. I'll start with staff. So, first on the height. So, Mr. Faust had mentioned that this is a three-story unit, and I see surrounding neighborhood is mostly single-family homes. I'm trying to figure out how would this look. Would this development be towering over single-family? So, do we have a view for that?

Mr. Pettine said I'll answer your question. First, do we have view? We don't have a view. I don't know if the petitioner has provided any kind of renderings. We're also dealing with some technical issues on our projector right now, which is why that's down. So, hopefully we'll get that back up here shortly. As the petitioner mentioned, 48 feet is the height. We don't measure it by stories, so it could be a two-story, 48-foot building, or a three-story, but 48 feet would be the max height for that. If there are any kind of renderings or ways to display graphically what that looks like across Johnston Oehler juxtaposed to the houses that are over on the other side of the road in the neighborhood across the street there, if the petitioner could put that together, that would be I think something that could be beneficial for everybody to kind of see what that may look like.

Ms. Ajmera said yes, I think that would be helpful. So, Mr. Pettine, under current zoning, which is N-1A, what would be the max height?

Mr. Pettine said 48.

Ms. Ajmera said 48, okay, so they are requesting the same?

Mr. Pettine said yes.

Ms. Ajmera said okay, so regardless of the rezoning, they would be allowed, even by-right, to build up to 48 feet?

Mr. Pettine said that's correct.

Ms. Ajmera said I looked at just some of the renderings that's attached to our rezoning petition, and just from looking at it, I do understand Mr. Faust's concerns around out of character, specifically going from 39 single-family homes to over 145 multi-family units. Primarily, this location being single-family homes, it does concern me. Can you speak about greenspace? I don't think you had an opportunity to speak about that in your rebuttal, but if you can just talk about greenspace, that would be great.

Ms. Grant said unfortunately, I can't pull my presentation back up, but I believe off the top of my head, we had over 2.5 acres of open space. We tried to use open space, as we describe it, as an organizing element for the site plan. We also have the opportunity to really capitalize on outdoor recreation, by the fact that we're adjacent to the park. One of the things we did to offset height, also increased open space, was increase the size of our setback away from the road. So, that moved the homes further away from Johnston Oehler, and that softens the relationship between existing buildings, also created more open space. So, one of our goals was to try to leave pockets of usable open space throughout the community, and increase the buffer, so you would have a better experience of open space and greenspace on the periphery.

Ms. Ajmera said well, I look forward to working with the District Council member to hear her thoughts and community's concerns, because I do understand that a lot of community members that can't make it to 5:00 p.m. Zoning Meeting, especially when we're dealing with traffic throughout the City. So, I look forward to hearing more, and hopefully we can come to some resolution before the decision next month. Thank you.

Councilmember Mitchell said thank you, Mayor Pro Tem. David, staff, I just have one question I think was a little disturbing, is the vehicle trip generation. I mean, the existing use is 40 trips per day, the entitlement is 424 trips per day, but this proposal rezoning is 1005 trips per day. So, my first question, why wasn't a traffic study triggered? I don't know what percentage that is, but that's a tremendous impact for us not to have a traffic study.

Mr. Pettine said yes, I can turn it over to folks at C-DOT to discuss what those thresholds are, but yes, I'll be happy to turn it over to them.

Jacob Carpenter, C-DOT said good evening. So, for individual developments, the threshold can change based on what the zoning is and where the location is. In this case, looking at a traffic study, would come in somewhere between 1,500 and 2,000 trips, so that's our ordinance threshold for when we can require one. So, 1,000 is below what our ordinance requirements are for an individual development.

Mr. Mitchell said is that under the new UDO (Unified Development Ordinance)?

Mr. Carpenter said yes.

Mr. Mitchell said okay. So, it's 1,500 to 2,000 trips. Okay. Wow. Thank you, Mayor Pro Tem.

Mayor Pro Tem Anderson said thank you, and Mr. Carpenter, if you could stay there. That's pretty interesting, because you have multiple effective two to three X of what the entitlement is, so very interesting, Mr. Mitchell, around the proposed trips. The question

that I have is, Mr. Faust had brought up, we recognize that this road, Johnston Oehler, is an arterial road, is that correct?

Mr. Carpenter said yes.

Mayor Pro Tem Anderson said and there have been some rotatories installed at a certain part of that road. Can you just share are there any plans with C-DOT or NC-DOT to make any adjustments to the balance of that road, potentially adding new arterials, or doing any additional traffic calming, flowing measures?

Mr. Carpenter said so, the roundabouts at the western end, kind of closer to the Prosperity area, have been done as part of various capital projects. The balance of Johnston Oehler Road in the vicinity of these developments is built to what the City has identified as its final full cross-section. So, it's what we call a two-plus avenue, so two lanes and a center turn lane, as well as bike lanes. So, it is built at its current time to its full cross-section. There may be traffic calming or other measures identified over time, but there's no plans for additional widening or other projects along this corridor. There are multiple pedestrian-related projects being installed. The current development proposes a crossing in front of their frontage, but also to the west close to the high school, there is a pedestrian signal being installed in the near future that should be operational this year.

Mayor Pro Tem Anderson said okay, thank you.

Councilmember Johnson said thank you Mr. Faust. You did a great job of speaking, thank you. I know we've been talking a lot, so thank you. Jake, if you'll stay there, thank you. Thank you, Bridget. I appreciate your working with the community and adding all of those concessions. My question is for staff. I have been working closely with staff, and I want to thank Holly and Jake also. I gave my colleagues a copy of a map with recent development. I know you all can't see this, in District 4, and I wanted to have a copy overhead, but we're having technical difficulties, but this is what I'm talking about when I talk about cumulative impact, and this is what our residents feel. So, while this petition is only going to increase the trips by, I think, 1,000, I asked you earlier, do we know the number of units that have been developed since 2022 and/or the number of trips that have increased in this area since 2022?

Mr. Carpenter said I'd have to refer to my colleagues in planning on the number of units. I don't have that information. We have traffic counts in the area that have been updated. Both C-DOT and NC-DOT do yearly or biannual traffic counts, so we do have some measure of how much traffic has changed over the past three years. There's been some increase along Johnston Oehler Road, as well as Mallard Creek, but we don't have necessarily available the number of trips by unit count available, but that's something we could provide to you.

Ms. Johnson said do you have an idea, like a percentage, or anything that you could share tonight?

Mr. Carpenter said there's a few different traffic counts in this area. I think in that 2022 study, the ADT (Average Daily Traffic), the daily traffic, was somewhere around 5,000, and I think the most recent counts, there were some at the end of 2024, in September 2024, showed a traffic count in the range of 6,000, I think, ADT.

Ms. Johnson said okay. So, I gave my colleagues a copy of all of the development in District 4, and this doesn't include 2024. I can email you that as well, but this is what the residents are feeling, and there's no plans to improve Johnston Oehler Road, because it's currently, how did you say it, it's the way it was designed, or it meets the vision of that area?

Mr. Carpenter said yes. So, it's the full cross-section of what the City has envisioned for this road.

Ms. Johnson said so, again, I appreciate the developer working with the community. They've done a lot. District 4 Coalition, I want to give them a shout out, as usual. I feel like they're really raising the standard for development in District 4, but I hear Mr. Faust, and I hear the residents that have emailed me, and I'll share them with my colleagues. We've received numerous emails, and the residents want to be heard, because they're not able to get out of their community. So, what do we as a Council do in that situation? It's not holding the developer hostage to talk about the impact of growth in the area. It's what we're called to do. So, I'm going to continue to work with the developer, but I really want my colleagues, if you all could see this, I mean this is just how the residents, this is their daily life, and we have to be very conscientious of the quality-of-life for our current residents. We are charged to lead for the future, but we need to manage for the current situation and for the quality-of-life for our current residents. So, I'll continue to work with the developer and the residents. Perhaps, if we can have another community meeting with the Robyns Glen subdivision, specifically, and we'll be talking more. Thank you.

Motion was made by Councilmember Johnson and seconded by Councilmember Mitchell to close the public hearing.
--

Mayor Pro Tem Anderson said Ms. Johnson, before we vote, I will say that this is a very helpful map of your district to see, in addition to the rezonings, but the by-right development as well, which of course does not come in front of Council, and so we don't really have immediate visibility into it. It would be interesting to see a similar map for the remaining districts.

Ms. Johnson said for all of the districts, and I've said this before. They should be able to be accessed at a moment's notice. Hopefully, someone's tracking the development, because this is what the neighbors are feeling. So, here's a copy for anyone who wants it, but this is the District 4 map, and does not include the 2024 rezonings. So, I think we should be asking these questions, because we've talked about the infrastructure, and perhaps there are areas that there's just no more room for development. If there's not going to be improvement and the traffic is what it is, we have to ask those tough questions. So, thank you.

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

* * * * *

ITEM NO. 18: HEARING ON PETITION NO. 2024-146 BY PANTHERS STADIUM, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 25.30 ACRES LOCATED EAST OF WEST MOREHEAD STREET, NORTH OF SOUTH MINT STREET, AND WEST OF SOUTH GRAHAM STREET FROM UC (UPTOWN CORE) TO UC(EX) (UPTOWN CORE - EXCEPTION).

Mayor Pro Tem Anderson declared the hearing open.

Terrie Hagler-Gray, Senior Assistant City Attorney said Mayor Pro Tem. I believe that there's a technical difficulty with respect to getting the presentations up on the big screen. Would you all mind taking a recess, so staff can work this out?

Mayor Pro Tem Anderson said Mr. Pettine, is there a viable path to resolving this issue, or is it just simply an issue that we have to deal with?

David Pettine, Planning, Design & Development said that's what we're trying to determine. We're trying to figure out if we can get it to that TV, which I don't think we can, so we're trying to come up with some other solutions, but I don't know if we've got a good answer for you on what that solution may be at the moment. I think we just need to recess for a few minutes, so we can assess what's going on and try to reconvene when we can get something back up for the public.

Mayor Pro Tem Anderson said okay, so we can take a 10-minute recess.

* * * * *

The meeting was recessed at 6:22 p.m. due to technical difficulties. The meeting reconvened at 6:38 p.m.

* * * * *

Mayor Pro Tem Anderson said I believe that we have solved our technical issues, and so we are ready to proceed again. So, we're going to officially come out of recess and continue the meeting.

Holly Cramer, Planning, Design & Development said this site is just over 25 acres, located in Third Ward of Uptown, along Mint, Graham and Morehead Streets. The site is currently zoned Uptown Core. They are requesting a type of conditional petition, an exception petition, for the Uptown Core Zoning District. This request is consistent with the Policy Map's recommendation for the Regional Activity Center Place Type. The exception conditional petition allows petitioners to request flexibility from quantitative and certain qualitative zoning standards in exchange for offering public benefits in two out of three categories, sustainability, public amenity, and city improvements. The proposal itself would propose to allow for all UC uses, including stadium practice facility, training facilities, live performance venues, among others.

The petitioner shall provide publicly accessible open space areas to be maintained at a minimum of 25 percent or greater than full ordinance requirements for the publicly accessible open space. That accounts for the public amenity category of their public benefit. It would include elements, such as pedestrian scale [inaudible], seating, and other amenities for that public plaza space. It would also have a minimum size of 1,500 square feet, minimum dimension of 25 feet in any direction. Location of the areas may shift as development takes place, where activities and operations are adjusted throughout the [INAUDIBLE] cycle of the site. Such areas shall be closed periodically due to security and safety needs of associated events on the site.

The petitioner would also offer City improvement category public benefits, and they would offer two pedestrian pathway connections, the first of which would be a 10-foot pedestrian pathway connection between Morehead Street and Mint Street, which shall be accessible to the public with limited restrictions, and there would also be new or adjusted construction of a minimum 10-foot shared use path connection as a continuation of the shared used path connection from the Panthers practice facility site that would extend from the existing tunnel under the rail or underpass to connect to Graham Street. That would be dependent on some physical constraints, but the path shall be accessible to the public with limited restrictions as well, based off those standard events. If the petitioner is unable to provide these first priority City improvement pedestrian pathways due to factors beyond their control, they've identified some alternative benefits that they would be providing, which would include providing sidewalk improvements to support pedestrian mobility along 250 feet of existing substandard sidewalk along the Duke Energy Substation. They would also improve sidewalk to six-feet in width, and they would also commit to install pedestrian crossing improvements to Graham Street.

Requests EX provisions to site and building standards, including the build-to zone decreasing build-to percentage to 50 percent. Decreasing minimum building height to 10 feet for smaller accessory structures, Increasing maximum building length to 1,500 feet. Increasing blank wall area to 40 feet. Decreasing minimum ground floor height to 10 feet for those smaller accessory structures. Increasing maximum prominent entry spacing to 500 feet. Decreasing ground and upper floor transparency. Also have an EX provision to increase max height of some luminaires and delaying extinguishing time from an hour to four hours. Requesting EX provision to allow maneuvering service parking driveways and circulation to be reconfigured on the site would not increase in size, but may be located within the established setback, but not within the required setback. Requesting EX provision related to maximum distance of bicycle parking from building entrance.

Requesting EX provision to allow parking structure design option D. Also requests provisions related to signage, includes advertising, operation of electronic signs related to number and size of these ground signs. Sites and location of wall mounted signage, size of ribbon board, size and location of entrance wall tunnels signage, banner size, size limitation of flags. Requests EX provisions for street standards, with notes that the existing curbline from West Morehead Street frontage shall remain rather than be relocated, so that the future back of curb is 30 feet from the center line. Graham Street and Mint Streets would require a 10-foot sidewalk and eight-foot amenity zone, with tree grates from the existing back of curb. Petitioner would provide 10-foot sidewalk, with the flexibility to provide alternative planting conditions, such as planting strips that vary a little bit in width. Commits to provide a maximum of 44 short-term bicycle parking spaces. Notes that petitioner may seek administrative approval of a master signage package for the site.

Provides a couple of transportation commitments. Notes streetscape improvements to West Morehead, as new development occurs across the site. Transportation improvements would be completed prior to May 31, 2030. Streetscape improvements along West Morehead Street shall be constructed before a Certificate of Occupancy is issued for new building expansions or new buildings of 20,000 square feet or greater within development areas B1 or B2. Streetscape or transportation improvements along Mint and Graham shall be constructed before a Certificate of Occupancy is issued for new building expansions or new buildings of 20,000 square feet or greater within development areas A1 or B4.

That pretty much covers it for our actual conditional notes there. Staff recommends approval of the petition upon resolution of outstanding issues regarding transportation, site and building design, environment, as well as requested technical revisions. Developments, such as stadiums and their associated facilities, result in unique zoning scenarios that challenge our typical ordinance requirements, and prompt innovative solutions to contend with those regulatory limitations. Exception conditional petitions offer a mechanism to flex those quantitative and limited qualitative zoning and streetscape standards, and should be reserved for situations like these, where extenuating circumstances make meeting those ordinance standards an undue burden. The existing and proposed facilities have atypical building designs that do not adhere to the base standards for the UC Zoning District. The petition commits to several public benefits in exchange for the requested EX provisions. The publicly accessible open space and pedestrian pathways will enhance public use of the site and functionality across the site while extending mobility options to the surrounding areas, and I'll take questions following petitioner comments.

Jeff Brown, 100 North Tryon Street, Suite 4700 said thank you, Mayor Pro Tem and members of Council. It's a pleasure to be here assisting Tepper Sports & Entertainment on the stadium rezoning. We'll be short here, but I want to thank staff, Holly, Dave Pettine, Brandon Brezeale, and Jake Carpenter. We're still working hard on staff issues, and we're very optimistic we'll also be able to provide good resolution for the shared use path. I want to thank also very much former Councilmember Al Austin, who's in the audience, as you saw, is a strong leader, not only formerly of Council, but also in the Third Ward neighborhood, and we've had continued great engagement with former Councilmember Austin. Let me turn this over to Caroline Wright, who is the Chief Venues Officer for Tepper Sports & Entertainment. Thank you.

Caroline Wright, 800 South Mint Street said thank you, Jeff. Thank you, Mayor Pro Tem Anderson and members of Council and the Zoning Committee. I'm Caroline Wright, Chief Venues Officer of Tepper Sports & Entertainment, and I'm pleased to be here tonight for the stadium rezoning. As staff mentioned, this is a largely technical rezoning, and I want to emphasize our commitment to making this facility a sports and entertainment gathering place that the entire community can be proud of for many years to come. I want to thank Councilmember Graham who represents District 2 and was active on the practice facility rezoning last year, and the rezoning of Bank of America Stadium. Councilmember Graham participated in our recent community meeting held at the stadium, as well as Councilmember LaWana Mayfield.

The rezoning is a necessary step for the first part of the renovation of Bank of America Stadium that will occur in phases. We appreciate the continued partnership with the City on the stadium improvements and the rezoning of the Carolina Panthers practice facility. Throughout all of this, we've continued to be very thoughtful and considerate in our approach. We have very much enjoyed the opportunity to engage with members of the community and continue to work with Third Ward community leaders throughout the process, including as mentioned, Al Austin, who is the Interim President of the Third Ward Association, and who is here in support. During a community meeting held in February 2025, at Bank of America Stadium, we were able to gather feedback from community members, which continue to inform this process. Based on these conversations, we understand the importance of the modernization of the shared used path, and continue to work with C-DOT and other stakeholders on the pedestrian improvements. We also continue to work closely with planning staff on the remaining items and commit to that. As mentioned, the rezoning is a critical first step forward in allowing our plans to go forward as we get into permitting. We want to thank Mayor Pro Tem Anderson and members of Council for your support to date, and we look forward to your continued partnership benefitting the City of Charlotte and the Carolinas. Thank you for your consideration.

Councilmember Driggs said I just wanted to say we appreciate our partnership with Tepper Sports as well. I do want to acknowledge former Councilmember Austin, who I don't think anybody here at the dais served with.

Councilmember Ajmera said I did.

Mr. Driggs said you did, that's right. I just want to welcome you, Al, a very distinguished, gracious Council member. It was a joy to work with him, and it's nice to see you tonight.

Mayor Pro Tem Anderson said Ms. Wright, I do want to echo the sentiments of Mr. Driggs. I thank the Panther organization, not only for the presence in the community, but the partnership. You all do so much behind the scenes in terms of investment in community, and making sure that kids who don't have an opportunity to see games, get to see games, and to make sure that you have that reach that goes deep and wide, and you don't toot your horn about that at all. I just want to greatly appreciate the Tepper organization for that level of commitment.

Ms. Wright said thank you very much.

Ms. Ajmera said I appreciate the work between the community, especially Third Ward neighborhood, and petitioner on all the work that's been done to come to this point. I certainly appreciate it. It's not every day where we see this level of collaboration and partnership. So, certainly, it speaks a volume of the community engagement that you all have done. I certainly appreciate the leadership of Mr. Austin. Even when he was on Council, he was certainly very collaborative. He got me up to speed on a lot of things. He used to sit right next to me, and I appreciate how you used to walk me through some of the rezoning petitions, and here I am on the other side now. That's all I have, thank you.

Councilmember Johnson said I want to applaud the Tepper Sports and also the Third Ward community group led by Mr. Austin, former Council member, as well. I want to thank Al Austin publicly. Many of you may or may not know, when I moved here, I reached out to City Council members as a new resident, and I didn't know where my district was, and Al wasn't even my Council member, we found out afterwards, but he met me and he served me and he helped me, and he truly, truly walked his talk. So, I worked on his campaign and met some folks, and so he's the reason that I'm sitting here today. So, I just want to acknowledge you and thank you for the work that you continue to do. Thank you.

Councilmember Graham said I too echo the collaboration and the partnership between Tepper Sports & Entertainment and the City of Charlotte, specifically relating around the two rezonings, this is our second one, and Ms. Green, who is also with us tonight, and Ms. Wright have certainly been accessible to me, as well as to the staff, and to resolving

any outstanding issues. They've also been very accessible to the community, and there's one issue that I know that we all received an email about, that they are still continually working on it. It's kind of complicated, because there are a lot of hurdles that have to be cleared to ensure that whatever happens there, that safety is the first and utmost concern relating to the access for players, the curve on Graham Street, the substation, the rail line. So, they acknowledge those issues, and have been working with staff since January 2025, I think, to ensure that they fulfill the obligations that they made. So, look forward to supporting it again next month when we vote on it, and certainly enjoy the partnership, and certainly, Mr. Austin is a jewel to this community for sure. Thank you.

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

* * * * *

ITEM NO. 19: HEARING ON PETITION NO. 2024-064 BY JF LAWRENCE PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.59 ACRES LOCATED ALONG THE NORTH SIDE OF SHOPTON ROAD, EAST OF STEELE CREEK ROAD FROM N1-A ANDO (NEIGHBORHOOD 1-A, AIRPORT NOISE DISTRICT OVERLAY) TO ML-2(CD) ANDO (MANUFACTURING AND LOGISTICS-2, CONDITIONAL, AIRPORT NOISE DISTRICT OVERLAY) AND N1-A(CD) ANDO (NEIGHBORHOOD 1-A, CONDITIONAL, AIRPORT NOISE DISTRICT OVERLAY).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said this site is approximately 7.59 acres, located along the north side of Shopton Road, east of Steele Creek Road. It is currently developed with a contractor office with outdoor storage, which has been operating illegally. Petition seeks to bring the site into compliance with the UDO. Current zoning is N-1A ANDO. Proposed zoning is ML-2(CD) ANDO and N-1A(CD) ANDO. The 2040 Policy Map recommends the Neighborhood-1 Place Type. The proposal would establish two zoning districts for the site with ML-2(CD) along Shopton Road, and N-1A(CD) to the rear of the site. It would allow for 9,500 square feet of nonresidential uses. Limit building height to 80 feet. Allow for all uses permitted in the ML-2(CD) zoning district, with the exception of automobile service stations, automotive repair garages, junkyards, petroleum storage facilities, landfills, quarries, and adult establishments. It would establish a 65-foot Class A landscape yard where adjacent to CG zoning and N-1A zoning, and a 25-foot Class B landscape yard where adjacent to I-2(CD) zoning.

Staff recommends approval of this petition upon resolution of outstanding issues related to site and building design and the environment. I want to just highlight a couple of those outstanding issues. One is that the staff would prefer the entirety of the site to be brought under one zoning district, the ML-2(CD) zoning district, and also that we would like to see the proposed outdoor storage area displayed on the site plan to ensure that we have appropriate distance in compliance with the UDO from adjacent property boundaries. The petition is inconsistent with the Policy Map recommendation for N-1 Place Type. However, the petition follows four similar adjacent petitions, which also rezoned N-1 properties to allow for industrial uses. The rear portion of the site, closest to residential uses along [INAUDIBLE] Drive, would remain as a tree save area. A 65-foot Class A landscape yard is required where adjacent to CG and N-1A zoning along the western property boundary. The location of the site, being adjacent to Industrial Zoning and within the Airport Noise Disclosure Overlay, makes it less suitable for residential development as currently zoned. I'll be happy to take questions following the petitioner's presentation.

Stephanie Holland, 3700 South Boulevard said hi there, I'm Stephanie Holland. I don't really have a ton to add to staff presentation. I do have a site plan to show. This is the site plan that we revised in response to staff comments. There are a couple of things that were mentioned tonight that we have not addressed in this plan, but for the most part, the comments that we received were very minor. So, the petitioner would agree to reduce the

building height to 40 feet. Really all of the staff comments we intend to comply with. As mentioned, it is ML-2 in the front, which is consistent with the parcels here, which are industrial as well. One of the reasons for leaving the portion in the back as N-1, is it's relatively consistent with these parcels here, as well as the concern from the neighbor to the rear, about impact to stormwater for their, I believe there's a creek or a stormwater pond, and the N-1 and the tree save would really help to keep that area as natural as possible. I don't have much else to add, but we can certainly comply with the outdoor storage. I understand that that's a concern, and the petitioner intends to seek a variance after this, at the request of the staff.

Councilmember Ajmera said the front portion of the site would be used as storage facility, and the back will continue to be N-1A, which is the single-family?

Ms. Holland said so, the front portion would continue to be used as a contractor office. I think there's three or four buildings on site that are currently used as a contractor office.

Ms. Ajmera said contractor office with outdoor storage.

Ms. Holland said correct. It's currently a landscape maintenance facility. That's where the landscape maintenance company operates from. So, as the nature of them doing landscape work, they have outdoor storage. So, that outdoor storage, it has been requested to be moved further from this property line in the corner. Currently, most of the outdoor storage sits about here. So, we had worked with staff on a plan that showed the outdoor storage in this corner, and we can certainly work with them on those revisions for the second submittal.

Ms. Ajmera said so the contractor office with outdoor storage already operates there. So, I guess I'm just trying to figure out, so is it to bring it into compliance? Okay, so this was a zoning violation, okay, got it, makes sense. Okay, so this is really a no-brainer. We are just trying to get into compliance so that it can continue to operate as a contractor office with outdoor storage facility.

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

* * * * *

ITEM NO. 20: HEARING ON PETITION NO. 2024-073 BY CLT OPERATIONS HOLDINGS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.519 ACRES LOCATED ALONG THE NORTH SIDE OF ALLEGHANY STREET AND THE WEST SIDE OF ASHLEY ROAD, SOUTH OF LINDBERGH STREET FROM B-1(CD) ANDO (NEIGHBORHOOD BUSINESS, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY) TO CG(CD) ANDO (GENERAL COMMERCIAL, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2024-073 is located along the north side of Alleghany Street, west of Ashley Road, south of Lindbergh Street. The site's approximately 1.519 acres and is a vacant outparcel. The current zoning is B-1(CD) ANDO, Neighborhood Business, Conditional, Airport Noise Disclosure Overlay. Proposed zoning is CG(CD) ANDO, General Commercial, Conditional, Airport Noise Disclosure Overlay. The 2040 Policy Map recommends the Commercial Place Type for the site. CG District is consistent with this place type.

A little background. The previous B-1(CD) rezoning plan permitted all commercial office and personal service uses allowed in the B-1 Zoning District, which the exception of fast-food restaurants. Proposal calls for a 4,000 square foot commercial use with an accessory drive-thru. Maximum building height is limited to 50 feet. An eight-foot sidewalk and eight-

foot planting strip will be provided along the site's frontages on both Alleghany and Ashley Roads. Parking and drive-thru areas will be screened from view from adjacent streets. Access to the site will be primarily provided from full movement shared private driveways. No new access points to public streets will be constructed.

Staff recommends approval of this petition upon resolution of outstanding issues related to environment and a technical revision regarding site and building design. As the petition is consistent with the 2040 Policy Map recommendation for the Commercial Place Type, the current entitlements allow for commercial uses. Drive-thrus are permitted by-right under prescribed conditions in the CG District. The site is located along arterial streets. Pedestrian improvements are proposed, and the site has access to multiple bus routes. Happy to take any questions following Mr. Murray's presentation.

David Murray, 5950 Fairview Road, Suite 710 said thank you, Mayor Pro Tem, Council, Zoning Committee. David Murray, attorney here for the petitioner. I have a presentation I'll go through quickly. The purpose of this rezoning is for a new Zaxby's restaurant to be located at this site. The previous zoning on this site is 25 years old, and it has remained vacant since that time. This is an outparcel in front of a Food Lion. So, this plan proposes to allow a QSR fast-food restaurant to be located here. We did a TIS (Traffic Impact Study) on the site, and C-DOT determined that some improvements at the intersection would be needed for accessible pedestrian crossings, so we're going to contribute those as part of this development. There are no new driveways proposed. This is a large site for a fast-food restaurant with the intention to keep all the vehicles coming into the site, so that there's no concerns about backup vehicles outside on public streets. So, everything will come into the Food Lion existing driveways, onto the site, and enter through the drive-thru, as well as the restaurant building that's on site. So, I'm happy to answer any questions, and we look forward to your support and we appreciate it.

Mayor Pro Tem Anderson said I have a question for you. It's interesting this is a fast casual restaurant, but there's no drive-thru being proposed.

Mr. Murray said it is a drive-thru.

Mayor Pro Tem Anderson said there is a drive-thru, okay. I thought you said there was no drive-thru.

Mr. Murray said yes, there is a drive-thru. There's no new driveways being proposed. So, we are not cutting new entrances. We are using what's existing to bring vehicles into the Food Lion development, which will keep vehicles from ever risking of stacking out on Alleghany or on Ashley Road.

Mayor Pro Tem Anderson said I got you. I had some questions about the fast casual model without the drive-thru, so, okay, got you. This particular property has been vacant for over 20 years, or nearly 20 years?

Mr. Murray said for approximately 25 years. I believe it was originally a BI-LO, and BI-LO had some outparcels, and the outparcels just never developed, and so this is a great location for a development. There's a new townhome development going up directly across the street from this. So, there will be new opportunity across the street for a restaurant.

Mayor Pro Tem Anderson said I'm familiar with the location. It's interesting that you only had three community members at the meeting. Can you just speak about the community outreach that you've done thus far?

Mr. Murray said yes. We did have the head of the local community association attend, and so she's been very active with me and Councilmember Brown. We've emailed multiple times about this project. As well as the owner of the Food Lion location shopping center attended, as well as Mr. Drakeford, whose townhome development is across the street. So, the most interested parties were able to attend our community meeting.

Mayor Pro Tem Anderson said okay, thank you.

Councilmember Ajmera said do you have a site plan?

Mr. Murray said yes, we do.

Ms. Ajmera said so, you know, oftentimes with drive-thrus we see that, even though there is a lot of space, I guess internally, but whenever there is rush hour, you see the lines on public streets.

Mr. Murray said right, that's what we're seeking to avoid here. I have the site plan up. So, if we come off Alleghany Street, this is the existing drive as it exists today to go to the Food Lion up to the north. There's also an existing driveway from the Food Lion into this site from the north. We're going to keep that open and connect to it, but if you're coming in, you'll come in, take a right, and then you can go into the drive-thru and around the side. Staff wanted to locate our building to be at the corner to activate the corner here, so that it's not just a drive-thru lane, and it's not just parking. So, our restaurant will be what you see at the corner, instead of driving and parking, and then the parking is all internal to the site. The one thing I will also note about this site is because it's a big site for a fast-food restaurant, there's a lot of open space. So, there's open space here in the corner, there's open space here in the back, and then there's an option, if works out, to have some outdoor seating areas in the front at the corner, and then the new accessible pedestrian crossings are at all four corners of the intersection of Ashley and Alleghany to help facilitate pedestrians. One other thing I'll point out here that's nice about being at the corner, is if pedestrians are walking to this, they do not have to cross over any drive-thru lane or any driveway into the site. So, it's very walkable.

Ms. Ajmera said I appreciate the design here, where you also have some pedestrian improvements. So, is there going to be a walk-up window?

Mr. Murray said the new plan for Zaxby's does have a walk-up window option on the front, yes.

Ms. Ajmera said okay, that's great, because if you have seating arrangements, it makes sense to have a walk-up window, as well as you've got walking improvements, so you're making it more walkable. Well, that's great. So, you said this is Zaxby's?

Mr. Murray said yes, this is Zaxby's, yes.

Ms. Ajmera said well, that's all I have, thank you.

Councilmember Watlington said I had a couple of things. The first one is alluding to what Mayor Pro Tem had said. I'd love to see another connection with Camp Greene and Ashley Park Neighborhood Associations. I'm sure that Councilmember Brown is on top of it, but that'll be something that I'd love to see an outcome of, because I do know that they meet pretty actively, so there may be an opportunity for you to go to them, because they've got a lot of participation in their regular community meetings, and Westerly Hills neighborhood as well. There was that, and then my other question was, had you given any thought, as it relates to ongoing operations and maintenance of the property? One of the things that we see related to land use and security is that particular establishments often have a hard time managing some of the things that are occurring on their properties in certain zones, and so I wanted to know if the petitioner had a strategy around operating and maintaining?

Mr. Murray said one of the things that Westerly Hills community brought up was some concerns about loitering at the Food Lion parking lot. So, fortunately the Food Lion Rep, or the owner of that development, was on. So, we brought up that they have a security team that's out there that we're going to get in communication with and see if there's those types of issues that may come up, but we're in contact with that developer, because we want to work together with them on that, and that does have some effect on the potential outdoor seating.

Ms. Watlington said sure, and so to the extent that there is any kind of ongoing communication with the community officers or any kinds of strategy, I will be very interested in seeing that as well. Thank you.

Mr. Murray said okay, thank you.

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

* * * * *

ITEM NO. 21: HEARING ON PETITION NO. 2024-106, BY DRAKEFORD COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.83 ACRES LOCATED ALONG THE NORTH SIDE OF ROCKY RIVER ROAD, WEST OF PICKERING DRIVE, SOUTH OF BACK CREEK DRIVE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said the site is just under six acres, north of Rocky River Road, east of Old Concord Road, and west of East W.T. Harris Boulevard. The immediate area has a mix of single-family, as well as multi-family residential developments, as well as some commercial uses, and a Duke Energy facility just to the north of the site. The property is currently zoned Neighborhood-1A, and they are proposing to go to Neighborhood-2A, Conditional, which is inconsistent with the 2040 Policy Map's recommendation for Neighborhood-1 at this site. The proposal itself is for up to 65 multi-family attached dwelling units. Limits to no more than five units per building. This will be townhome style units. Proposes a 12-foot-wide multi-use path and eight-foot planting strip along the frontage of Rocky River Road, east of the Greenway Path. Vehicular access is via private alley network to each of the units. Dedicates area of Back Creek Greenway to Parks and Rec Department. Provides a 25-foot Class C landscape yard, that's typically a 10-foot Class C landscape yard, that will be along the western portion of the property line adjacent to those single-family homes.

Open space areas would consist of a minimum of three or more of the following components. That includes enhanced plantings, specialty paving materials, shading elements, seating options, minimum of 20-foot dimension in all directions, public art and sculptures, and decorative lighting. Contributes \$25,000 to the Back Creek Church HOA for purposes of traffic improvements of the intersection of Rocky River Road and East W.T. Harris Boulevard and/or other neighborhood improvements in accordance with the Charlotte Department of Transportation, and provides enhanced architectural and design standards. Staff recommends approval of the petition upon resolution of outstanding issues related to the environment. Although, inconsistent with the adopted place type for the property, the request proposes uses that are similar to the existing and developing multi-family uses in the vicinity of the property.

The petition also goes beyond typical ordinance requirements, in providing a 25-foot rather than 10-foot, Class C landscape yard, where it abuts single-family uses. Enhanced standards are also provided regarding amenitized open space and preferred architectural standards. The petition may enhance mobility in the area with a commitment to provide a connection to the Back Creek Greenway, as well as that \$25,000 to traffic improvements, and I'll take any questions following the petitioner comments.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you, Mayor Pro Tem, Council members, Zoning Committee members. Collin Brown on behalf of the petitioner. Bobby Drakeford is here as well in the audience. Holly had a pretty comprehensive overview looking at a townhome infill site. Maybe two years ago, we had a rezoning, essentially right next to this, where the Drakeford company received approval for a townhome community that's kind of serving as Phase 1. This will be Phase 2. If you could see the

map, you would see there's an industrial development behind this where Duke is. This serves as a nice transition between that and single-family neighborhoods. We had a good turnout at the neighborhood meeting, 15, 20 or so people, so that's gone well. Then, we continue to have conversations with the Back Creek Neighborhood Association, that's where some of that additional commitment to some funds for some transportation improvements have been planned. Also, I think folks are looking forward to seeing the multi-use path completed. Don't have any visual aids, but happy to take questions.

Councilmember Johnson said Collin, so the previous petition was right outside The Farms Subdivision?

Mr. Brown said right next door. So, the Duke driveway kind of will separate. We're kind of calling it Phase 1 and Phase 2. [Inaudible] nice development. It's been adopted well, I think the community likes it, and so I think that's why folks are comfortable with this almost as a Phase 2.

Ms. Johnson said yes, and I will say that Mr. Drakeford has worked very closely with the community. Just a little history. That petition, before Mr. Drakeford purchased it or developed on it, there was a lot of community opposition. So, Mr. Drakeford came in and met with the community, so they've been welcoming. So, I welcome and look forward to supporting this.

Mayor Pro Tem Anderson said excellent.

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

* * * * *

ITEM NO. 22: HEARING ON PETITION NO. 2024-110, BY FLOURNOY DEVELOPMENT GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 51.78 ACRES LOCATED EAST OF CLAUDE FREEMAN DRIVE, NORTH OF DAVID TAYLOR DRIVE, AND WEST OF SENATOR ROYALL DRIVE FROM O-1(CD) (OFFICE, CONDITIONAL) AND RE-3(O) (RESEARCH, OPTIONAL) TO CAC-1(EX) (COMMUNITY ACTIVITY CENTER-1, EXCEPTION).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, so this Petition 2024-110 is about 51.7 acres, as mentioned, and off David Taylor Drive. It is currently zoned O-1(CD), and they are proposing CAC-1, with some exceptions, so CAC-1(EX), and the adopted place type on the Policy Map does recommend that Community Activity Center District, so this petition is consistent with that place type recommendation. So, it proposes to allow uses permitted in the CAC District. That would include up to 560 multi-family stacked residential units, so 560 apartments, and up to 20 multi-family attached dwellings. It also proposes a minimum 7,500 square feet of commercial uses in development areas B, C and D. In the event those commercial uses are not able to be developed after five years from the approval of the rezoning, they can move forward, and those nonresidential uses would not be required. That gives them some time to try to market those. It is a little bit of a challenging site in that regard, just given it's kind of off some of the main roads and main thoroughfares that are out there, but we did want to try to see a commitment to trying to attract some of those nonresidential to make it a little bit more of a Mixed-Use project.

This is a two-phase development. It does prohibit drive-thrus. It does request some EX provisions, which would be deviations from standards in the UDO, things like our build-to zone, some of the build-to percentage for structures, and then also 60 percent of that building, like I said, not being within that build-to zone. There's some pedestrian entry requirements that they're asking for some relief from. All of those provisions, again,

they're asking for some deviation to. They're not being waived in their entirety. They're just reduced to a different standard than allowed in the UDO. In order for them to make that request, they have to provide some public benefits in return for those asks. The public benefits they are proposing to provide, as a result of asking for some relief from those standards are, a dedication of two acres for open space to Mecklenburg County, and then construction of buildings within the project would meet the National Green Building Standards, and so that would be a sustainability benefit. Then, they would also contribute \$10,000 to Mecklenburg County Park and Rec for improvements in the Northeast Park District. So, they've got, again, some of those public benefits as a result of asking for some relief from some of the standards in the UDO.

They do have some transportation improvements as well. David Taylor Drive and access A would be improved. A southbound left turn lane with 100 feet of storage, and a separate through right turn lane would be proposed on access A. They would remark pavement on David Taylor Drive to create an additional 100 feet of storage for an eastbound left turn lane. Install ADA (Americans with Disabilities Act) compliant bus stops on David Taylor Drive, a 12-foot-wide multi-use path and eight-foot-wide planting strip on David Taylor, as well as a 12-foot-wide multi-use path and eight-foot-wide planting strip on public street A. Combined westbound left turn lane on proposed access B would be installed, and then also would be some additional restriping, again on David Taylor, for some additional turn lane storage, and then eight-foot sidewalk and planting strips on the new public street B and new public street C. So, lots of transportation improvements involved with this one as well.

Overall, again, staff does recommend approval of the petition. Do have some resolution of outstanding issues for site and building design and some technical revisions to continue to work with the petitioner on. It is consistent with the Policy Map recommendation, and we will take any questions following the petitioner's presentation. 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. It's a pleasure to be here tonight with Jay Schaeffer with Flournoy. Dave did an incredibly thorough job covering the scale and scope of the proposed redevelopment. We will be able to address the outstanding issues, and I'm pleased to say I emailed you this past weekend a letter of support from University Research Partners. We worked with them for several months throughout this process to identify the mix of units, the open space, and as Dave mentioned, the nonresidential uses, in coordination with staff. So, with that, I'm happy to answer any questions.

Councilmember Ajmera said question for Mr. Pettine. Under proposed zoning, where it says Community Activity Center-1, exception, what does that mean?

Mr. Pettine said so, exception is almost like another form of a conditional district. The exception is, they're asking for some relief from some quantitative standards, like setbacks. In this case, a lot of it is build-to zones or pedestrian entry requirements. Sometimes you see things related to the transparency requirements for buildings at a ground floor level. So, the EX provisions allow you to take that standard that's measured in a number, or some quantitative way, and reduce that down to something that maybe accommodates the project a little better in exchange for those public benefits. So, EX is essentially another form of conditional. It's a little similar, somewhat kind of a cousin to the optional provisions we used to do in the past, and it's something we just saw with the Panthers rezoning as well. So, it's just a way to get some of those standards to work a little bit better for a project in exchange for some public asks.

Ms. Ajmera said thank you. It's good to see. I used to work in Research Park area, and I've just seen how that area has evolved in past eight years with all the developments. So, I can see how well this fits in with the other development that has gone, and it's really become a job hub, like hub, not just for District 4, but for our entire City. That's all I have. Thank you.

Mayor Pro Tem Anderson said Ms. Grant, that it's good to see that you have that letter of support just given the magnitude of this particular project with over 51 acres. So, there will be an impact to the community, and I'm happy to see that you've worked with the community to a point where a letter of support was provided.

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

* * * * *

ITEM NO. 23: HEARING ON PETITION NO. 2024-139, BY TRUE FOUNDATION/TRUE HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.91 ACRES LOCATED ON THE EAST SIDE OF BEATTIES FORD ROAD, NORTH OF CINDY LANE, AND WEST OF CINDY WOODS LANE FROM CG (GENERAL COMMERCIAL) AND N1-B (NEIGHBORHOOD 1-B) TO N1-E(CD) (NEIGHBORHOOD 1-E, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2024-139 is located on the east side of Beatties Ford Road, north of Cindy Lane, and west of Cindy Woods Lane. The site's approximately 4.91 acres and currently undeveloped. The site is currently zoned N-1B, Neighborhood-1, and CG, General Commercial. Proposed zoning is N-1E(CD), Neighborhood-1E, conditional. The 2040 Policy Map recommends the Neighborhood-1 Place Type for this site. The N-1E District is consistent with the recommended Place Type. Proposal calls for the development of up to 29 single-family detached dwelling units. All units will be House Charlotte eligible and will be deed restricted to ensure affordability for a minimum of seven years. Maximum building height is limited to 40 feet. Usable front porches and stoops will be provided. Preferred building materials include brick. Pitched roofs will have a minimum pitch of 5/12, and shed roofs will have a minimum pitch of 2/12. All transportation improvements and dedication and rights-of-way will be completed prior to the issuance of the first Certificate of Occupancy.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, and site and building design. As it is consistent with the 2040 Policy Map recommendation for Neighborhood-1 Place Type, it would provide attainable housing. It's within a quarter mile of commercial uses, such as retail, medical, and restaurant, and the site has access to transit. I'm happy to take any questions following Mr. Moore's presentation.

Eddie Moore, 2100 South Tryon Street, Suite 400 said good evening, Mayor Pro Tem Anderson, Council members and Zoning Committee. My name is Eddie Moore with McAdams. We are assisting Ron Staley with the True Homes Foundation. I see we don't have the slides. I'm going to hand it off to Ron to tell you a little bit of information about the foundation.

Ron Staley, 2649 Brekonridge Centre Drive, Suite 104 said good evening, Mayor Pro Tem, Council members. True Foundation is dedicating 10 percent of its volume toward affordable housing, that equates to 250 homes a year. We currently have over 100 homes that will be built in the Charlotte Metro Market and our Doorway to Prosperity program. Our Doorway to Prosperity program is deeply focused on homeownership and that 80 percent to 110 percent workforce housing. Who is that? That's our teachers, our firefighters, police officers. We're currently setting aside homes in one of our communities for CMS (Charlotte Mecklenburg Schools) teachers, and we'll actually have our first CMS teacher closing next month. I would appreciate your support and thank you for your time.

Councilmember Ajmera said here is another rezoning petition for Research Park area, and it's great to see that there is some affordable housing being developed close to jobs. I appreciate you helping us meet our affordable housing goal. With that, I look forward to supporting this rezoning petition.

Councilmember Graham said yes. I just want to say thank you. I had a great conversation with you prior to you coming down tonight, and I look forward to supporting it as well.

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

* * * * *

ITEM NO. 24: HEARING ON PETITION NO. 2024-142, BY SAIT'S, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.50 ACRES LOCATED EAST OF NORTH TRYON STREET, ALONG THE SOUTH SIDE OF EAST ARROWHEAD DRIVE, AND NORTH OF NORTH HILLS CIRCLE FROM ML-1 (MANUFACTURING AND LOGISTICS-1) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER)

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2024-142 is located on the east side of North Tryon Street, along the south side of East Arrowhead Drive, and north of North Hills Circle. The site's approximately 1.5 acres and contains a commercial building. Property is zoned ML-1, Manufacturing and Logistics. Proposed zoning is TOD-NC, Transit-Oriented Development, Neighborhood Center, a Conventional Zoning District. The 2040 Policy Map recommends the Manufacturing and Logistics Place Type. The TOD District is inconsistent with this place type, and approval of this rezoning would revise the Policy Map to the Community Activity Center Place Type. This is a conventional rezoning petition, there's not an associated site plan, and would permit any use allowed in the TOD-NC Zoning District. Staff recommends approval of this petition. as the site is adjacent to other TOD zoned parcels, including TOD-NC, CC and UC, all designated as the Community Activity Center Place Type. The site is within three-quarters of a mile of the Tom Hunter Blue Line Station. The petition could promote the 2040 Comprehensive Plan goals, such as 10-Minute Neighborhoods, and Transit-Oriented Development. I'm happy to take any questions following Mr. Murray's presentation.

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

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

* * * * *

ITEM NO. 25: HEARING ON PETITION NO. 2024-147, BY CRISTINA SEPTIMIO FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.11 ACRES LOCATED ALONG THE EAST SIDE OF NORTH GRAHAM STREET, NORTH OF KENNEDY STREET, AND SOUTH OF JOHNSON ROAD FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO IMU(CD) (INNOVATION MIXED-USE, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just over two acres, located along the east side of North Graham Street, in an area that's largely industrial in nature, but has several commercial uses located along Graham Street, just south and north of this property here. The proposal itself is to go to Innovation Mixed-Use, conditional, from its existing zoning of Manufacturing and Logistics-2. This proposal is inconsistent with the Policy Map's recommendation for Manufacturing and Logistics Place Type at this property. This is a tier 1 conditional plan, meaning that it doesn't have a full-

on site plan, but we did ask them to consider some development standards for this site to prohibit residential uses. So, given that is entirely Manufacturing and Logistics that they're surrounded by on the Policy Map, residential uses aren't entirely appropriate for this site. So, they have prohibited residential uses, which are typically permitted in the IMU Zoning District, but that is the only condition considered with this proposal itself. Otherwise, this petition is just moving forward allowing for all other IMU uses. Staff recommends approval of this petition. Although, it is inconsistent with that Manufacturing and Logistics Place Type, we believe that this is an appropriate application of the IMU Zoning District, given that the area is transitioning in some locations away from those purely industrial uses to allow for a more broader mix of commercial office or artisan industrial development, and that speaks to the intent of the IMU Zoning District to allow for more of a transition of uses, rather than purely industrial or Manufacturing and Logistics type profile of the area.

The petition is also located within the North Graham, North Tryon Street Corridor of Opportunity. So, shifting the entitlements away from that purely Manufacturing and Logistics uses, speaks to that Corridors of Opportunity intent there. The prohibition of residential uses on that site is appropriate given it's surrounding context, and that residential development would not be appropriate at this location, and I'll take any questions following petitioner's comments.

Cristina Septimio, 3400 North Graham Street said good evening. She described it to a tee. So, I don't have anything else to add. Just basically wanted to broaden the acceptable uses.

Mayor Pro Tem Anderson said okay. I do have just one or two questions. The question is, we have been seeing a couple of these IMUs along this Corridor, specifically along Atando, over the last I would say four to six months, but you mentioned a use of residential here that's unique or different than the others. I want to make sure I heard that properly.

Ms. Cramer said there's a prohibition of residential uses is the one condition of this conditional plan. Whereas, typically if you're requesting IMU as a conventional rezoning request, you're requesting all uses allowed within the IMU Zoning District, which can include residential uses. So, if somebody were requesting IMU conventionally along Atando, that could include residential uses, but for this site in particular, a prohibition of residential uses is included as the condition. So, they could do any use within IMU, except for any residential uses.

Mayor Pro Tem Anderson said okay, great. Thank you for that clarification. The last thing I'll say, and we've said this before, which is to get engagement along this Corridor, not only for this particular petition, but other rezonings. I'd like to see more engagement than just one person coming out to the meeting. I know there's a mix in this neighborhood of different uses. There are businesses and residents and just a variety of different mix there, but I would just like to see an extra effort to step out to make sure the neighbors understand what's going on, and how it's impacting the community, so they'll have an opportunity to speak.

Ms. Septimio said I did send out invitations. A number of them came back undelivered, but the majority of them were delivered. So, there was only one person interested in participating. Are you saying to go out again and invite those that were recommended to attend?

Mayor Pro Tem Anderson said well, in particular, if you've said that there were some invitations that were effectively returned, that might speak to the aspect of that area, or there might be some challenges with our list. I'm not sure, but just to make an extra effort to ensure that those who should have an opportunity to hear about what's going on in a neighborhood have that opportunity. So, that's what I would encourage you to do, but thank you for sending out the notifications and speaking to those who did show up.

Councilmember Johnson said I think, and I've said this before, but that's an area where the City could do more, as far as outreach. If we could put a QR code on the signs, I think that that would be so good in an effort toward transparency. I was surprised by this one

petition. We've had a sign up for months, and then we get comments from the residents that are just kind of learning what's going on. I think if those signs, instead of a Z in the neighborhood, if there was a QR code where a person could use their phone and, I mean, just be very plain language, this area is changing or something. So, we talk about this all the time about not enough community outreach, but there's room for improvement. What does that sign mean to individuals. It's not just on the developer. Thank you for that effort, but we as the City can do more as well.

Mayor Pro Tem Anderson said I agree. Thank you, Ms. Johnson.

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

* * * * *

ADJOURNMENT

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

The meeting was adjourned at 7:41 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 2 Hours, 15 Minutes
Minutes completed: April 9, 2025