

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, March 18, 2024, at 5:11 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Danté Anderson presiding. Council members present were Dimple Ajmera, Tariq Bokhari, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, Marjorie Molina, and Victoria Watlington.

ABSENT: Mayor Vi Lyles and Councilmember James Mitchell.

ABSENT UNTIL NOTED: Councilmember Tiawana Brown.

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Mayor Pro Tem Anderson said good evening, everyone. Welcome to the Government Center. We're going to begin our meeting in just a minute or two. I'm happy to see so many faces here in the chamber. I will say, if you do not have a seat in the chamber, and there's some seats here and there, but if you do not have a seat in the chamber, you're going to have to move out into the foyer, and there are televisions there where you can watch and see everything that's going on. So, just make your way out to the foyer if you can, if you have not secured a seat.

So, welcome to Charlotte City Council meeting on March 18, 2024. My name is Danté Anderson. I am the Mayor Pro Tem, and I will begin the meeting by introductions.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING PROCESS

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

Councilmember Brown arrived at 5:15 p.m.

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INTRODUCTION OF THE ZONING COMMITTEE

Douglas Welton, Chairman of the Zoning Committee said thank you, Madam Mayor Pro Tem, and thank you, Council. My name is Douglas A. Welton, and I serve as the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my fellow members of the committee. Will Russell, Shana Neeley, Rick Winiker, Terry Lansdell, Rebekah Whilden and Clayton Sealey. The Zoning Committee will meet on Tuesday, April 2, 2024, at 5:00 p.m., here at the Government Center. At that meeting, the Zoning Committee will meet to discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome to attend that meeting, but please note, it is not a continuation of the public hearing that is happening here tonight. Prior to that meeting, you are welcome to contact us and provide input. You can find contact information and information about each petition on the City's website at charlotteplanning.org.

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DEFERRALS / WITHDRAWALS

Motion was made by Councilmember Ajmera, seconded by Councilmember Bokhari, and carried unanimously to defer: a decision on Item No. 24, Petition No. 2020-071 by 3G Investments and Developments, LLC to April 15, 2024; a decision on Item No. 25, Petition No. 2022-216 by QuikTrip Corporation to April 15, 2024; a decision on Item No. 26, Petition No. 2022-224 by SRL Central Avenue Properties, LLC; a decision on Item No. 27, Petition No. 2023-015 by Tribek Properties to April 15, 2024; a decision on Item No. 28, Petition No. 2023-091 by Mecklenburg County to April 15, 2024; a decision on Item No. 29, Petition No. 2023-159 by Pulte Home Company, LLC to April 15, 2024; a hearing on Item No. 35, Petition No. 2023-033 by CRD Elizabeth LLC to April 15, 2024; and a hearing on Item No. 36, Petition No. 2023-124 by The Paces Foundation to April 15, 2024.

CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 23 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 are there any consent items that Council would like to pull for question, comment, or a separate vote?

Councilmember Mayfield said for a separate vote, I would like to pull Item No. 5, 11, 21 and 19.

Mayor Pro Tem Anderson said okay.

Councilmember Watlington said nine, 10, 13 and four.

Mayor Pro Tem Anderson said okay.

Councilmember Brown said Item No. 6.

Mayor Pro Tem Anderson said any others?

Motion was made by Councilmember Bokhari, seconded by Councilmember Graham, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 4, Item No. 5, Item No. 6, Item No. 9, Item No. 10, Item No. 11, Item No. 13, Item No. 19, and Item No. 21 which were pulled for a separate vote.

The following items were approved.

Item No. 3: Ordinance No. 745-Z, Petition No. 2022-029 by Wade Miller - Skyline Townes, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.35 acres located along the west side of Seigle Avenue and east side of Van Every Street, south of Belmont Avenue from UR-C (CD) (Urban Residential-Commercial, Conditional) to UR-C (CD) SPA (Urban Residential-Commercial, Conditional, Site Plan Amendment).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent and inconsistent based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for the Neighborhood 2 Place Type and inconsistent with the recommendation for Parks and Preserves. 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: Neighborhood 2 places are

higher density housing areas that provide a variety of housing types alongside neighborhood-serving shops and services. The petition's proposed amendments do not alter the uses from those approved in petition 2020-105 (residential, retail, and/or office). The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, and 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type for a portion of the site as specified by the 2040 Policy Map, from Parks and Preserves to Neighborhood 2 for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 001-002.

Item No. 7: Ordinance No. 749-Z, Petition No. 2023-034 by Cambridge Properties, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 4.90 acres located on the west side of North Tryon Street, east of J.W. Clay Boulevard from CC (Commercial Center) to MUDD(CD) (Mixed Use Development District, Conditional).

The Zoning Committee voted 6-1 (motion by Russell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends Regional Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site redevelops a portion of an existing retail shopping center and introduces a mix residential and retail uses. The site is in a Regional Activity Center, a place type appropriate for high density residential and commercial uses in a walkable building form. The site is 500 feet north of the JW Clay Transit station on the Lynx Blue Line. The petition constructs an eight-foot planting strip and eight-foot sidewalk along the site's frontage on Olmsted Drive and along the new private access drive and entrance road that connects N. Tryon Street and Olmsted Drive. The petition commits to architectural design such as building placement, pedestrian entrances, percent of building frontage and other design details that create a pedestrian friendly environment. The petition prohibits automotive service stations, an automobile centric use. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 009-010.

Item No. 8: Ordinance No. 750-Z, Petition No. 2023-047 by Gustafson Partners Commercial Real Estate amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.263 acres located on the north and south side of Northlake Creek Drive, west side of Reames Road, and south side of West W.T. Harris Boulevard from B-2(CD) (General Business, Conditional) to B-2(CD) SPA (General Business, Conditional, Site Plan Amendment).

The Zoning Committee voted 6-0 (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 inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Regional Activity Center Place Type. 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: While the petition is inconsistent with the 2040 Policy Map recommendation for the Regional Activity Center Place Type the design and layout of the site better aligns to the recommended place type than the existing development within the shopping center. The proposed development on this site complies with the prescribed conditions for accessory drive-through uses in an Activity Center under the UDO (Unified Development Ordinance) by placing the principal structure along the street with a shallow setback and placing the drive-through

lane and associated facilities such as such as pickup windows and order speakers to the side and rear of the building. However, the site does not meet the prescribed condition of having been developed with a drive-through use prior to the adoption of the UDO. But the proposed zoning is a legacy district, B-2(CD) SPA, and does comply with the standards of the Zoning Ordinance. The site continues the predominate pattern of the low rise, auto orientated, commercial development that makes up the area. The site is within a quarter-mile walking distance of the existing Long Creek Greenway which enhances pedestrian access to this site and other commercial development from surrounding residential areas. The site is located along a branch line of the CATS number 7 local bus. The petition could facilitate the following 2040 Comprehensive Plan Goals: 4: Trail & Transit Oriented Development.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 011-012.

Item No. 12: Ordinance No. 754-Z, Petition No. 2023-134 by Park South Townhome Community, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.997 acres located along the west side of Park South Drive, east of Parkstone Drive, and north of Archdale Drive from N1-A (Neighborhood 1-A) to N1-F(CD) (Neighborhood 1-F, Conditional).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 1. 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 proposal provides a combination of triplexes and a quadraplex, helping create missing middle density housing in an area that has an established mix of residential product types from single family detached to multi-family attached all in the direct vicinity of the subject site. The majority of uses along the west side of Park South Drive are single family in nature. The triplexes and quadraplex proposed in this rezoning are consistent with the existing single-family character of the area as well as the Policy Map designation of Neighborhood 1 at this site. Moderate densification is appropriate along this corridor and future residents would be able to access the CATS bus system with a stop located at the site's northeastern edge. The petitioner also commits to upgrade the bus stop to be ADA (Americans with Disabilities Act) compliant. Future residents would be able to access goods and services along Fairview Road, less than a half-mile walk from the site. The rezoning plan commits to install a Class C Landscape Yard around the perimeter of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 019-020.

Item No. 14: Ordinance No. 756-Z, Petition No. 2023-142 by Abacus Capital amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.7 acres located along the south side of Tuckaseegee Road, north of Jay Street, and east of Thrift Road from ML-2 (Manufacturing and Logistics) to IMU (Innovation Mixed-Use).

The Zoning Committee voted 6-0 (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 consistent 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. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the recommended Innovation Mixed Use place type. The petition would allow adaptive reuse of the existing structures on site while also permitting new development in a pedestrian oriented design. The petition is consistent with recent rezonings in the vicinity that include both adaptive reuse and new construction to permit mixed-use development. The petition

could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 023-024.

Item No. 15: Ordinance No. 757-Z, Petition No. 2023-143 by Abacus Capital amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 6.6 acres located on the northwest side of Toomey Avenue, north of West Tremont Avenue, and east of Interstate 77 from ML-1 (Manufacturing and Logistics-1) to IMU (Innovation Mixed Use).

The Zoning Committee voted 6-0 (motion by Winiker, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Manufacturing and Logistics. 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 surrounding area aligns with the goal of this zoning because the area helps to contribute to Charlotte's economic viability by providing mixed-use urban places that include light manufacturing, office, residential, and retail. The buildings surrounding the sites include office, research and development, studios, light manufacturing, showrooms, hotels, and multi-family residential which aligns with the IMU zoning. This area and the requested zoning are characterized by adaptively reused buildings and low to mid-rise single use structures that are transitioning to vertically integrated uses in a pedestrian-oriented environment. This zoning encourages active and passive community gathering spaces. The sites would encourage adaptive reuse of light industrial or underutilized buildings, embracing unique history and form. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Manufacturing and Logistics place type to the Innovation Mixed-Use place type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 025-026.

Item No. 16: Ordinance No. 758-Z, Petition No. 2023-146 by TMP Properties, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.2 acres located on the north side of Tuckaseegee Road, west of Gesco Street, and south of State Street from ML-2 (Manufacturing and Logistics - 2) to IMU (Innovation Mixed Use).

The Zoning Committee voted 6-0 (motion by Whilden, 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 Innovation Mixed Use 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 recommended 2040 Policy Map place type of Innovation Mixed Use (IMU). The IMU district permits a variety of uses that are in keeping with the character of the area which is rapidly diversifying from heavy industrial to a mix of light industry, office, retail, restaurant, and residential development. The petition is consistent with several recent rezonings in the vicinity that include both the adaptive reuse of existing structures as well as new mixed-use developments while utilizing UDO design standards that are human scaled and pedestrian oriented. The site is located within a half-mile walk of the Stewart Creek Greenway as well as the Seversville and Martin Luther King Parks. The site is served by the number 8 and 34 CATS local buses providing service between Little Rock and Scott Futrell Roads, the Paw Creek Shopping Center, and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive

Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 027-028.

Item No. 17: Ordinance No. 759-Z, Petition No. 2023-147 by Hendrick Automotive Group amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 17.31 acres located along the east side of Twin Lakes Parkway and north side of Interstate 485, south of Sam Roper Drive from ML-1 (Manufacturing and Logistics-1) to ML-1(CD) (Manufacturing and Logistics-1, Conditional).

The Zoning Committee voted 6-0 (motion by Neeley, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing and Logistics Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition offers to increase access to jobs and economic opportunities for the area. This area has been identified as needing better access to jobs as defined by the Equitable Growth Framework. The proposed site would be well served by transit with access to CATS bus stops within half mile of the site. The petition proposes 10-foot and 50-foot landscape buffers respectively to provide sensitivity to surrounding sites and natural features. The petition proposes to incorporate streetscape improvements to include a six-foot sidewalk and eight-foot planting strip along frontage on Twin Lakes Parkway. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 029-030.

Item No. 18: Ordinance No. 760-Z, Petition No. 2023-148 by The RMR Group LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.52 acres located on the south side of Peterson Drive, west of Heriot Avenue, and north of Yancey Road from N1-D (Neighborhood 1-D) to TOD-NC (Transit Oriented Development - Neighborhood Center).

The Zoning Committee voted 6-0 (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 inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: • The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is adjacent to properties zoned TOD-NC and TOD-TR and recommended for Community Activity Center place type. The site is less than a half mile from the Scaleybark Blue Line station. TOD-NC may be applied within a one-mile walking distance of an existing rapid transit station. Though inconsistent with the recommended Neighborhood 1 place type, TOD-NC mandates a high level of design standards. Furthermore, the UDO limits building height within 100 feet of Neighborhood 1 place type to 50 feet and within 200 feet to 65 feet. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 10: Fiscally Responsible. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Community Activity Center place type.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 031-032.

Item No. 20: Ordinance No. 762-Z, Petition No. 2023-153 by Sterling Development, LLC amending the Official Zoning Map of the City of Charlotte to affect a change

in zoning for approximately 1.9 acres located on the west side of Taggart Creek Road, south of Boyer Street, and east of Billy Graham Parkway from ML-2(ANDO) (Manufacturing and Logistics-2, Airport Noise District Overlay) to ML-1(ANDO) (Manufacturing and Logistics-1, Airport Noise District Overlay).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be insert consistency from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Manufacturing and Logistics Place Type Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Primary uses include manufacturing, research and development, warehousing, distribution, and other similar uses. Uses in this Place Type also include limited office usually to support primary uses; outdoor storage of materials and vehicles; limited hospitality and restaurants, limited retail, and personal services to serve area workers. The Place Type is typically characterized by large scale, low-rise manufacturing or warehouse buildings, and other assembly and distribution facilities. The ML-1 Zoning District is generally located in areas readily accessible by arterials and interstates, as well as freight rail. The proposed ML-1 zoning district requires significant screening and buffering to ensure adequate separation and mitigation of potential impacts on surrounding areas. The site is located near Billy Graham Parkway in an area predominately developed with industrial uses. The site does not abut single family neighborhoods, therefore a change to ML-1 will not pose negative impacts on residents. Abutting properties are ML-2. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 035-036.

Item No. 22: Ordinance No. 764-Z, Petition No. 2023-161 by Childress Klein Properties amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 9.82 acres located on the east side of Beam Road, south of Pine Oaks Drive, and north of Cross Beam Drive from I-1(CD) ANDO (Light Industrial, Conditional, Airport Noise Disclosure Overlay), N1-A ANDO (Neighborhood 1-A, Airport Noise Disclosure Overlay) to ML-1 ANDO (Manufacturing and Logistics-1, Airport Noise Disclosure Overlay).

The Zoning Committee voted 6-0 (motion by Whilden, 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 final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Campus 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 majority of the site is zoned I-1(CD) ANDO and developed with a parking lot. Most of the surrounding properties are zoned for manufacturing and logistics uses. The property is within the Airport Noise Disclosure Overlay. ML-1 ANDO is a more appropriate zoning district than the N1-A ANDO district that currently applies to the rear properties of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Campus Place Type to Manufacturing & Logistics Place Type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 039-040.

Item No. 23: Ordinance No. 765-Z, Petition No. 2023-162 by Northwood Ravin amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 36 acres located on the west side of Providence Road, north of Fairview Road, and west of Columbine Circle from MUDD-O SPA (Mixed-Use Development District, Optional, Site Plan Amendment) to MUDD-O SPA (Mixed-Use Development District, Optional, Site Plan Amendment).

The Zoning Committee voted 6-0 (motion by Neeley, seconded by Whilden) 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 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is a site plan amendment requesting to change the building footprints for proposed Buildings 1 & 2. Combining four buildings, outlined by the previously approved rezoning petition 2019-047, into two buildings. The site plan amendment will not increase the total number of units permitted by the previous approvals and will relocate the proposed amenity area farther from the western property line abutting single-family homes on Columbine Circle. The site is designated as the Neighborhood 2 (N-2) Place Type by the 2040 Policy Map. The N-2 Place Type recommends low- to mid-rise multi-family buildings as the predominate building type in a walkable environment with shared community amenities such as open space, recreation facilities, and common parking areas. The site is adjacent to existing and entitled multi-family and mixed-use residential developments on three sides. While the site is buffered along the southwestern boundary by a 50-foot Class C buffer, a masonry wall, and a minimum 75-foot rear yard to mitigate any potential negative impacts on the abutting established Neighborhood 1 type residential development. The site is located within a quarter-mile walk of the Strawberry Hill mixed-use development containing a grocery store, restaurants, retail, and a financial institution. The site is served by the number 14 and 28 CATS local buses providing service between the Charlotte Transit Center and the Arboretum Shopping Center and the Eastland and SouthPark Community Transportation Centers, respectively. The site is also served by the 61X express bus providing commuter service between the Charlotte Transportation Center and the Waverly Shopping Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 3: Housing Access for All, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 041-042.

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ITEM NO. 4: ORDINANCE NO. 746-Z, PETITION NO. 2022-107 BY PARKMIMO LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY ONE ACRE LOCATED ON THE SOUTH SIDE OF PARKWOOD AVENUE, EAST OF HAWTHORNE LANE, NORTH OF BELVEDERE AVENUE, AND WEST OF THE PLAZA FROM N1-C (NEIGHBORHOOD 1-C) AND N2-B (NEIGHBORHOOD 2-B) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Neeley, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The project supports an infill housing development and contributes to a variety of housing types. The petition commits to coordinating with CATS to install an ADA compliant bus waiting pad and trash receptacle. The proposal supports a more pedestrian friendly community by improving the pedestrian realm through the provision of an eight-foot planting strip and eight-foot sidewalk along Parkwood Avenue. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the current recommended Neighborhood 1 Place Type to new recommended Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Molina, and seconded by Councilmember Bokhari, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The project supports an infill housing development and contributes to a variety of housing types. The petition commits to coordinating with CATS to install an ADA compliant bus waiting pad and trash receptacle. The proposal supports a more pedestrian friendly community by improving the pedestrian realm through the provision of an eight-foot planting strip and eight-foot sidewalk along Parkwood Avenue. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the current recommended Neighborhood 1 Place Type to new recommended Neighborhood 2 Place Type for the site.

Councilmember Mayfield said Mr. Pettine, question. It was noted by committee, a question regarding the dumpsters on this. I believe we spoke earlier. On the map, the dumpsters are located towards the front. Has it been identified that that is the designated location for the dumpsters, or is there an opportunity where that's going to be moved?

David Pettine, Planning, Design & Development said so, yes. They've got them set up. You can see on the pointer there where those two squares are. That would be the potential dumpster location. That would be if they chose to do a dumpster, that could be the location. They could also move that in permitting if there's a better spot for it. They may also do a private collection through a third party, where they would have rollouts, but it just wouldn't be collected by the City, which is probably the likely route, but the dumpsters are proposed to be there, but they can move in permitting if there's another location that's better for them.

Ms. Mayfield said so, what we're approving and what's in front of us, is this particular submittal, but you're saying through permitting, if we were to move forward with this, then they can make changes and decide to move either location or decide to go with private, and that does have to be designated on the front end?

Mr. Pettine said yes. They'd have to make a request to move the potential location, and we would have to evaluate it, and make sure that it doesn't create any additional impact than where it already is located. So, if it's closer to an existing residence, that probably wouldn't be something we'd be comfortable with. If they moved it to the back end of this driveway, that may be something we would consider, but there's a process where they'd have to request that be changed, and we would look at it, review it and decide if it was something we could do administratively, or if it would have to go through another rezoning to get that approved.

Ms. Mayfield said thank you.

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

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

NAYS: Councilmembers Mayfield and Watlington

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 003-004.

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ITEM NO. 5: ORDINANCE NO. 747-Z, PETITION NO. 2022-154 BY REAL ESTATE PROPERTIES HOLDING, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.5 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF SLEDGE ROAD AND SHOPTON ROAD WEST, WEST OF STEELE CREEK ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N1-D (NEIGHBORHOOD 1-D).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This 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-D zoning district could facilitate these plan goals. The development pattern prescribed by the Neighborhood 1 Place Type and permitted by the N1-D zoning district is consistent with the character of this area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

Motion was made by Councilmember Brown, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the 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-D zoning district could facilitate these plan goals. The development pattern prescribed by the Neighborhood 1 Place Type and permitted by the N1-D zoning district is consistent with the character of this area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

Councilmember Mayfield said Mr. Pettine, just for clarification, it was noted in here in the language site plan amendment, but I'm going to follow the lead on the District Rep, but this is a conventional with no site plan attached. So, I was just trying to get clarification on the language.

David Pettine, Planning, Design & Development said so, this one's just a conventional N1-D, so there's no site plan. The next item, six, has a site plan amendment, but item five is a conventional N1-A to N1-D petition. It started off conditional. They converted to a conventional, so there's no site plan or site plan amendment on this one.

Ms. Mayfield said so, and we had this conversation earlier. Just for point of fact and for the minutes, I have concerns, because we have a number of these that were approved earlier that are conventional with no associated site plan, which means community doesn't know exactly what is going to be built in their approximate area. I also asked for staff, as we made the changes through the UDO (Unified Development Ordinance) and

the language going from N1-A to N1-D, to give a listing of what is developable under these new designations, to at least get an idea of what it potentially can be, because we're also receiving quite a few amendments on petitions that were approved years ago, where they're making changes to what was initially shared with the community as far as the site plan. Thank you.

Councilmember Watlington said I just want to make sure. I'm looking at the transportation summary, and it talks about a site plan to include the commitments related to transportation. Was that something that has since changed or is that a future?

Mr. Pettine said it may be a carryover from when it was initially started out, like I said, as a UR-2 in a legacy district conditional. The outcome for development, they felt they could get a similar outcome just doing a conventional N1-D, and that may just be a holdover from that initial analysis of the site plan that was submitted sometime, I guess it was, let's see, January of 2023.

Ms. Watlington said and we believe that what's allowed in the conventional or what's required under the policy, that these shared use paths and the left turn lanes are going to be included?

Mr. Pettine said so, they would have to meet whatever the requirements are for the street map for that location. I don't know off the top of my head, what that streetscape would require for Sledge Road or Shopton. We can certainly try to get that answer for you while we're standing here, but they would have to make sidewalk and streetscape improvements. It just depends. I'm not sure, like I said, off the top of my head, what the width of those sidewalks would be, but they would have to do all that even by-right. They may also have to do some additional analysis, transportation wise, just depending on what they submit as a by-right plan, that they might not have even gotten captured during the rezoning process. So, the by-right actually may get them into some transportation analysis, like I said, that wouldn't have been required under that conditional.

Ms. Watlington said okay, thank you.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 005-006.

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ITEM NO. 6: ORDINANCE NO. 748-Z, PETITION NO. 2022-210 BY RRPVI SEBP CHARLOTTE, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 45.67 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET, NORTH SIDE OF CLANTON ROAD, AND EAST SIDE OF INTERSTATE 77 FROM ML-1 (MANUFACTURING & LOGISTICS - 1), CG (GENERAL COMMERCIAL), B-2(CD) (GENERAL BUSINESS, CONDITIONAL), MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) AND MUDD-O SPA (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL, SITE PLAN AMENDMENT) WITH 5-YEARS VESTED RIGHTS.

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map calls for Manufacturing & Logistics and Neighborhood 2. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The South End area has been host to a progression of land use changes and greater multi-modal connectivity, spurring a turnover in the community's largely industrial character to a more transit supportive and mixed-use design. This site has close proximity to the LYNX

Blue Line in addition to other major transportation corridors. The current uses and structural design of the site do not keep pace with the surrounding redevelopment. This proposal will help bring a large swath of land into alignment with the rapidly changing character of the area. Although inconsistent with the 2040 Policy Map (2022) recommendation for Manufacturing and Logistics on a majority of the site, a change in the designated place type to Community Activity Center is warranted given the adjacent compatible Place Types, the supporting transportation infrastructure accessible to the site, and the scale of the development which is nearly 50 acres. The Community Activity Center Place Type envisions a mix of commercial and residential activity that is supported by a robust pedscape and accessible public transit. The requested zoning district, MUDD-O, is a legacy district, but the conditional notes of this proposal weave in a number of dimensional and design standards that more closely resemble requirements in the Unified Development Ordinance rather than the legacy code. More specifically, this plan makes use of zoning requirements for the transit-oriented development zoning districts, which is sensible given the proliferation and support of TOD development in South End. The site is currently underutilized with single story structures separated by a vast amount of surface parking. The more intensive development proposed in this rezoning makes better use of a property that is situated along major corridors and adjacent to activity center development and zoning. The petitioner provides a number of environmental commitments in the conditional plan that speak to the goals of the 2040 Comprehensive Plan. Included among those is a commitment to provide at least 30% more open space than is required in the MUDD district and ensuring that at least 50% of the buildings on the site will be built with green building standards such as Leadership in Energy and Environmental Design or National Green Building Standards. A large redevelopment project such as this presents an opportunity to make significant upgrades in the transportation infrastructure across the site and the broader area. Through intensive collaboration with the Charlotte Department of Transportation and the North Carolina Department of Transportation, a list of infrastructure improvements were identified and committed to by the petitioner. Among the most impactful commitments are upgrades to pedestrian crossings to ADA standards, creation of new bike facilities, construction of upgraded sidewalks and planting strips, and a \$50,000 contribution to roadway and multi-modal improvements throughout South End. This site is not adjacent to sensitive land uses such as single-family homes that may be adversely impacted by the densification proposed in this plan. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing & Logistics and Neighborhood 2 to Community Activity Center.

Motion was made by Councilmember Brown, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be 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 calls for Manufacturing & Logistics and Neighborhood 2. 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 South End area has been host to a progression of land use changes and greater multi-modal connectivity, spurring a turnover in the community's largely industrial character to a more transit supportive and mixed-use design. This site has close proximity to the LYNX Blue Line in addition to other major transportation corridors. The current uses and structural design of the site do not keep pace with the surrounding redevelopment. This proposal will help bring a large swath of land into alignment with the rapidly changing character of the area. Although inconsistent with the 2040 Policy Map (2022) recommendation for Manufacturing and Logistics on a majority of the site, a change in the designated place type to Community Activity Center is warranted given the adjacent compatible Place Types, the supporting transportation infrastructure accessible to the site, and the scale of the development which is nearly 50 acres. The Community Activity Center Place Type envisions a mix of commercial and residential activity that is supported by a robust pedscape and accessible public transit. The requested zoning district, MUDD-O, is a

legacy district, but the conditional notes of this proposal weave in a number of dimensional and design standards that more closely resemble requirements in the Unified Development Ordinance rather than the legacy code. More specifically, this plan makes use of zoning requirements for the transit-oriented development zoning districts, which is sensible given the proliferation and support of TOD development in South End. The site is currently underutilized with single story structures separated by a vast amount of surface parking. The more intensive development proposed in this rezoning makes better use of a property that is situated along major corridors and adjacent to activity center development and zoning. The petitioner provides a number of environmental commitments in the conditional plan that speak to the goals of the 2040 Comprehensive Plan. Included among those is a commitment to provide at least 30% more open space than is required in the MUDD district and ensuring that at least 50% of the buildings on the site will be built with green building standards such as Leadership in Energy and Environmental Design or National Green Building Standards. A large redevelopment project such as this presents an opportunity to make significant upgrades in the transportation infrastructure across the site and the broader area. Through intensive collaboration with the Charlotte Department of Transportation and the North Carolina Department of Transportation, a list of infrastructure improvements were identified and committed to by the petitioner. Among the most impactful commitments are upgrades to pedestrian crossings to ADA standards, creation of new bike facilities, construction of upgraded sidewalks and planting strips, and a \$50,000 contribution to roadway and multi-modal improvements throughout South End. This site is not adjacent to sensitive land uses such as single-family homes that may be adversely impacted by the densification proposed in this plan. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing & Logistics and Neighborhood 2 to Community Activity Center.

Councilmember Brown said I've been working with this project. It was very near and dear to me, and I spoke diligently with numerous people and tried to reach community as they did, and unsuccessful in doing so. So, they sent me all of their notes, all of their documents on community meetings, the engagements, their efforts in trying to get with community to see what their input would be. This is 45.67 acres, and I was concerned about that, and so they have been very cooperative. I went down to the site to look at it, and so. I just wanted to put on the record that I did speak with them at extensive community engagement and contacts, and I even reached out to community that did not reach back to me as well, unresponsive. So, I'm moving forward.

Mayor Pro Tem Anderson said thank you, Ms. Brown. I will say that I was engaged in this one as well, and this is such a robust petition, that they'll have to come back for additional aspects of this one, and I'm hopeful that the community will be engaged when that occurs.

Ms. Brown well, they're willing to do that. We've had that discussion as well. We've talked about that, because it's so extensive. It's a large amount, and they're willing to do that as well.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 007-008.

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ITEM NO. 9: ORDINANCE NO. 751-Z, PETITION NO. 2023-111 BY TARUN JATANI AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.88 ACRES LOCATED ALONG THE NORTH SIDE OF HENDERSON CIRCLE, WEST OF OLD STATESVILLE ROAD, AND SOUTH OF RATCLIFF LANE FROM MHP (MANUFACTURED HOME PARK) TO N1-C (NEIGHBORHOOD 1-C).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Neeley to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed petition is consistent and aligned with the recommendation of the 2040 Policy Map and the surrounding area. This petition has the potential to add to the variety of housing in the area. The proposed site would be well served by transit with access to CATS stops less than a half mile from the site. The proposed site would also be well served with access to amenities, goods, and services by adjacent Commercial and Community Activity Center sites. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development.

Motion was made by Councilmember Ajmera, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed petition is consistent and aligned with the recommendation of the 2040 Policy Map and the surrounding area. This petition has the potential to add to the variety of housing in the area. The proposed site would be well served by transit with access to CATS stops less than a half mile from the site. The proposed site would also be well served with access to amenities, goods, and services by adjacent Commercial and Community Activity Center sites. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development.

Councilmember Watlington said I just wanted to comment on this particular one, because it is similar in a lot of ways to some of the ones that give me pause. As we move through these parcel-by-parcel rezonings, when I see something that will be significantly different than what is surrounding it, I'm always interested to know how does that impact the overall plan. So, not a huge fan of these. Because it is an N1-C, I would expect that it's going to maintain some level of similarity to the rest of the area. If this was something else, I would probably not support it, but I do just want to highlight, again, my concern with seeing more and more of these spot rezonings, if you will. I would love to see a little bit more clarity around what's allowable, as Ms. Mayfield said, but also, I'd like to see a bit more of a zoom out on these, to understand how these one-by-one changes might impact the intent on the policy map. Thank you.

Councilmember Ajmera said I just wanted to highlight that this petition is consistent with the 2040 Policy Map, so I'll be supporting it, and I ask my colleagues to support it. Thank you.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 013-014.

ITEM NO. 10: ORDINANCE NO. 752-Z, PETITION NO. 2023-125, BY CLAY ROBINSON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.035 ACRES LOCATED ALONG THE WEST SIDE OF STATESVILLE AVENUE AND THE SOUTH SIDE OF TIPTON DRIVE FROM ML-1 (MANUFACTURING AND LOGISTICS-1) AND N2-B (NEIGHBORHOOD 2-B) TO IMU (INNOVATION MIXED-USE).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map calls for Manufacturing 7 Logistics and Neighborhood 2. 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 site is located at the intersection of Statesville Avenue and Tipton Drive with close proximity to Interstates 77 and 85. The immediate area hosts primarily commercial and industrial uses along the major transportation corridors, with residential areas stemming off collector streets along the west side of Statesville Avenue. The parcels within the rezoning area designated as Neighborhood 2 on the 2040 Policy Map are vacant and are not within an existing residential development. Although inconsistent with the 2040 Policy Map recommendation for Manufacturing and Logistics on the majority of the site, this petition would establish a better transition between the commercial and industrial uses to the north and east and the residential and institutional uses to the south and west. Shifting the site away from industrial zoning would allow the site to act as a buffer for the more sensitive uses it abuts. The application of the innovation mixed-use zoning district is intended for sites such as these that currently have or had industrial developments but are situated in areas that are transitioning to an array of commercial, residential, and artisan industrial uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity, The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing & Logistics and Neighborhood 2 to Innovation Mixed-Use for the site.

Motion was made by Councilmember Molina, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map calls for Manufacturing 7 Logistics and Neighborhood 2. 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 site is located at the intersection of Statesville Avenue and Tipton Drive with close proximity to Interstates 77 and 85. The immediate area hosts primarily commercial and industrial uses along the major transportation corridors, with residential areas stemming off collector streets along the west side of Statesville Avenue. The parcels within the rezoning area designated as Neighborhood 2 on the 2040 Policy Map are vacant and are not within an existing residential development. Although inconsistent with the 2040 Policy Map recommendation for Manufacturing and Logistics on the majority of the site, this petition would establish a better transition between the commercial and industrial uses to the north and east and the residential and institutional uses to the south and west. Shifting the site away from industrial zoning would allow the site to act as a buffer for the more sensitive uses it abuts. The application of the innovation mixed-use zoning district is intended for sites such as these that currently have or had industrial developments but are situated in areas that are transitioning to an array of commercial, residential, and artisan industrial uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity, The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing & Logistics and Neighborhood 2 to Innovation Mixed-Use for the site.

Councilmember Watlington said I just wanted to quickly ask staff to just speak a little bit to what Innovative Mixed-Use is as a district [inaudible] what to expect.

David Pettine, Planning, Design & Development said yes. The intent of IMU is really intended to accommodate areas that have been traditionally industrial or had some sort of nonresidential use, maybe now transitioning to some things that are more kindle, like light industrial or artisan industrial, some commercial indoor recreation, some residential uses, commercial uses. So, the IMU district is essentially function as a mixed-use district that allows some of those areas to transition from older existing uses to something that's a little more conducive to creating a mixed-use environment, a little bit better pedestrian interface, so some different standards for that. Overall, it's really a transitional type of district where we see particular places, like I said, that had some existing uses that may be past their lifespan, but somebody wants to reuse the building to do something different, and that's where the IMU district is a tool that we've got now in the UDO to try to accommodate that.

Ms. Watlington said thank you.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 015-016.

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ITEM NO. 11: ORDINANCE NO. 753-Z, PETITION NO. 2023-131, BY WENQIANG YE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.764 ACRES LOCATED ALONG THE EAST SIDE OF SOUTH BOULEVARD, NORTH OF EAST WOODLAWN ROAD, AND WEST OF CONNECTING ROAD FROM ML-2 (MANUFACTURING AND LOGISTICS 2) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Community Activity Center. 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 TOD-NC district may be applied to parcels within one mile of a rapid transit station. The site is located a half mile from the E Woodlawn Light Rail Stop. The proposed zoning is in an area with recent rezonings to TOD designations. The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing commercial development and recent redevelopment occurring in the area. The former industrial uses in this area have recently been transitioning into uses compatible with the TOD and Innovation Mixed Use designation, aligning this proposal with the policy for this area. The South Boulevard corridor is well serviced by bus routes to support the use and development associated with this proposal. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Molina, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The TOD-NC district may be applied to parcels within one mile of a rapid transit station. The site is located a half mile from the E Woodlawn Light Rail Stop. The proposed zoning is in an area with recent rezonings to TOD designations. The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing commercial development and recent redevelopment occurring in the area. The former industrial uses in this area have recently been transitioning into uses compatible with the TOD and Innovation Mixed Use designation, aligning this proposal with the policy for this area. The South Boulevard corridor is well serviced by bus routes to support the use and development associated with this proposal. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Councilmember Mayfield said for transparency's sake, I have concerns, very similar to my colleague, with the spot rezoning directly across the street for TOD. This is a manufacturing and logistics area all on that side. So, the challenge for me is, it seems that staff is directing how the development is going to go, not necessarily individual staff, but with our policy language. We have very little manufacturing and logistical areas throughout the City with all of the development that we're seeing. To jump across to create TOD in this sliver, and again, with having a conventional rezoning with no associated site plan, not really having an idea if this is going to be a restaurant, if it's going to be housing, and for either, putting it right in the middle of manufacturing, could be a challenge, and it could be a challenge moving forward with receiving calls of concern regarding noise and potentially environmental impacts. I am not going to be supporting this one. I know TOD pretty much has a blanket, which most conventional rezonings do have a blanket to just move forward, but I have concern without having a full picture of a plan, while there are still active businesses, not having complete conversations to know definitely that these businesses are looking to wind down, our approval opens the door for potential moving out businesses to try to create this TOD space, jumping from one side of South Boulevard over to the other.

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

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

NAYS: Councilmembers Mayfield and Watlington

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 017-018.

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ITEM NO. 13: ORDINANCE NO. 755-Z, PETITION NO. 2023-138, BY SANKOFA PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.28 ACRES LOCATED ALONG THE NORTH SIDE OF ROZZELLES FERRY ROAD AND THE SOUTHWEST SIDE OF WEST TRADE STREET, WEST OF BEATTIES FORD ROAD FROM NC (NEIGHBORHOOD CENTER) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT-COMMUNITY CENTER).

The Zoning Committee voted 6-0 (motion by Winiker, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency:

pti:pk

This petition is found to be inconsistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood Center Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The TOD-CC zoning is appropriate for parcels near moderate-intensity rapid transit stations and streetcar stops, this site location is surrounded primarily by Neighborhood Center, which is a lesser intensity compared to TOD-CC. The site is located within a quarter-mile of the Bruns Ave City LYNX Gold Line transit stop. This zoning aims to accommodate and encourage transit oriented and transit supportive development in transit station areas where there is not a current market demand for more intense development. The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing development. This proposed zoning could support the rehabilitation and reuse of existing structures. Which is important to preserve the character of the established neighborhoods. This zoning is appropriate for the area because it has moderate density. The proposed zoning aids accessibility for nearby neighborhoods and may encourage walking and cycling, supporting the concept of a complete neighborhood. The local street network is well-connected, designed for slow traffic, and includes good pedestrian facilities. Arterial streets provide for safe and comfortable pedestrian, bicycle, and transit travel along and across them for easy access to and from the Neighborhood Center and surrounding areas. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood Center to Community Activity Center for the site.

Motion was made by Councilmember Graham, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood Center Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The TOD-CC zoning is appropriate for parcels near moderate-intensity rapid transit stations and streetcar stops, this site location is surrounded primarily by Neighborhood Center, which is a lesser intensity compared to TOD-CC. The site is located within a quarter mile of the Bruns Ave City LYNX Gold Line transit stop. This zoning aims to accommodate and encourage transit oriented and transit supportive development in transit station areas where there is not a current market demand for more intense development. The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing development. This proposed zoning could support the rehabilitation and reuse of existing structures. Which is important to preserve the character of the established neighborhoods. This zoning is appropriate for the area because it has moderate density. The proposed zoning aids accessibility for nearby neighborhoods and may encourage walking and cycling, supporting the concept of a complete neighborhood. The local street network is well-connected, designed for slow traffic, and includes good pedestrian facilities. Arterial streets provide for safe and comfortable pedestrian, bicycle, and transit travel along and across them for easy access to and from the Neighborhood Center and surrounding areas. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood Center to Community Activity Center for the site.

Councilmember Watlington said I just wanted to make sure that I understood, from a community standpoint. I know that there is a good bit of businesses here, some of which have gotten support from the City in various ways. So, I just wanted to understand what was the overall thinking, if you will, as far as it relates to these existing businesses, Mr.

Graham. It's important to me to understand, based on what's here, that there has been some discussion with the community, and they are amenable to this. I'm looking at the picture where it's got like Jets Pizza and various businesses, and it talks about this actually being on the site, so I just want to make sure I understood if this was part of the overall plan for Rozzelles Ferry and how to frame that?

Councilmember Graham said yes. Thank you, Ms. Watlington, for the question. Based on my recollection, in terms of talking to a number of community members, and as well as the business leaders, that's around the five-point corridors, no one really had any heartburn at all in terms of supporting this petition.

Ms. Watlington said thanks.

Mayor Pro Tem Anderson said I will also add that during our hearing last month, Ms. Ward spoke to the level of her interaction with community, and they were supportive of this particular petition.

Councilmember Ajmera said yes, and I think this aligns with our overall goals for moderate density. So, I think this is a good land use that we have in front of us.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 021-022.

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ITEM NO. 19: ORDINANCE NO. 761-Z, PETITION NO. 2023-149, BY DICKERSON REALTY FLORIDA, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.2 ACRES LOCATED ON THE SOUTH SIDE OF WEST CARSON BOULEVARD AND WEST OF SOUTH GRAHAM STREET, NORTH OF WEST PALMER STREET FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT-URBAN CENTER).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be insert consistency from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Regional Activity Center place type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is within a half-mile of the Carson Station. The TOD-UC zoning district may be applied to parcels within a half-mile walking distance of an existing rapid transit station or within a half-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The rezoning of this parcel will allow the site to be redeveloped for transit-supportive uses. The site is adjacent to multiple parcels zoned or recently rezoned to TOS-UC. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Brown, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be insert consistency from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Regional Activity Center place type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is within a half-mile of the Carson Station. The TOD-UC zoning district may be applied to parcels within a half-mile walking distance of an existing rapid transit station or within a half-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The rezoning of this parcel will allow the site to be redeveloped for transit-supportive uses. The site is adjacent to multiple parcels zoned or recently rezoned to TOS-UC. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Councilmember Mayfield said I am supporting the District Rep on this, but I am going to repeat that I have a challenge with the number of conventional rezonings that we are getting. Yes, this is under TOD, but these petitions coming in with no associated site plan, is going to cause us a challenge, and has already caused some challenges in neighborhoods throughout the City.

Councilmember Brown said Councilmember Mayfield, I'd like to address you and Dr. Watlington on the petitions. There's a lot of opposition on the petitions when staff is supporting the zoning in the committees. So, you guys being my predecessors, you never bring it to my attention until we get out on the dais, and I don't like that. So, I think that if there is an issue, I would like to discuss it, as my seniors in this position, instead of coming to the dais and shooting down everything. That's not the way we do business, and we shouldn't hound each other like that. So, that's my opinion.

Mayor Pro Tem Anderson said thank you, Ms. Brown. Let me just say that I want to make sure this is a land use discussion. This is a land use meeting. We need to keep our discussion connected to land use and the petitions that we have in front of us this evening.

Ms. Brown said well, then add land use on the end of my sentence.

Mayor Pro Tem Anderson said thank you, Ms. Brown.

Councilmember Watlington said regardless of where I sit or who I represent from constituency standpoint, if I have an issue, I'm going to say it on the dais every time, and I'm not going to ask for anybody's permission sitting around this dais to say so, land use. Thank you.

Mayor Pro Tem Anderson said thank you. Thank you all.

Ms. Brown said thank you, Dr. Watlington.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 033-034.

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ITEM NO. 21: ORDINANCE NO. 763-Z, PETITION NO. 2023-158 BY KINSALE PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.99 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF TUCKASEEGEE

ROAD AND JAY STREET, EAST OF THRIFT ROAD FROM ML-2 (MANUFACTURING AND LOGISTICS - 2) TO IMU (INNOVATION MIXED USE).

The Zoning Committee voted 6-0 (motion by Neeley, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Innovation Mixed Use 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 recommended 2040 Policy Map place type of Innovation Mixed Use (IMU). The IMU district permits a variety of uses that are in keeping with the character of the area which is rapidly diversifying from heavy industrial to a mix of light industry, office, retail, restaurant, and residential development. The petition is consistent with several recent rezonings in the vicinity that include both the adaptive reuse of existing structures as well as new mixed-use developments while utilizing UDO design standards that are human scaled and pedestrian oriented. The site is located within a half-mile walk of the Stewart Creek Greenway as well as the Seversville and Martin Luther King Parks. The site is served by the number 8 and 34 CATS local buses providing service between Little Rock and Scott Futrell Roads, the Paw Creek Shopping Center, and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive P

Motion was made by Councilmember Graham, and seconded by Councilmember Bokhari, 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 Innovation Mixed Use 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 recommended 2040 Policy Map place type of Innovation Mixed Use (IMU). The IMU district permits a variety of uses that are in keeping with the character of the area which is rapidly diversifying from heavy industrial to a mix of light industry, office, retail, restaurant, and residential development. The petition is consistent with several recent rezonings in the vicinity that include both the adaptive reuse of existing structures as well as new mixed-use developments while utilizing UDO design standards that are human scaled and pedestrian oriented. The site is located within a half-mile walk of the Stewart Creek Greenway as well as the Seversville and Martin Luther King Parks. The site is served by the number 8 and 34 CATS local buses providing service between Little Rock and Scott Futrell Roads, the Paw Creek Shopping Center, and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

Councilmember Mayfield said Mr. Pettine, still the same comment, just for consistency's sake, regarding conventional rezonings with no associated site plan and the potential impact that that's going to have on the City.

Councilmember Johnson said I want to ask a question as a followup to Councilmember Mayfield. This is the nature of the UDO. Can you just explain that, because that was the reason that those of us who were opposed to the UDO, were opposed, because of this situation. So, can you just explain that, why we're approving that? The goal, it's my understanding, is to see more of these on the Consent Agenda. Is that correct?

David Pettine, Planning, Design & Development said I mean conventional petitions, I think, are something we will probably continue to see more of. We did put a lot of conditions and a lot of things that we learned over years of time of doing conditional rezonings into the UDO for development standards, so things like height transitions, required buffers, step backs, things like that, that we would typically condition. This

particular area, for context, we did a lot of MUDD Optional rezonings, and essentially, that MUDD Optional was really to keep the existing buildings in place, provide some optional provisions to allow the adaptive reuse of those buildings, but on top of all that, it would also allow all uses under MUDD. So, if those buildings get torn down, over time, they could get built back under MUDD standards for residential, retail. So, rather than going through the conditional process for a lot of these and do all these under MUDD-O, the IMU district allows a lot of those buildings that are adaptive reuse buildings, to be maintained on site, and then long-term if they want to transition to new uses, where they tear the site and the building down and redevelop, they've got the same flexibility they would under MUDD Optional. So, essentially, we really learned that we were doing optional provisions just to maintain the existing structure and to deal with some parking, whereas now the IMU district allows us to do some of that just conventionally and gives the same flexibility. So, I wouldn't say that IMU from MUDD-O is a direct disassociation. I think there is some correlation between the two.

I think long term, we're going to continue to see conventional petitions. I think we will probably continue to see that trend. I will advocate the one thing that we've put into the UDO, as well as the community meetings for conventional petitions, which do require folks to still talk to the community regardless of what they're proposing, and we've seen some. We've got one this evening that's a great example of those community conversations sometimes lead to conditions. So, we start at the foundation of consistency with the Policy Map. If it is, we try to go down a conventional path, community conversations occur, that may transition to a conditional need, but I think we will continue to see a little bit of a transition to see more conventional. I don't think we'll stop seeing conditional at all, but I think we will start to see a better balance of conventional and conditional versus when it was really conditional heavy over the last 10, 15 years. So, I would say that's probably a trend we'll continue to see.

Ms. Johnson said okay. So, although community meetings will be required, the specificity, as far as site plans and all of that, will not be?

Mr. Pettine said right. So, they go to the community meeting, and they can say, "We are thinking about doing X, Y and Z," but they also have the option to do A, B and C, whatever's allowed under the ordinance. So, there are those conversations, but it does then prompt the community to think about use restrictions or things that they may not like to see on the site, and they can say, "Well, we'd like you to provide those as site conditions," and sometimes the petitioner will say, "We can do that, that's not a problem." Like I said, we've got one of those examples this evening in Councilmember Graham's district, where both parties worked together really well and got to a point where even the community sent an email this afternoon saying, "We'll be there tonight in full support." So, I think that's why we knew that going into this, we may see more conventionals, that's why the importance of the community meeting up front is there, and we'll continue to just use that as a tool to see if there's things that need to be addressed from the community standpoint, which I think is a good direction for us to go in, and it still keeps the community informed and gives them an opportunity to have a say on things that they may not have had any notice on at all, other than just a quick letter two weeks before a hearing.

Ms. Johnson said okay, thank you.

Councilmember Driggs said I just want to say I agree with Ms. Johnson. Let's be very plain. It was the intention of the UDO to go to more conventional. I objected to it at the time, because it removes Council further from the decisions or knowing exactly what's going to happen, and the community, but that's what was adopted. It was a modern idiom in terms of land use decisions that you have a standardized set of rules that allows things to proceed without the site plan. So, it was what we intended. I didn't like it then and I don't like it now. Thank you.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 037-038.

DECISIONS

ITEM NO. 30: ORDINANCE NO. 766-Z, PETITION NO. 2021-085 BY RAVEN PROPERTY GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.86 ACRES LOCATED ON THE EAST SIDE OF CHINA GROVE CHURCH ROAD, SOUTH OF WESTINGHOUSE BOULEVARD, AND NORTH OF BLU RAIL WAY FROM ML-1 (MANUFACTURING & LOGISTICS 1), ML-2 (MANUFACTURING & LOGISTICS 2), AND N1-B (NEIGHBORHOOD 1-B) TO I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL).

The Zoning Committee voted 5-2 (motion by Winiker, seconded by Lansdell) to recommend denial of this petition and adopt the following statement of consistency: This petition is found to be mostly consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Manufacturing & Logistics for the majority of the site and Neighborhood 1 place type for a smaller portion of 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: The parcel is surrounded by developing residential uses. Staff's request for a buffer along the southern boundary is reasonable. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 place type to Manufacturing & Logistics place type for the site.

David Pettine, Planning, Design & Development said no significant presentation from us. Like you said, the Zoning Committee was not supportive of this petition. Staff was asking for some additional buffering against the church use to the south, mainly to anticipate some potential transition long term for that site to potentially be redeveloped. Just wanted to ensure that there's adequate buffering between the existing use and what could potentially be a residential use next door if the church does eventually transition to a different use long term. The Zoning Committee was supportive of that request. They reflected that in their recommendation. Our request is still outstanding. It's my understanding, the petitioner has not been able to accommodate that, due to some additional constraints from the neighboring property, but we still feel that that's an important component, so that's why it's still an outstanding issue for us that hasn't been rescinded, but Council is free to vote on this, and either disregard the outstanding petition if you do vote in a favorable way. You would have to then use staff's recommendation as your Statement of Consistency versus Zoning Committee's. We don't have any issue with the project itself. Our issue is just with that additional request for some buffering and screening just to the south.

Motion was made by Councilmember Brown, and seconded by Councilmember Ajmera, to approve Petition No. 2021-085 by Raven Property Group, LLC and adopt the following statement of inconsistency: This petition is found to be mostly 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 Manufacturing & Logistics for the majority of the site and Neighborhood 1 place type for a smaller portion of 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 parcel is surrounded by developing residential uses. Staff's request for a buffer along the southern boundary is reasonable. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 place type to Manufacturing & Logistics place type for the site.

Councilmember Brown said so, I've been working with them on this petition, and I went out to the site, and they had fixed some of the concerns that staff had in the beginning. So, to me, as the District Rep or closest to the zoning position, to go out and

meet with them in regard to their concerns, they have already responded to staff. They fixed some of the concerns. They're asking for an additional buffer, which is going to interfere with the business, which is the people that I went to go see on the business and the parking lot. The buffer that they want is going to extend over into their business. So, it would be unfair to me to deny this, because of them asking for the additional buffer. They asked for one. They did it for them. They asked for a second one. They would have to go and acquire more property from the church, buy that property from the church. If it's approved, the church may not do that for them. So, I'm going to move forward with supporting them with what they have done.

Councilmember Ajmera said yes. Thank you, Councilmember Anderson. So, I agree with Councilmember Brown's point here. She's making a good point. I read Zoning Committee's deliberations. I read the discussions that you all had. You are all bringing up valid concerns, but let's keep in mind that as City grows at such a fast pace, there is a need for truck parking space, and I'll be supporting this based on District Rep's recommendations, as well as the need for more truck parking space. We have seen District Councilmembers Johnson, Graham, bringing up various concerns around truck parking issues in their districts. So, I think this really helps us alleviate a larger problem that we have in our community. So, I'm inclined to support this, and I'll support it. Thank you.

Ms. Brown said thank you so much, Councilmember Ajmera. In addition to that, when you go and you look at the spot where they marked, you can see it right here, the site has been marked with a red star surrounded by mixed industrial single-family attached. That's the area that I actually went out to and looked at. So, it would be, to me, unfair, again as I stated, to ask them to do that, and there's no guarantees that they're going to be able to acquire more property, when they've already went out and purchased some property from the site location. So, to ask them to go out and purchase additional property, I don't think that's necessary to do it. I'm not disregarding what staff is saying, they have very valid points, but at the same time, I've been working one-on-one with them, and I think I'm going to move forward with supporting them as the District Rep.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 043-044.

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ITEM NO. 31: ORDINANCE NO. 767-Z, PETITION NO. 2022-079 BY WELL PAPPAS CORPORATE PARCEL OWNER, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.23 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF PEARL PARK WAY AND KENILWORTH AVENUE, EAST OF HARDING PLACE FROM OFC (OFFICE FLEX CAMPUS) AND NC (NEIGHBORHOOD CENTER) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL).

The Zoning Committee voted 6-0 (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 inconsistent 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 calls for Community Activity Center. 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 rezoning site is located between the Cherry and Dilworth neighborhoods in an area that is populated with moderately dense developments such as medical office campuses, retail, and multi-family residential products. Given the transitional nature of this area between lower density single family and neighborhood center development to the south and large-scale, Regional Activity Center projects to the north and west near Uptown, any rezonings in this area should be considerate of the existing context but allow densification where appropriate. The plan's outlined variety of retail, office, and residential development suits the Community Activity Center's encouraged uses, and

the proposed building form for Development Area 2, which is two-thirds of the site, would not exceed the maximum building scales of the CAC zoning districts. Although largely consistent with the Community Activity Center Place Type, the overall scale of the project, and particularly Development Area 1, more closely align with the type of development seen in the Regional Activity Center Place Type. The application of the Regional Activity Center Place Type here is supported by the site's general proximity to the densest urban cores of the City. Additionally, the conditions of the plan build in several community benefits and building commitments that help to justify the change in Place Type. The subject site is not adjacent to any incompatible place types or sensitive land uses such as single-family residential areas. Development at this site would be adequately serviced by multiple forms of transportation. There are several existing bus stops within a half-mile walk of the rezoning. The Cross Charlotte Trail segment that is within the Little Sugar Creek Greenway can also easily be accessed from this site. This 30-mile trail and greenway network provides critical linkages between recreation facilities, neighborhoods, and urban nodes. This rezoning commits to several community benefits that may support the goals of the 2040 Comprehensive Plan such as electric vehicle (EV) charging stations and parking spaces, National Green Building Silver Standards (NGBS) and Leadership in Energy and Environmental Design (LEED) Silver Standards, various transportation and pedscape improvements, and a contribution to the Charlotte Affordable Housing Trust Fund. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 3: Housing Access for All, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Community Activity Center to Regional Activity Center for the site.

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

1. The petitioner reduced the residential unit count from 450 to 425.
2. The petitioner modified the site plan to identify a third Development Area along Pearl Park Way that will have a maximum building height of 160 feet.
3. The petitioner added the following note:
The petitioner commits to provide 10 attainable housing units for rent on the site and/or on the adjacent existing Solis Midtown apartment community. Five of these units will be set aside for households earning 60% or less of the area median income and will be located in Solis Midtown. These units will be available after receiving approval of this petition and before the start of construction on the site or within two years of the rezoning approval, whichever comes first. The remaining five units will be reserved for households earning 80% or less of the area median income and may be located in Solis Midtown or on the site and shall be leased prior to the final Certificate of Occupancy for residential units in Phase IV (the subject site). All ten units will be restricted for a period of twenty years.

Mr. Pettine said so those are the changes. Staff believed that they were minor, they were predicated from conversations with the community, and do not warrant any additional review by the Zoning Committee. I'll take any questions.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously not to refer back to the Zoning Committee.
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Motion was made by Councilmember Bokhari, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map calls for Community Activity Center. 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 rezoning site is located between the Cherry and Dilworth neighborhoods in an area that is populated with moderately dense developments such as medical office campuses, retail, and multi-family residential products. Given the transitional nature of this area between lower density single family and neighborhood center development to the south and large-scale, Regional Activity Center projects to the north and west near Uptown, any rezonings in this area should be considerate of the existing context but allow densification where appropriate. The plan's outlined variety of retail, office, and residential development suits the Community Activity Center's encouraged uses, and the proposed building form for Development Area 2, which is two-thirds of the site, would not exceed the maximum building scales of the CAC zoning districts. Although largely consistent with the Community Activity Center Place Type, the overall scale of the project, and particularly Development Area 1, more closely align with the type of development seen in the Regional Activity Center Place Type. The application of the Regional Activity Center Place Type here is supported by the site's general proximity to the densest urban cores of the City. Additionally, the conditions of the plan build in several community benefits and building commitments that help to justify the change in Place Type. The subject site is not adjacent to any incompatible place types or sensitive land uses such as single-family residential areas. Development at this site would be adequately serviced by multiple forms of transportation. There are several existing bus stops within a half-mile walk of the rezoning. The Cross Charlotte Trail segment that is within the Little Sugar Creek Greenway can also easily be accessed from this site. This 30-mile trail and greenway network provides critical linkages between recreation facilities, neighborhoods, and urban nodes. This rezoning commits to several community benefits that may support the goals of the 2040 Comprehensive Plan such as electric vehicle (EV) charging stations and parking spaces, National Green Building Silver Standards (NGBS) and Leadership in Energy and Environmental Design (LEED) Silver Standards, various transportation and pedscape improvements, and a contribution to the Charlotte Affordable Housing Trust Fund. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 3: Housing Access for All, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Community Activity Center to Regional Activity Center for the site, as modified.

Councilmember Mayfield said first, I would like to extend my condolences to the Pappas family. Unfortunately, they have had a number of deaths in the family in travel. I also want to thank Mr. Pappas. We were able to connect and have a conversation. One of the questions that recently came to me at my townhall meeting, is regarding our developments and bus stops. Some of our bus stops have coverings, some have seatings, it's not necessarily consistent, some just have the sign. So, he was able to send me a little map to give an idea of just in the immediate area, as we're doing new developments and we're working to get bus stops, having some consistency, to have not only seating and a shelter against the elements and identifying the number of covered bus stops that we have, which is a greater number than the ones that we have uncovered in the area, and also to recognize that identifying the workforce housing units, helps us to get a little step closer to our goal. Thank you.

Mayor Pro Tem Anderson said I would like to add that Mr. Pappas has worked with the community since the hearing, and he heard them loud and clear at the hearing and has worked and gone back and forth with the community. So, we have in this case a tremendous example of a developer who was, not only dedicating funds to the Housing Trust Fund, which will allow additional affordable housing units to come online, but has also worked with the community to address height issues, to address affordable units on

the site, and his adjacent properties that he owns, for workforce housing, for 60 percent AMI and 80 percent AMI, and the community is in support of this particular motion. I want to just commend Mr. Pappas for staying at the table and working with the community, listening to the community. We are in a really great place, and both communities, the DCA (Dilworth Community Association), the Cherry community, does support this. There was just one outstanding question from the Cherry community, which was about allocation of the donation to the Housing Fund, and having that allocation invested in a particular site, but as our policy, we don't do that. We have a land policy criteria that we utilize the Housing Trust Fund dollars for, so they can rest assure that those affordable units will go online in the overall community. So, I'd like to thank Mr. Pappas for working, and thank you, for the desired outcome of the community.

Councilmember Johnson said I'd also like to extend my condolences to the Pappas family and thank you for the concessions. Thank you for this example of collaborative approach and development. Also, I want to thank the residents who came out and spoke last month and set their expectations and asked Council for accountability and for advocacy. So, I want to thank the residents, Reverend Garner-Mullins, and the other ones that came out, and also Peter Pappas. This was an example of how we should work, I think, in moving forward in a growing city. So, thank you.

Councilmember Ajmera said I agree with remarks that's been made by my colleagues, Councilmember Johnson, Anderson and Mayfield. This is a great example of collaboration, where community and developers work together. So, it's a win-win, where we have been able to deliver on affordable housing, environment sustainability, especially lead certification, MWSBE (Minority, Women, Small Business Enterprise) commitment, and thanks to Cherry community for working really hard with Mr. Pappas and his team in pushing our community forward. I hope we can see that, as we see other rezonings come in front of us, that continued collaboration, so that Council is not put in a situation to pick a side. It should always be where it's a win-win for both parties. Thank you.

Councilmember Brown said Mr. Pappas, I want to say condolences to you and your family, and definitely you are a genuine, authentic example of how we should move forward and how we should move in our community. The people that came out, you listened to them, you spoke, they spoke, and it was a great collaboration, and I'm happy to support you. So, thank you so much.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 045-046.

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ITEM NO. 32: ORDINANCE NO. 768-Z, PETITION NO. 2023-018, BY NVR, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 14.2 ACRES LOCATED ON THE NORTH SIDE OF RIDGE ROAD EAST OF ODELL SCHOOL ROAD AND WEST OF MOREHEAD ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO R-17MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Neeley, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type 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: The proposed single family attached dwellings would add to the variety of housing options in the area. The buildings fronting Ridge Road are mostly consistent with Neighborhood 1 place type with six of the seven buildings having three units each. The petition would improve

multimodal mobility in the Ridge Road corridor by providing a 12-foot multi-use path. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Bokhari, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type 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 proposed single family attached dwellings would add to the variety of housing options in the area. The buildings fronting Ridge Road are mostly consistent with Neighborhood 1 place type with six of the seven buildings having three units each. The petition would improve multimodal mobility in the Ridge Road corridor by providing a 12-foot multi-use path. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 047-048.

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ITEM NO. 33: ORDINANCE NO. 769-Z, PETITION NO. 2023-095 BY MEN IN MOTION HOME RENOVATION, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.988 ACRES LOCATED AT THE DEADEND OF PICKWAY DRIVE, WEST OF NORTH GRAHAM STREET FROM N1-A (NEIGHBORHOOD 1-A) TO N1-E (CD) (NEIGHBORHOOD 1-E, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 1. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This rezoning offers missing middle density housing in an area that is largely populated by single family detached neighborhoods interspersed among industrial and commercial facilities along the Graham Street corridor. Although this type of residential product does not currently exist in the area, the proposal is not incompatible with surrounding uses and the specified maximum unit count of 10 units across the approximately two acres is fairly modest in density. The Neighborhood 1, E zoning district permits the development of duplexes and triplexes by-right. The existing N1-A zoning district would also permit such uses, but the N1-E district allows for greater flexibility in dimensions such as lot size. This petition would maintain a sizeable tree save area along the site's southwestern boundary. The tree save area would buffer the proposed residential uses from the existing manufacturing and logistics zoning to the south. The proposal is consistent with the recommended Neighborhood 1 Place Type and maintains the neighborhoods single family character. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Brown, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 1. 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 rezoning offers missing middle density housing in an area that is largely populated by single family detached neighborhoods interspersed among industrial and commercial facilities along the Graham Street corridor. Although this type of residential product does not currently exist in the area, the proposal is not incompatible with surrounding uses and the specified maximum unit count of 10 units across the approximately two acres is fairly modest in density. The Neighborhood 1, E zoning district permits the development of duplexes and triplexes by-right. The existing N1-A zoning district would also permit such uses, but the N1-E district allows for greater flexibility in dimensions such as lot size. This petition would maintain a sizeable tree save area along the site's southwestern boundary. The tree save area would buffer the proposed residential uses from the existing manufacturing and logistics zoning to the south. The proposal is consistent with the recommended Neighborhood 1 Place Type and maintains the neighborhoods single family character. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Councilmember Mayfield said I just want to highlight those that were in attendance for the hearing and the residents that have reached out to us in email, that they still have concerns and are in opposition of this particular project.

Mayor Pro Tem Anderson said yes. So, I also wanted to say, during the hearing, we heard opposition from neighbors. I actually went out and walked the site with the neighbors. There was a particular question around having easements for Charlotte Water and Stormwater, and that was a dear concern to the residents, and that has been addressed very clearly from the petitioner. I will say that there is still some consternation from some of the neighborhood members around this; however, within the UDO and where we are, this level of density, which is not incredibly intense, but it is increased density relative to what they've seen, this is allowed, and the Zoning Committee went and looked at this really well and approved this unanimously and so did staff. So, I thank my colleagues for helping me to get this pushed back at the last meeting, to make sure that we address the needs around easement. So, thank you for that.

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

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

NAYS: Councilmember Johnson

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 049-050.

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ITEM NO. 34: ORDINANCE NO. 770-Z, PETITION NO. 2023-178 BY CROSLAND SE COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.96 ACRES LOCATED SOUTH OF ARROWOOD ROAD, EAST OF MICROSOFT WAY, AND NORTH OF HANSON ROAD FROM OFC (OFFICE FLEX CAMPUS) TO RC(CD)EX (RESEARCH CAMPUS, CONDITIONAL, EXCEPTION DISTRICT).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because:

The 2040 Policy Map recommends Campus place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed multifamily residential units would complement the surrounding campus that is composed primarily of office uses. The proposed multifamily residential units would provide affordable housing in the form of 70% of the residential units being income restricted for households earning up to 80% of the area median income for a period of no less than 20 years. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All.

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

1. The petitioner shall use diligent good faith efforts to obtain applicable low income tax credits during the applicable application periods over the one (1) year period after approval of this rezoning. In the event that after the exercise of such good faith efforts, petitioner is unable to obtain applicable low income tax credits or other required funding within such one-year period, the site may be developed without regard to the affordable housing commitment.
2. The petitioner will provide the following mitigation options to comply with the mitigation points required by the Comprehensive Transportation Review (CTR). All loading and solid waste pickup will be located within the site, missing or deficient sidewalks will be constructed along the site's frontages, and provide a covered bus stop along the site's frontage or across Arrowood Road from site's frontage.

David Pettine, Planning, Design & Development said just a quick point of context on the first note, that's not an uncommon note that we see on some of these types of projects. That funding cycle sometimes is competitive, and they don't have a long time to wait to move forward if the project doesn't get some of those tax credits to do an affordable project. So, we have seen that note in the past on these types of petitions. So, I just wanted to point out that that's not an uncommon thing that we do include on these just to give them some options. Should they not get those credits, they don't have to then come back for it for a rezoning just to remove that note. So, just wanted to point out that's why that's on paper now. So, I don't believe that that warrants review by Zoning Committee, and we'll be happy to take any questions.

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

Motion was made by Councilmember Brown, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Campus 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 proposed multifamily residential units would complement the surrounding campus that is composed primarily of office uses. The proposed multifamily residential units would provide affordable housing in the form of 70% of the residential units being income restricted for households earning up to 80% of the area median income for a period of no less than 20 years. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, as modified.

Councilmember Mayfield said Mr. Pettine, just for clarification, what is considered a stacked development? How is that different than just a multi-family?

Mr. Pettine said multi-family stacked. Is that what you're asking?

Ms. Mayfield said well, no. I was just wondering why we use the language stacked versus identifying it as a multi-family?

Mr. Pettine said so, there is a little bit of a difference. I'm trying to look up the definitions. It's essentially multi-family. It's just the form of the building is more of a stacked building than maybe your typical kind of garden-style type multi-family, but it's just a different term that we've got in the UDO, just to better define some differences between building form for a multi-family project.

Ms. Mayfield said okay. I was just wanting clarification on that.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 051-052.

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HEARINGS

ITEM NO. 37: HEARING ON PETITION NO. 2023-174, BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT - TEXT AMENDMENT TO UPDATE THE CAMPUS ZONING DISTRICTS TO: 1) RESTRUCTURE THE USE MATRIX FOR THESE DISTRICTS, ADDING SPECIFIC USES FOR OFC, IC-1, AND IC-2; 2) MODIFY THE PRESCRIBED CONDITIONS FOR CERTAIN USES ALLOWED IN THE CAMPUS ZONING DISTRICTS; AND 3) CREATE A NEW GENERAL OFFICE (OG) ZONING DISTRICT.

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said so, we'll go into talk about Campus Zoning districts and Campus Place Types for this text amendment. Just to get started, we have four general districts currently in the UDO that are supportive of the Campus Place Type. So, again, Place Types are kind of the overarching policy. We have zoning districts that then facilitate the goals of those Place Types. So, in those Campus Place Types, you've got IC-1, IC-2, OFC and RC. So those are our Institutional Districts, our Office Flex Campus and our Research Campus. So, which kind of uses are allowed in those Campus Zoning districts and what campus uses concerns will this text amendment address. So, when we rolled out the UDO and we had this approach with campuses and Campus Place Types in those zoning districts that accommodate those, there was some general confusion, just over the approach to permitted uses in those districts. The use matrix didn't really list them individually. So, let's say, in the OFC district, you may not see office as a permitted use, but certainly an office campus is permitted.

So, we realize that that maybe wasn't an approach that everybody was able to quickly grasp and get their arms around. Also, we realized that there were concentrations of office uses that aren't really part of a campus, but are mapped as a Campus Place Type, which would suggest the need for us to kind of have a new Office District. So, when we talk about the uses in those districts, and what we'll address here will amend the use matrix, which would show the individual uses are permitted in those Campus districts. It would also add some prescribed conditions to stipulate when certain uses have to be actually related to the overall Campus as a whole. So, if you've got somewhere that may be a restaurant in some of those place types or in those Campus districts, it may have to be something that is tied to the overall Campus use, like an educational facility or a hospital.

So, this text amendment will go in and make some amendments to really clean up that use table and better define and show which uses are permitted in which districts and get in again, some of those prescribed conditions. So, currently, the Campus use approach

looks like this in Chapter 15 of the UDO. Again, it lists each of the Campus types as a district use. So, you can we got Educational Campus, Government Campus, Religious Campus, etc. Then, the specific individual uses allowed in those Campus uses, like office, retail or restaurant, are really found in the use definitions in the Campus type in Article 15. So, you'd have to scroll down past that use table, read the definition of what's in a Medical Campus, and you might see things like office or retail or restaurants. So, again, going through that, it wasn't very user friendly for us to keep it that way. So, that's one of the reasons we've got this amendment in front of you this evening.

You can just kind of see, on the left, you've got the current use matrix, which is just a partial example of this, but you can see in those IC-1, IC-2 and OFC districts, there's really no X's or PCs (Prescribed Conditions) there, which indicates when uses are allowed by-right or when they're allowed by prescribed conditions. You can see on the right-hand side where we've got the proposed use matrix, that's where you can see that we've gone in and we've started to populate some of those uses. So, you can see, okay, if I want to do an art gallery in Institutional Campus, how would I go about that? You'd then scroll down, you'd know, okay, it's an allowed use. What are the conditions that I need to meet in order to get that use established, and it would have a definition and describe what those conditions are, rather than trying to parse through it and go down to understand what's allowed in these larger Campus settings. This really just better clarifies it and shows us that we've got a better, again, breakdown and specificity in where those uses are allowed and what kind of conditions that they're allowed in.

So, when we go to the prescribed condition changes. Again, as I had mentioned, certain uses are going to have a PC in the use table, which when you see that, it means there are prescribed conditions, which are things that are allowed by-right, but you have to meet certain standards in order for that use to be allowed in that district. So, for example, the Financial Institution, when located in an Institutional District 1 or Institutional District 2, a Financial Institution would be allowed, but it had to be related, or as a component, intended to serve and support that Educational Campus or that Government Campus or Medical Campus. So, it couldn't just be a standalone use that just didn't have any correlation back to the overall Campus. Same with, let's say, like a gas station would be intended to serve fueling for fleet vehicles, but not include like a retail component, where every day folks could drive in and get gas for their vehicle.

So, when we also got into this, we realized that we have a potential need for a new standalone Office district, that also isn't necessarily just correlated to a larger Campus overall. Think about our standalone medical uses, that may be in some areas nearby here on Randolph Road, that are part of the Campus Place Type, but they may not be directly related to one of the Hospital Campuses there. They're just a standalone medical office or other type of supportive office. So, creating a new Office district would help us to better recognize where those standalone office uses could be established, and give some flexibility to folks that want to establish those types of uses, so they don't necessarily have to be correlated back to a Hospital Campus or an Educational Campus or Religious Campus. We really will then have a good standalone Office District that could be supportive of, or supplemental to, those Institutional campuses, or again, they could just be their own standalone office use itself.

So, when we get into the new General Office District, rather than calling it the GO district, we flipped it and we're referring to it as the OG district, which is Office General. Some areas are mapped as Campus Place Type, but again, they're predominantly office uses, and they may be appropriate in some office-based areas that are mapped as Commercial Place Types. So, it gives us some flexibility to have a General Office district. I believe we have even a request later this evening, that's an ML district existing. They want to go to a Commercial District Conditional, just to put an office down. This would be a potential district that they could've used that would have been supportive of that Campus Place Type as well, but also allow them to just have a standalone office use. So, no existing UDO zoning district really works well for these types of standalone Office districts, or these uses. So, again, that's why we felt the need to create a new standalone General Office district, again, referred to as OG.

Some of the key development standards in the new potential district, predominant uses would be office, some limited retail and restaurant. No residential and no industrial uses would be permitted in this district. We would have setbacks typically about 20 to 40 feet from future back of curb according to whatever the street type is that they're located on, 10-foot side yards, 20-foot rear yards. Again, these setbacks are similar to what we have in the IC-1 and OFC districts, but they would be applied here similarly in this new potential OG district. Height would be limited to 50 feet, and you could be able to get up to 80 feet with the bonus structure that we've got in place. Those are things like attributing to additional open space, community benefits, using lead certification for your buildings. So, again, you could up to potentially 80, but that requires additional bonus features.

Also, we'd have build-to-zones in this, which would apply only on a main street, and that would be a zero to 20-foot build-to-zone. Max building length would be 500 feet, 700 feet with some additional design elements, transparency, which is how those ground floors are treated and what those ground floor treatments look like, 40 percent on the ground floor, 15 percent transparency on your upper floors. That's similar to all our other campus districts. So, pretty consistent that way. If we have an OG district next to an IC-1 or IC-2, that's part of a larger campus, we'd get similar outcomes. We would just have a different tool to accommodate maybe a standalone use that's either supportive or unrelated to that overall campus. Parking, Tier one, which would be a minimum parking requirement, would have no maximum requirement. A typical minimum requirement would be like one space per 750 square feet of gross floor area.

So, that's generally the Text Amendment, again, in kind of a nutshell. We've got the need to clean up our use tables to better specify when some of those office uses that are in campuses are allowed, rather than just having to kind of scroll through and maybe read to try to figure out on your own, this makes it a little more clear. Also, coming up and proposing a new just standalone Office district, which we think would be very conducive to, again, supporting some standalone office uses, and will help us to better see some of these visions of a campus overall, but allow some individual uses that are generally supportive of those campuses in those OG districts. So, with that, we'll turn it over for questions and discussions.

Councilmember Johnson said thank you, Mr. Pettine. Are these Campus districts specific to educational campuses?

Mr. Pettine said they can be. We've, again, had a lot of uses that are allowed. I'll go back to this slide. So, our current campus uses are Educational Campus, Government Campus, so similar to where we're standing tonight. Medical Campus, I think of your Atriums and Novants; Religious Campuses, your churches; social services, continuing care community. So, some of our senior living facilities would be considered as campuses. So, those were typically the umbrella approach that we took for that Place Type.

Ms. Johnson said so, I noticed there were two community meetings, I guess. Did we meet with the leaders of our large campuses, such as Charlotte and Johnson C. Smith and CPCC (Central Piedmont Community College)?

Mr. Pettine said I'm going to look over and see if I can. No, I don't believe we met with individual campus operators. We did meet with some other members, I believe. Did we meet with UAC (Unified Development Ordinance Advisory Committee) on some of these? Our Ordinance Advisory Committee looked over this, but we didn't go out and specifically talk to CP (Central Piedmont) or UNCC (University of North Carolina Charlotte), but we've heard concerns, particularly from some of the campus operators, particularly some of the hospitals, where we see a lot of those office uses, like I said, along, let's think about, Randolph Road. As you go down, you've got a lot of standalone physical therapy offices that aren't related necessarily to Novant but need a place that are generally kind of supportive, but they don't really fit in that IC-1 or IC-2, or even the OFC district. So, having this standalone district would allow them to get into compliance, to have a zoning district that allows them to redevelop or expand. So, we did hear some

of that from those campus operators early on when we had the UDO kind of roll out, and we've been kind of working through this change for a little bit now knowing that we had to kind of clean some of this up. So, we didn't have any direct conversations on this particular text amendment, but it is an issue we've heard from some of those operators for, over the last several months, since the UDO's been in effect.

Ms. Johnson said okay. So, as the proud University representative, I'm wearing my green, not just for brain injury awareness, but for the 49ers also. So, I want to make sure that we connect, or there's a meeting with the University leaders, just to get their feedback on the issue. Okay, thank you.

Mr. Pettine said certainly. Okay, no problem.

Motion was made by Councilmember Mayfield, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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ITEM NO. 38: HEARING ON PETITION NO. 2022-017 BY ALTON OLIVER SELF, JR FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.66 ACRES LOCATED ON THE SOUTH SIDE OF MT. HOLLY-HUNTERSVILLE ROAD, WEST OF BROOKSHIRE BOULEVARD, AND EAST OF BELLHAVEN BOULEVARD FROM N1-A (NEIGHBORHOOD 1-A) TO B-2(CD) LWPA (GENERAL BUSINESS, CONDITIONAL, LAKE WYLIE PROTECTED AREA).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2022-017 is about 1.66 acres on Mt. Holly-Huntersville Road, just between Bellhaven Boulevard and Abbington Holly Drive. It is currently zoned N1-A, and the proposed zoning is for B-2 Conditional. The Adopted Place Type on the Policy Map, you can see this is Neighborhood-1. We do have commercial directly adjacent on both sides of Mt. Holly-Huntersville, as well as some Neighborhood-2 there just to the east, and some Community Activity Center also out there on Couloak Drive. The proposal would be to permit a car wash, which would include a 4,500 square foot structure and accessory uses, which are permitted in the B-2 zoning district. It would accommodate a Class B, 27-foot buffer, along the eastern and southern property boundaries, and then a 20.25-foot, Class B buffer, along the western property boundary. Also, provides a dedication of 50 feet of right-of-way from the centerline of Mt. Holly-Huntersville Road, as well as an installation of an eight-foot planting strip and 12-foot multi-use path along that frontage also. We'd have one access point via a modified driveway from Mt. Holly-Huntersville with a minimum 100-foot stem, and then it would place the building to present a front to Mt. Holly-Huntersville Road, so all the entry points for the drive-in component of the car wash itself and the parking and all of that, would be behind that structure that's fronting Mt. Holly-Huntersville. Would limit blank wall expanses facing that road to 20 feet, and also design the building to include vertical bays or articulated architectural features.

As mentioned, staff does support the petition upon resolution of outstanding issues, just some transportation items and some environment items to clean up. While it's inconsistent with the Policy Map recommendation, we do see it as a reasonable extension of that Commercial Place Type, as we transition over to what is Neighborhood-2, and then that Community Activity Center. So, we didn't have any significant concerns, particularly also given the conditional nature of just this particular use being permitted. So, we are, again, supportive of the petition upon resolution of those issues, and we will turn it over now to the petitioner and answer 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. My name is Bridget Grant, and I'm a Land Use Consultant with Moore & Van Allen. Pleased to be here

tonight representing Tony Self on this petition. As you can tell from the date on this petition, we started this in 2022, and as it does sometimes, it took us a little time to work out the details. Dave did a great job describing the site, its consistency with the surrounding land uses. This goes out a little bit further showing you how close it is to all that existing Commercial Place Type zonings. So, we are happy to answer any questions. We're pleased to have no speakers in opposition, and staff's support. Thank you.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2022-121 BY RK INVESTMENTS CHARLOTTE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 53.07 ACRES LOCATED ON THE EAST SIDE OF ELM LANE AND WEST SIDE OF REA ROAD, SOUTH OF BEVINGTON PLACE FROM N1-A (NEIGHBORHOOD 1-A) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, Petition 2022-121. It's approximately 53.07 acres located on the east side of Elm Lane, west of Rea Road, south of Bevington Place. The existing zoning is Neighborhood 1-A. Proposed zoning is UR-, Conditional, with five-years vested rights, and the Adopted Place Type on the Policy Map does recommend Neighborhood-1. You can see we have some commercial at the intersection there at Bevington and Rea, as well as some Neighborhood-2 on either side of that, and some parks and preserves, which represents some of the holdings for where the greenway trails are in that general area. So, the proposal for this petition would split the project into three development areas. You've got A, B and C. You can see those kind of outlined as best as we could on the map there in front of you.

Overall, the project's proposing a total of 640 dwelling units. Up to 500 of those would be multi-family, and potentially age-restricted multi-family dwelling units, a continuing care retirement, which is either independent or dependent, or a combination thereof. So, that's, again, the overall kind of up to multi-family units that could be developed on the site. So, when we break this down into three development areas, you've got development area A, and in that development area, they're proposing 300 total multi-family dwelling units, which again, would be either age-restricted multi-family, continuing care retirement community, comprised of independent and dependent living units. Then, we move to area B, that would allow for multi-family dwelling units or age-restricted multi-family dwelling units, and a minimum of 49 single-family attached dwellings. That does allow some conversion rights to transfer some units from development areas into this one. So, you can see that that's one of the aspects of this project, and projects of this nature, we do see conversion rights quite a bit between development areas. So, moving into development area C, that one's up to 91 single-family attached and detached dwelling units, so a minimum of 15 of those 91 units would be single-family detached homes. Maximum building height for the single-family detached and the townhome-style products, would be 48 feet, which is consistent with most residential zoning districts. Maximum building height, for all the other buildings in the multi-family components, could be up to 65 feet.

There are architectural commitments, which are pulled into the plan as well. Those are things like preferred building materials, pitched roofs, blank walls, raised entrances, recessed garage doors, covered stoops, building orientation, massing and screening. It does provide amenities, which would include things like a swimming pool, a fitness center, trails, benches, and a pond. Also, would provide a network-required east/west public street, which would connect Elm Lane to Rea Road. That street would be built with an eight-foot planting strip and eight-foot sidewalk along both sides. The petition is also proposing to construct an eight-foot-wide planting strip and 12-foot multi-use path

along the site frontage on Rea Road, and then also would construct an eight-foot-wide planting strip and 12-foot multi-use path along the frontage of Elm Lane. There'd also be an internal multi-use path, which would connect Rea Road and Elm Lane to one another and propose a bridge connecting to the Four Mile Creek Greenway. It also commits to construct an eight-foot-wide elevated pedestrian connection in conjunction with Mecklenburg County, and then donate the connection and easements to the County for future maintenance. It does also note that in the event the petitioner cannot obtain approvals, permits or donation of those easements from Mecklenburg County, required to construct the elevated connection, the petitioner shall have no obligation to install that connection.

It would also provide a minimum of 50-foot-wide landscape area along the southern boundary planted to a Class C standard, so that's 50 feet, and that's just that green area, again, along the south side here. It also provides a number of transportation improvements, which are a result of recommendations of the traffic study. Those would include things, including but not limited to, restriping Bevington Place between Birkdale Valley Drive and the Shops at Piper Glen, installing pedestrian crossing beacons, constructing turn lanes, installing a traffic signal, constructing a full-access intersection, and also installing pedestrian crossing beacons on the west side of the shops at Piper Glen driveway. So, again, those are just some examples of what's in that traffic study. It was very comprehensive. We do have C-DOT (Charlotte Department of Transportation) staff on hand if you have specific questions about that and any of the outcomes of it, but those are just some of the examples of the transportation improvements associated with this potential project.

As mentioned, staff does not recommend approval of the petition in its current form. We will continue to work with all parties to sort through any outstanding issues and concerns raised, to try and revisit our recommendation as we go through the process from here. We stated it is inconsistent with the Policy Map recommendation for the Neighborhood-1 Place Type. So, with that, we will turn it over to the petitioner and the public, and we will take any questions following their two presentations. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said Madam Mayor, Madam Mayor Pro Tem, members of City Council and the Zoning Committee. I'm John Carmichael on behalf of the petitioner. With me tonight are Tom Brasse, the petitioner, Matt Langston and Randy Goddard. This 53-acre site is located between Rea Road and Elm Lane just south of Bevington Place. Highway 51 is to the north of the site off of this map. Elm Lane and Rea Road intersect with Highway 51. The Shops at Piper Glen are located to the north of the site on Bevington Place. The Four Mile Creek Greenway is located immediately to the north of the site and continues to the west across Elm Lane. This is an aerial. Once again, the county-owned property and greenway are located to the north and to the west. The Piper Glen Golf Course is to the east across Rea Road. You've got single-family to the east, and then single-family to the south of the site.

The site is currently zoned N1-A. Petitioner is requesting that the site be rezoned to the UR-2 Conditional zoning district to accommodate the development of 640 dwelling units on the site that could be comprised of multi-family dwelling units, age-restricted multi-family units, a continuing care retirement community or townhome units. A maximum of 500 of those units could be multi-family units. This is the current site plan. It's been rotated, so north is plan right, Elm Lane to the top, Rea Road to the bottom, Bevington Place here, the Shops at Piper Glen. There'd be an access point from Rea Road and an access point from Elm Lane. They'd be connected by an internal public street. Petitioner would install a right turn lane on southbound Rea Road at the access point, would improve the left turn lane on Rea Road at the access point, and then install a traffic signal. A northbound right turn lane and a southbound left turn lane would be installed on Elm Lane at the Elm Lane access point.

The townhome buildings would be located here at the southerly/westerly portions of the site. The multi-family buildings would be more centrally located to the north and northwesterly portion of the site, generally adjacent to the pond. The multi-family buildings would be set back a minimum of 150 feet from the back of curb on Rea. The

townhome units would be set back a minimum of 100 feet from the back of curb on Rea. There'd be a 50-foot undisturbed tree save landscape area along the southern boundary line of the site. Architectural standards are part of the petitioner's conditional rezoning plan. Amenities for the residents would include a pool, fitness center, trails, benches, and the pond itself. This is a slide that shows the building heights, the multi-family buildings are in blue. They have a maximum height of 65 feet, and they're more centrally located, pulled away from the property edges. The townhomes in green have a maximum height of 48 feet. As the development proceeds south to these single-family homes located along the southern boundary, the mass seen in height of the structures decreases. This slide just reinforces the buffer on the southern portion of the site, the increased setbacks and the increased screening that preserves the nature and character, we think at least, of the Rea Road corridor.

So, in terms of the pedestrian connectivity, the petitioner would install over three miles of new public and private sidewalks and multi-use paths. The heavy pink represents 12-foot-wide multi-use paths that would be installed along portions of the site's frontages on Rea and Elm. They would then traverse into the site, maintaining their width, and connect to an eight-foot-wide pedestrian bridge that would cross Four Mile Creek, would be constructed by petitioner, and provide pedestrian and bike connectivity to the greenway itself, and ultimately to Bevington Place and the Shops at Piper Glen. The smaller pink lines here represent the sidewalks and planting strips along both sides of the new internal public street. The purple lines represent the private sidewalks that would be installed on the site, and together they comprise about three miles. The blue line here is a potential alternate route for this multi-use path in order to preserve the willow oak trees on this portion of Rea Road. We're working with C-DOT now. It'd be an eight-foot-wide sidewalk back of curb. Pedestrians could cross at the traffic signal or at a new crosswalk at Old Course Drive. Once again, we're working with C-DOT on that potential alternative.

At least 30 percent of the site would be devoted to tree save areas. They're depicted in green on this slide. There's a new tree save area on Elm Lane and it's right here. So, you've got the tree save areas in green. It would comprise of at least 30 percent of the site. Sections were created to show the impact of the tree save and the setbacks on the screening of the site. I would say that to prepare these exhibits, the petitioner had a precise canopy survey performed with drone technology to ascertain the actual heights of the trees themselves. This first section is cut at Rea Road at the southern-most townhomes. You can see the building is about 120 feet from Rea Road. The top of the building sits below the height of the tree canopy, and then this is Rea Road here. So, there's sufficient screening here, we think. Then, evergreens will be installed by the petitioner here as well. The second section is cut a little further north on Rea next to the public road right through those townhomes. The building is located 100 feet from Rea Road and it, once again, sits below the height of the existing tree canopy, and once again, this is Rea Road to the left. The third section is further north on Rea. It cuts through the apartment buildings next to the pond. The apartment building is about 210 feet from Rea Road. The top sits below the heights of the existing tree canopy and the petitioner will add the evergreen plantings here and here. The fourth section is actually on Elm Lane. It was just added. This is cut on Elm Lane at the northern-most townhome building, and this building is 93 feet from Elm, and you can see it is below the existing tree canopy right here.

Finally, we were asked to prepare a section into the site from the parking lot on Bevington Place that serves the Four Mile Creek Greenway. It's about 364 feet, the building, from the parking lot. This is the property line, this is the pedestrian bridge that would cross Four Mile Creek, and this is the height of the existing tree canopy, and the building, as you can see, is below that height. Then, this is the site line that would lead you above the top plane of the building. Evergreen plantings will be installed here and here. These are the 10 goals of the comprehensive plan. Planning has determined that the proposal meets five of the goals. Petitioner believes that it meets most, if not all, of these goals. Petitioner would appreciate the opportunity to review this in more detail with the Planning staff. These are some of the community benefits that, if the petitioner proceeds, would result from this proposal, including the three miles of the pedestrian

walkways, that we mentioned, the new bridge over Four Mile Creek, a new pedestrian crossing on Bevington Place with rapid flasher beacons subject to the approval of C-DOT, a pedestrian refuge area and crosswalk on Rea and Old Course Drive, and then better bicycle and ped connectivity and just in total.

In terms of transportation, the petitioner would install multiple intersection improvements and turn lane extensions, as well as a traffic signal on Rea Road at the project entrance. I will say that the petitioner will continue to work with neighborhood representatives and the Planning staff on various elements of the plan, including density, over the coming weeks, and we'll make you aware of any revisions to the plan, and to the requests that occur as a result of those meetings. We believe that the process has yielded a better plan, and that this proposal elevates and ensures what can happen on the site above the minimum code requirements. We're happy to answer any questions that you may have, the team's here and ready to do so, and we appreciate your consideration. Thank you.

Daniel Paulson, 11032 Stonepath Lane said My name is Dan Paulson. I've lived in the same house in South Charlotte for 27 years. My neighborhood is located on Elm Lane, and I believe I have a vested interest in this rezoning project. Let me say that I'm not anti-growth when it comes to Charlotte. I'll say that I'm truly a proponent of plan growth, and this project does not fit that criterion. The main issue I have with this project is there's no focus on the overall impact on the existing infrastructure, such as roads, schools, water supply, etc. Bevington Place and Elm Lane are two-lane roads, and Rea Road has two lanes each way. Each are already heavily trafficked arteries for the southern growth in Weddington and Waxhaw. If any of you ever tried to navigate these roads during rush hour, you know what I mean. How about visiting the popular Trader Joe's during the day. Now we're talking about potentially adding hundreds of vehicles and school buses to road infrastructure that was not designed for this additional volume.

Due to aggressive growth in this area over 27 years, my neighborhood has been rezoned CMS (Charlotte Mecklenburg Schools), a total of 15 times. There has been no stability when it comes to student assignment by CMS's own calculations. Any residential development can increase their attendance figures by 1.3 children for every home that is added. Based on the projects latest estimate, this potentially could add an additional 800 children to the Student Assignment Plan that is already overloaded. Has there been any discussions with CMS regarding the impact that these additional children will have on student assignment? Because of the lack of developer impact fees, my Charlotte Water rates have increased on average 5.8 percent for the last 27 years, while my Stormwater fees have increased an average of 6.3 percent, all while the consumer price index, the benchmark, has increased over the same time an average of 2.78 percent. Why has there been no discussions regarding the necessary water and infrastructure improvements that this project will require? I urge you to hit the pause button on this project to develop a realistic, proactive plan for dealing with the necessary infrastructure improvements in advance. Then you can determine what might be a more realistic decision as to any developments. We need to break the cycle of pushing for more development as possible, then worry about other things later. Thank you.

Garland Green, 7117 Broadford Court said my name is Garland Green. I live in South Charlotte, a member of an HOA (Homeowner Association) care group, and I've been on this project for over a year. I brought three things with me for you. I brought you a brochure, everyone should have one, including the Zoning group. They say you won't read it, but I think you will. Additionally, I brought you a book where 20,000 people have signed up against this petition. Now, I ask each one of you in your individual areas, if 20,000 signed up from your area, how would you feel about the petition? You would probably be opposed to it. I also brought some friends with me. An opportunity for City Council to do the right thing. Twenty-thousand people are asking for your help. We want your help. The thing you should ask yourself is, why is the petitioner not building standard homes, residential homes, on a half an acre on wooded lots in this subdivision? That's what we're all about.

The next thing is, I want to talk briefly about these eight things, and I'm not going to hit the slides, because I never get through there, but I will send you a full slide presentation for you to look at. Density, that's our number one thing. They started 1,100 units. That was a pipe dream. They came down to 640, and we've asked them three times to reduce it, and they haven't. The projection to build by-rights is 400. Mr. Ranson, there's too much room between 400 and 640. You've got to do something or forget it. Alright, this is something that's really important to you guys. We have a set of rules called the Charlotte 200 Plan and the UDC goals, and how do they stack up to these? Affordable housing, none. They're charging rents between \$4,000 and \$6,000 a month there. It's a revenue stream of \$35 million a year. What more do I need to say? Maintain and protect tree canopy. They're stripping out 38 acres of trees. Increase and protect the natural lands. They're doing away with a natural forest. This is terrible. Preserve the character of neighborhood. Sixty-five-foot-high apartment buildings, four layers high, four stories, and above-ground podium parking underneath. You don't have anything like that in South Charlotte. It's a skyscraper apartment building. You have a density six times the normal area. You have very few trees, no screening of buildings near the street. If you drive down Elm Lane, you can see the buildings. There's no screening down there. There's no tree save. There's no screening, you just see them, it's terrible. Reduce traffic congestion. That's one of your things. Well, 4,000 new cars. What's that all about? We're so crowded right now.

My great flooding and stormwater, let me just skip to this. It's a real hot button with the people down there. We have a big problem. You can see the flooding there on the greenway. It completely floods with a light rain. That's Elm Lane going over the top. That abutment is 12-feet tall. Look at those houses over there. Alright, here's the next picture where we have a heavy rain. It's all the way up to the street 12-feet high, and it's coming off that property. Then, it also comes off westward, over to Elm Lane, and you can see the ruts where it's like creeks coming out of there, and you can see it crossing over the street, and when cars come through there at five miles an hour, there's 12-foot high fishtails on there. So, that's a real problem, when they do something there, and they hadn't proposed anything exactly. It needs to be mega strong, just not fixing. Let me just show you this. Talking about traffic, this is the intersection morning run at Rea Road and Highway 51. It's backed up. There's nobody turning left. There's nobody turning right. The reason that is, it's like it's a funnel. You have two lanes on Rea Road come up to 51, and when you cross over, there's only one lane going straight. You've got a bike lane up there. Who needs the bike lane when you're holding up cars like that? Holy smokes. Here's the Elm Lane. It's nothing but a little snake path. It's got a lot of falloffs. It's very, very dangerous. You hope at nighttime that a deer doesn't run out in front of you, because you're going off the road and probably kill yourself. I don't know what I missed. I'm going to just say, hey, we need your help. Thanks for the people that came out, a lot of the folks that came out from the Council, and a lot of folks from the Zoning Committee came out, and we really do appreciate it. You saw what it's worth.

Lisa Rudisill, 7101 Londontowne Drive said I just want to say I'm glad to see the bald eagle up here. Our nesting bald eagle there in that vicinity, they say, is too far away to be considered a danger with this development. However, bald eagles are coastal fishing animals. That's why you don't see them here. They're mainly on the coast. So, I want us to protect our wildlife. I also want you to realize there are over a million people we know that depend on the Catawba River right now, and I want this Zoning Committee to consider stopping the depletion of our trees, surface areas, and so many cars that we have the traffic jams, and you'll read on that piece of paper the other things that I had to say. Thank you.

Jacques Whettnall, 6401 Mock Orange Drive said alright. So, I'm going to have to go to my conclusion. It would be a blessing if our City government protects us as in the footsteps of some little moralistic country, which fosters capital happiness, as part of our gross domestic product. People are not familiar with this, capital happiness. It would be to protect the greater number, which is at the hand of few interests. Thank you very much. I had more, but.

Mr. Carmichael said thank you. I'll be really brief. I won't take two minutes. The speaker was right. The petitioner's been in touch with the North Carolina Wildlife and Resources Commission, and if the eagles are not within a protected zone, so that they're beyond the 60-foot zone that's in the act. So, Ms. Medford advised that the proximity to the planned development to the nest is outside the guidance threshold, so she's confident that the development poses little risk to the eagles. So, that's the communication we received. In terms of the student, I'm not disputing what the gentleman said, but the CMS report I received said it would add 215 students. Mr. Pettine would have that information, but I'm not saying that the schools aren't overcrowded. I'm saying that's the information on the CMS report. There is going to be a new high school that's going to open up in, I think, it's 2024 to 2025. This site would go to that relief high school. It is more dense than what's surrounding the site, but we think given the infrastructure, it's an appropriate location for the development of this density and of this quality, and we're happy to answer any questions. I have Mr. Goddard on transportation, this is Tom Brasse, the petitioner, and then this is Mr. Langston with Landworks.

Councilmember Driggs said thank you all for coming tonight and for your patience. Your presence here sends a powerful statement, and I don't think it's lost on any of my colleagues or the staff or the petitioner. I want you to understand this is a work in progress. We're not done yet. I've made it very clear that I will not support this petition that we heard about tonight in its current form, and as you heard, the staff doesn't support it either. So, we've got work to do. The difficulty here is that we have heard, in the last couple of weeks from petitioner, a willingness to kind of do more, significantly more. At some point, we're going to need to make up our mind whether the final offer that we get from the petitioner, compared to what could happen instead, deserves consideration. If you remain united against it, I will not support it. I just am concerned that when we look at what can happen if it is withdrawn, you might end up in a position that is worse than this. If it's withdrawn, there is an option under our current land use policies for the owner and petitioner to proceed with a different type of development without any meeting like this and without input from you. It's called by-right. Now, there has been some debate about exactly what that could entail. There was reference before to the possibility of around 400 units. If it was developed by-right, the 400 units would be single-family, duplex and triplex. In order to get the maximum number of those units on the site in accordance with existing rules, a lot of that site would have to be made buildable. You would have to remove more trees, you'd have to flatten it, and so on, and I'm not trying to scare you with this. Please bear with me. I just don't want us to end up having said no to this, and then find that something nasty happened.

So, I am very aware of all the concerns you have raised. I wish there was a way to preserve this as the habitat it is. I walked it over the weekend, it's beautiful. It breaks my heart, but the County did ask. I asked Susan Rodriguez-McDowell, and she asked the Parks and Rec to reach out to the owner, and say, "Hey, we might be interested," and the answer they got was, "No, it's under contract and we are not interested in entertaining any offers or having that conversation." The County is not going use an eminent domain process or anything like that in order to oblige that the owner sell for the use as a park. The City doesn't have capacity to acquire land for public use, so we wouldn't be able to do that, and there are laws about this. I mean, if we try to impose an outcome like some people would like, it would essentially be an illegal taking. We couldn't do it. We would lose in court. So, personally, I'm a little bit between a rock and a hard place here. I'm trying to keep sight of that by-right outcome, what it could look like versus whatever we're able to get still, in terms of further improvements. Things that we've been hearing about have, for example, the effect of creating quite a lot of tree save along Elm and screening from the Elm side. That was an issue that was discussed. Also, a meaningful reduction in units. I don't know how big that reduction could be, but significant, and meanwhile preserving the extra tree save, that's associated with this plan, compared to what could happen by-right. The traffic improvements that were developed for an 1,100-unit project would remain.

So, I'm in a difficult spot here, because I understand your passion. I can see the no on your shirts, but the truth is that we need to make a responsible comparison between whatever comes out of these continuing conversations and whatever might happen.

Now, towards that end, I've already been told that the petitioner does not intend to go to the Zoning Committee this month, which means the soonest as there could be any action, if at all, would be in May 2024, and that will give us time to hear what they might be able to do. It will also give us time to think about it. I've been working with a group led by Tom Coin, of about 15 members of HOA Boards, to try and just consolidate all the input that we have from you into a conversation that does make that comparison. If that group hears something that it feels is worth your consideration, then they and I will convene a meeting, an open meeting, and we will all have a chance to talk about it. We'll see then whether people prefer to just take the chance on the by-right, or any subsequent petition, or whether there has been a significant enough improvement in this plan to warrant your support.

So, I think that's kind of where we are, and again, I would dearly love to just sort of [inaudible] to the no on your shirt. I'm just afraid that it's actually not in your best interest. I hope you'll bear with me while we proceed, and then make a decision in the end about whether or not to allow this to come to a vote, and the answer is very possibly no, but I want to make that decision based on your proper understanding of what it is that's on offer and what could happen instead, recognizing that we are getting close to the point where we have half as many units as originally proposed, still obviously more than anybody thinks could happen by-right. In the context of the traffic improvements and the way the trees are saved, a lot of those willow oaks are preserved. There's a good buffer along Rea and Elm, in terms of the kind of things we're talking about now, and if you walk the site, as a number of us did this weekend, it's really quite striking how far away the roads are from the nearest building. So, all I ask you at this point is, please hang on and wait. Nothing will happen without you being notified as to what it is we're looking at, and whether or not there was a recommendation from the working group for you all to join in a conversation about it. If their answer is no, it's stops, and if their answer is, it's worth looking at, then we have the meeting and we present it and we talk it over. Again, if you'll remain united in opposition, then I will see to it, it doesn't happen. Thank you.

Councilmember Ajmera said I share Councilmember Driggs concerns. In fact, Mr. Driggs and I have had conversations about this and bald eagles several times. I have met with some of the community members. I have personally driven by the site. I hear you when you say, "It's two-lane roads." In fact, I was stuck in traffic on my way home. So, I can understand when you are bringing up traffic and congestion. There is no infrastructure to support the level of density that is being proposed. So, like Councilmember Driggs said, I cannot support it in its current form, staff is not supporting it, and I will continue to work with your District Representative to see if there is a middle ground here, if there is a solution that is better than by-right development, but we do need to keep in mind that there is a by-right opportunity, and you've always got to compare the current proposition against the by-right. I want to thank my friend, your County Commissioner, Susan Rodriguez-McDowell, who is here with us with her husband. Appreciate you being here and representing District 7. If you could please stand. Let me just say, you're in good hands. You have great representatives on County Commission, as well as your City Council here.

I appreciate the investments that petitioner has proposed in terms of pedestrian and bicycle connectivity. Of course, the density is too high, though, especially for Neighborhood-1 type. This is a Neighborhood-1 type. This is the lowest density you could get. So, when you bring up quality-of-life concerns, I understand that. When you talk about environmental issues, those are near and dear to my heart, especially our protection of our natural resources, and let me tell you, we do read your emails. We may not be able to respond to every email that we get, maybe 20,000, but I do read your emails, and I have had meetings with you all, and we've got your package. I see you have given us homework to do. I'll read this later on. I'll continue to work with your District Representative to see if there is a middle ground that we can work towards, but thank you all for being here.

Councilmember Watlington said I won't belabor the point, but absolutely, as Councilmembers Driggs and Ajmera said, this one is a tough one, because of the

situation we're put in. So, I will be a broken record and say that, despite all of the concerns that have been listed here, when we're in a situation where the by-right development is scarier than the rezoning, I think that tells us we've got a policy gap, because when by-right is something that is not acceptable to the community, we need to raise our standard, and that I think, is one of the largest lessons that we are seeing, especially with our new regulations. If what can happen without community intervention, imagine had you not come tonight, imagine had you not been writing emails that we are reading, imagine had you not been galvanizing and working with the District Rep, what could happen without your input at all, is not even bare minimum acceptable, and that is a huge problem. So, I challenge my colleagues. I challenge staff to go back to the drawing board and take the themes from each one of these rezonings that we see that are highly contested, and figure out how to improve the process, because all of us are here, because we want the highest quality-of-life that's possible, and the minimum should be reflected in our policies. We should never be in a situation where we've got to choose between a rock and a hard place. So, I'm committed to continuing to do that work. Thank you.

Councilmember Bokhari said thank you. Just three real quick things. One, it's inspiring to see all you guys come out. I won't belabor what's been said, but that doesn't happen all the time, and you deserve a pat on the back for all the work you all have done. Two, as someone who's gone through a lot of years of rezonings, with this one being high profile, I'll just tell you independently, I've seen your Council member, Councilmember Driggs, working on this for a long time. I've kept my finger on the pulse. I would just say that he is doing an awful lot of work. You may not like all the things that he says, but as someone who tries to be an honest broker, in my district for my complex rezonings, I recognize that. I see that he's doing that, and I hope you take him at face value, that he's just laid out a month or two, or however long from today until this comes to fruition, where he is committed to you. If you stay united in opposition, he'll do that. I have no reason, in my experience with him, that he's ever laid out something like that. So, you should feel confident working in good faith, that the deck isn't set against you, but there are some things he's going to have you contemplate, but I wanted to make sure you just independently got a little validation. I know how tricky these are, and this has been a tricky one.

Then, finally, this point is not so much for you guys, even though I know it'll probably resonate, it's for my colleagues to some extent, but I know it resonates with a lot of you, it's primarily for City staff and the City Manager. We spent over two years working on, debating, and putting out this Unified Development Ordinance, or UDO, in the community, which is essentially pouring rocket fuel onto growth. We have probably spent two days on infrastructure and the infrastructure that's needed to support that rocket fuel of growth that's here, and that is absolutely unacceptable. It doesn't do you any good, unfortunately, because here we are, and this is not a developer problem at their doorstep, it's an our problem. Again, I know most of you agree with a lot of these things. The call is on City staff and the City Manager. This is just the beginning post UDO of the uprising we will see at the by-right growth that we have dumped at doorsteps, and we have not spent any time whatsoever, related to what we have on the rocket fuel, figuring out how to put infrastructure around this growth, and we need an infrastructure investment committee or something that is formally focused everyday making this the top priority. So, I hope, again, you all know this. City staff, City Manager, I hope that's the message they take away, because this won't stop. Thank you all.

Councilmember Molina said I don't want to belabor any points that have been made by colleagues. I want to tell you all thank you for being here tonight. In my time on Council, I've never seen a community meeting with that many people in attendance. I mean, my goodness. The organization that you have is astounding, and as somebody who is on the opposite side of the political aisle, I want you to know that your representative has spoken to all of us. This is a very tough petition. I represent East Charlotte, and I've been in the same position, listening to the community members that I represent and lift their voices up, and they've had similar concerns. Infrastructure is something that we've got to work on, we know that. We owe that to you as taxpayers. We hear you. We're listening to you. I want to assure you, and I'm saying this with the

most respect that I could possibly offer, you have one of the most capable of us working on this petition, someone who's been on the Council for 10 years and who understands zoning very intimately. Of course, this is a group decision, and so we all have to hear this, but I want you all to know that we hear you. We see you. I don't want to speak for everyone else, but even I have actually gone to drive in this area to make sure that I had a proper understanding of what was taking place, and so your concerns are duly noted.

It was someone who spoke. I can see your face, when you said about the infrastructure now versus later. Man, that hit me. That was a deep one, because there have been sometimes where we will conditionally approve something knowing that we still have work to do. So, your ask is unique, in that I think it just brings myself and my colleagues some general attention to say, we know we got work to do. I like some of these suggestions that have actually come up from my colleagues. We're going to have to sit down and think about how we approach this going forward. So, again, I want to tell you all thank you. It means a lot. We represent you. We're here because you guys put us here, and that point is never wasted on any of us. So, I think this is kind of a unanimous decision, in that we'll continue to touch base with your representative. Again, I've got full faith that you have someone very capable leading this discussion and understanding what could happen in a by-right situation, and I hope everyone understands what that means. That means if we pull our hands from this, that means that the developer can do what the Unified Development Ordinance says that they can do without ever coming to Council. That may be better or worse. So, I urge you to put both of those on the table side-by-side and make sure that you're getting the best that is conducive for your quality of life. So, we're all still plugged in, still tuned in. Thank you so much for being here, and I'm looking forward to the ongoing conversation.

Councilmember Johnson said I just want to thank the residents for coming out. My green is for University and brain injury awareness, but also because these are my people. If you've followed Council for the last four years, I've been talking about cumulative impact and the lack of infrastructure, and because of that, I've gotten this reputation for being anti-development, so much so that there was a movement that I even lost my seat. So, I want to thank you for illustrating how frustrated the residents are in Charlotte. Thank you. We've talked about the UDO. We've talked about the lack of infrastructure. Councilmember Bokhari and I, there was a bipartisan approach to lead and champion an infrastructure meeting, and that was two days, and now we're still talking about it waiting on action. So, we need this kind of uprising, or this galvanization. We need this from all sides of the City. What you're talking about, yes, it's a very high profile, but this is happening in communities all throughout the City.

So, thank you for being here. I know that your Councilman is listening to you. He's going to work with the developers, but he's right, as far as the by-right. So, that's what we need to work on as a Council, is those policies. So, again, thank you for coming out. Thank you for being the face, or the coalition of the collaboration of the frustration in the City, the lack of infrastructure, the lack of attention to cumulative impact, the lack of attention to the schools. Someone mentioned the lack of impact fees. I will say that's a state legislation. So, that's something that you all can reach out to your state legislators as well, that would help us impact fees, as well as inclusionary zoning, while you're talking to them, but again, thank you for coming out. Thank you, Commissioner Rodriguez, and we look forward to continued discussion about this petition. Thank you.

Councilmember Brown said to all of you amazing people that came out to stand for something or fall for anything, so you are showing in numbers and volumes that you care about your community. One thing about me, is there's a learning curve for policy, but there's not a learning curve for people and love and support in a community. You're going to always get that with me. I'm very responsive. Ed, I would like to send this over to him. Yes, he has met with everybody, and he also gave us the address to go down and look. When I first took this job, I said I will go to the site to see what I need to see with the naked eye, because sometimes everything in black and white becomes too much to read, too much to bear. If you go out and you walk the site with someone that really cares about people and cares about community, you can learn anything. I'm a 4.0

student, so it's just a little bit of homework, a little bit of research. I've only been doing it for three months, but I bring to this table and what I bring to this dais, is a love for the community, to listen, to be accountable and to be accessible. Ed is one of my favorite people on this Council. I said it and I meant it. He's very fair. He works really hard, and he has worked his tail off on this petition, teaching, leading, guiding, and showing what it means to stand by your community and your constituents. So, I support him. I hope that we can get by with this by-right policy that we have going on. I understand what that means, that if this doesn't work, they can go back and do something totally different, but to all of you, kudos for loving your community so much, because I love mine in the same manner. Thank you.

Mayor Pro Tem Anderson said in closing, I would just like to echo the sentiments of my colleagues. I did have the opportunity to come out and tour the site and walk with some of your residents, and spent well over an hour out there, listening to all of the concerns. I do also echo the sentiment that Mr. Driggs has been working tirelessly in the background and will continue to work to come out to what is a best solution in this particular situation. So, thank you for your level of engagement in the community meetings, your level of engagement here. It really is setting the tone for how communities throughout the City should be involved. So, thank you for coming out. As you heard, there's more to come, more work to be done on this one. So, please continue to be engaged and liaise with Mr. Driggs, your representative.

If you'd like to stay and listen to all the other hearings, you're more than welcome to, but otherwise, we'll give you just a minute to move out. If you could do so a little bit quietly, in just a second, we'll start the meeting back up. Okay, we're going to start the meeting back up. If you can just be quiet as you exit and thank you for coming.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2023-046 BY CHILDRESS KLEIN PROPERTIES & CHARLOTTE-MECKLENBURG SCHOOLS FOR A CHANGE IN ZONING FOR APPROXIMATELY 124.60 ACRES LOCATED ALONG THE EAST SIDE OF TOM SHORT ROAD, WEST OF RED RUST LANE, AND NORTH OF ARDREY KELL ROAD FROM MX-1 (INNOV) (MIXED-USE RESIDENTIAL, INNOVATIVE) TO MX-2 (INNOV) WITH 5-YEAR VESTED RIGHTS (MIXED-USE RESIDENTIAL, INNOVATIVE).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under 125 acres, located along the east side of Tom Short Road, west of Red Rust Lane, and north of Ardrey Kell Road. In the immediate vicinity, it's largely dominated by single-family neighborhoods with small pockets of commercial and middle-density residential developments interspersed throughout. The site is currently zoned Mixed-Use Residential, Innovative 1, and that's from a 2004 rezoning request that was conditional, and they're proposing to go to MX-2 innovative, so that's Mixed-Use Residential, Innovative 2, and that is also requesting vesting rights. The Policy Map calls for Neighborhood-1 for this property. The proposal itself is to allow for the development of a secondary school and up to 682 multi-family units, 211 attached dwelling units, and 24 single-family residential units. It commits to having no fewer than 125 of the attached dwelling units and no fewer than 12 of the single-family detached units.

Development areas A through F are called out on the site plan. Area A may be developed with a school along with the associated uses, and it has a maximum building height of 60 feet. Areas D and E may be developed with 682 multi-family or attached dwelling units, and in Area D, there's also the large 12-acre natural preserve area that

will contain trails and other natural amenities. That will be privately maintained, but publically accessible. They commit to a maximum building height of 50 feet for Area D and 65 for Area E. Development Area C may be developed with up to 24 single-family detached homes, and that is along the southern boundary of the site, and that would have a maximum building height of 40 feet. Area B would be developed with 210 attached dwelling units or single-family detached homes, with a maximum height of 65 feet. This area also proposes open space and community amenities with improved active open space areas. development Area F, which is along the northern, eastern portion of the site, may be developed with open space, stormwater structures, and trails. Innovative lot standards are being requested as part of the zoning district, and that relates to lot size, lot width, front setback, rear yards, side yards, building coverage and building orientation.

The petitioner worked closely with C-DOT and NC-DOT (North Carolina Department of Transportation) to identify transportation improvements for the north and southbound I-485 ramps, Providence Road, Golf Links Drive, Ardrey Kell Road, Ballantyne Commons Parkway and Tom Short Road. Some of those improvements relate to new turn lanes, channelizing existing lanes, extending turn lanes, installing push buttons and upgrading pedestrian infrastructure, and that's all detailed in much greater lengths in the approved Traffic Impact Study. Access to the site would be off of Tom Short Road and the extension of Golf Links Drive, as well as other public street extensions, as illustrated on the site plan, and what could be a potential secondary access off Tom Short Road in development Area B, but that's being further discussed with C-DOT and the petitioner.

A subdivision street exception was approved to allow for the conversion of Camp Verde Lane from a public street to a 12-foot multi-use path. So, that would allow for pedestrian access up here to the school site, rather than another vehicular access and that improves safety. It commits to work with C-DOT and the community to fund up to six speed humps or other traffic calming measures throughout the area, and that they detail proposed internal sidewalks and planting strips. The site plan provides details on architectural design standards related to primary building materials, building placement, façade modulations, a maximum of six units in one building for attached dwelling buildings, raised residential entrances, pitched roofs, usable porches and stoops, minimize design for garage doors, connecting walkways to street sidewalks, screening equipment, and garage access via alleyways for attached dwellings. An eight-foot planting strip and 12-foot multi-use path would be constructed along Tom Short Road. Golf Links Drive would be improved with either an eight-foot planting strip and 12-foot shared use path, or with an eight-foot planting, eight-foot sidewalk and two five-foot bike lanes. A 200-foot Class C Buffer is proposed along the northern boundary. The petitioner worked with [inaudible] and Stormwater to provide additional conditional notes, and those notes state that land disturbing activities occurring on the site that exceed 10 percent of built upon area, a peak control shall be installed for 10-year, 25-year, six-hour storm, and additional peak control provided for the storm frequency, such as 50 or 100 year, as determined by the Stormwater Administrator based on a downstream flood analysis provided by the petitioner.

The petitioner also added a note that states that development within the SWIM (Surface Water Improvement and Management) or PCSO (Post-Construction Stormwater Ordinance) buffer shall be coordinated with, and subject to, approval by Stormwater Services, and mitigate if required by City ordinance. The petitioner acknowledges Intermittent and Perennial Stream Delineation Reports are subject to review and approval upon submission of development plans for permitting and are not approved with rezoning decisions. So, that's just a bit of extra verbiage that we don't usually see in the rezoning process that goes a little bit above and beyond to provide additional Stormwater notes there. A minimum of 25 percent of the site will be provided as passive open space, and a minimum of 17 percent of the site will be provided as improve active open space, and a playground would also be constructed. The petitioner also collaborated with Parks and Rec to commit to convey to the County a 100-foot permanent greenway easement, and that would be within the 200-foot buffer that we see noted on the site plan as the 200-foot Class C buffer.

Staff recommends approval of this petition upon resolution of outstanding issues that relate to a couple of transportation items and two land use items. The proposal would provide a mixture of housing types that diversifies the residential product offered in the area, which is mostly single-family detached homes as you saw in the aerial. It's worth noting that this petition would increase density of housing while still maintaining a maximum density that is fewer than nine units per acre. The overall design of the site also emphasizes contextual sensitivity by orienting the densest building forms towards the center of the site, furthest away from those existing single-family neighborhoods. They also provide that contextual sensitivity with that 200-foot buffer along the northern boundary, and the commitment to single-family detached homes along the southern boundary. So, although, on a whole, the development is more consistent with a Neighborhood-2 Place Type, the project still preserves single-family character and green area buffers along the edges of the site.

This rezoning would also help facilitate several community benefits, the most notable of which would be the construction of that new school in development Area A. The school would help to relieve Jay M. Robinson Middle School, which is currently over capacity. The commitments to sizable reservations of active and passive open space and the recreation opportunities active provided within those, would help to further some of the goals of the Comprehensive Plan. Transportation improvements are also a vital part of this rezoning given the scale of the development, and the commitments to improve the existing roads and surrounding the rezoning area, create a more robust pedscape with numerous conditions for traffic calming measures, creation of multi-use paths and upgrades to crossings and intersections. I'll take any questions following the presentations by the community and petitioner.

Jeff Brown, 100 North Tryon Street, Suite 4700 said thank you, Mayor Pro Tem, members of Council and members of the Zoning Committee. It's a pleasure to be here with my colleagues from Moore & Van Allen, Bridget Grant and Keith MacVean, and we've been pleased to assist Childress Klein and Charlotte-Mecklenburg Schools as competitors on this rezoning request. Thank you, Holly, for your efforts, and also thanks to C-DOT, who has worked diligently with NC-DOT for many, many months on a topic near and dear to your heart, which is infrastructure and road improvements in this area. We're really pleased to have the staff recommendation on this rezoning. We believe it'll bring a mix of residential housing and a well-designed site plan with large open space areas, trails, and very much the opportunity to bring the highly sought after middle school to this site. I also want to appreciate the efforts of Dave Clark and Fran Pineros, as board leaders of the Stone Creek Ranch Community that's located next door, and with whom we've worked for many, many months. While Mr. Clark and Ms. Pineros remain concerned about the requested number of units and the apartments, we appreciate the work we've done together to address a number of items, many of which were on the screen tonight.

Stormwater. We're providing enhanced Stormwater requirements over and above what the ordinance calls for. Cut through traffic. We'll talk briefly about that. We tried to work with Councilmember Driggs, who we also thank for his diligence, to engage in C-DOT on efforts on Tom Short Road, because it is an older road that we think can have improvements, and we're actually making three significant improvements on Tom Short Road. Again, we thank Councilmember Driggs. We've also reached out to others, and we appreciate their efforts, including Ms. Black and Mr. Danziger, who will be speaking in opposition tonight. We just firmly believe that, as supported by the positive staff recommendation, that what we're proposing is a reasonable amount of density when you consider we're a half a mile walking distance to the Rea Village Activity Center, fairly close to Waverly on Providence Road, and we're also providing for the opportunity of community benefits with the Charlotte-Mecklenburg School.

I'm going to move through quickly some things, just to hit some high points. I'm not going to repeat. Holly provided a lot of detail. We appreciate that. I'm just going to emphasize the greenspace, the open space, that we're providing on this particular plan. This goes back 20 years ago when it was rezoned with a lot of property in the area. This gives you a flavor. This on the left is what was back in 2004, largely undeveloped land.

If you look to the right, there's a golf course. Right now, that golf course is the Rea Village Mixed-Use Activity Center, and further to the right, Waverly has been developed since that time, and we're in close proximity to those improvements. This is the master plan, and again, I won't go through a lot, except to highlight again the open space and the opportunity that the 200-foot Flat Branch Creek along the north and the 12 acres, actually a little bit more than that, of the natural preserve area with trails that we're proposing, will provide not only tremendous open space, but also an opportunity to locate the multi-family communities significant distances from the existing Stone Creek Ranch community.

We think the site plan is part of the reason the staff feels in support, and we think that's an important ingredient. I'm going to now also just talk about the density. It's 125 acres, roughly 20 for the school. When you consider what we're doing on open space, we're at about 8.7 units per acre in density for the development, not including the school. If you put the school in, we're at 7.4 units per acre for the entire site. Speaking of the school, I'll turn it over briefly to Dennis LaCaria, just to hit the high points of the importance of the school to this effort.

Dennis LaCaria, 3301 Stafford Drive said thank you, Jeff. Thank you, Madam Mayor Pro Tem, members of Council. It's good to be with you this evening. Dennis LaCaria, Executive Director of Facilities Management for CMS. We are a co-petitioner, and as much as we like Mr. Brown, we are not paying for his services, so that's why I'm here this evening, we handle this ourselves. So, this school was funded as part of the 2023 Bond Referendum. We appreciate your support and the voters of Mecklenburg County who authorized that. The boundaries for this school have already been drawn. We undertook a very long process that a lot of you were also aware of and engaged in to determine those boundaries. So, those have been set, and we know who's going to be going to this school when it opens. We are relieving and changing the school makeup for everything from Alexander Graham in Sedgefield, all the way south through Quail Hollow, Jay M. Robinson, South Charlotte Middle School. So, there are significant changes to demography and makeup of all of the schools in that entire part of the county, because of the opportunity we're presented here with this school. We first approached the Caddo family about this property in 2008. This is something that we've long identified as a perfect site for a relief middle school. The Caddo family's been a good partner for us over the years. Polo Ridge Elementary School is on former Caddo property, for example. So, we're very excited about the opportunity to finally bring this to fruition and be able to build a baseline middle school that we're estimating will come with about 874 students, although, it has a 1,200-student nominal capacity, and we're targeting August of 2026 for opening, assuming a successful rezoning.

Mr. Brown said thank you, Dennis. I just wanted to hit some high points on the concerted efforts to work with the community, in particular, the Stone Creek Ranch Board. One of the key issues, we had two large community meetings, in addition to numerous smaller group meetings. What we've looked at is, first and foremost cut-through traffic, and we've been able to work to have a pedestrian only connection at Camp Verde Road, which is an important ingredient, and we've also looked at providing for funding for speed humps, upon C-DOT's policies being adhered to, and also a choker road design to try to prevent cut-through traffic in the community. So, that's one of the items that we've talked about there. We've talked about the importance of Stormwater management tonight, and it's becoming, next to traffic, something more important to ya'll than anything. We can't control what's happening with Cady Lake or the Storm Creek Ranch ponds. Those communities were developed before the Comprehensive Stormwater Ordinance. What we can try to do is make sure that our effort on our project is going to do a good job to ensure that we're not making things worse. In fact, we're not only going to adhere to the ordinance, but Childress Klein has then agreed to go deeper in terms of their ponds and larger by adhering to the 50 and 100-year storm events. So, we're actually going to be exceeding the ordinance requirements in our conditional zoning to try to address the stormwater concerns.

Next, if you talk about the efforts, Tom Short Road is a challenging road, and we appreciate Councilmember Driggs' efforts. We've tried to work with the community to

engage C-DOT, it's a state road, to try to deal with some stormwater flooding that occurs on that road, and we're also providing for improvements in this area. Traffic moves quickly on this road, because you can build up a lot of steam coming from Ardrey Kell. We'll have a traffic signal, turn lanes, at the entrance to Golf Links, and we believe that will slow down traffic significantly, because it's right in the midpoint of the road. Improvements of Ballantyne Commons Parkway, improvements at Ardrey Kell, we believe will provide support, and also a potential traffic signal at the Rea STEAM Academy that would happen, we believe, in the second or third phase of the development.

Transportation improvements. This is challenging. South Charlotte has transportation challenges. The City has transportation challenges. Many of you talk about that with great regularity. We had not only the C-DOT folks look at the traffic study, NC-DOT and NC-DOT's Congestion Management, and we have done a really good job, we believe, in trying to address some of the concerns. I've mentioned the improvements on Tom Short Road. In addition, the Golf Links will provide a whole new network street through to Rea Farms and into Providence Road. They are extensions that we're providing for some lanes on Providence Road. In addition, some improvements will be happening at the ramps, all because NC-DOT has looked at this. So, we think we're doing a very good job as well on transportation efforts there.

Let me just close by saying that we understand there's concerns about apartments and more development in the south of Charlotte, and then throughout the districts that many of you represent and those of you At-Large. We believe, though, that we're doing a very good job of working with the community. The multi-family units that they would love to see us kind of trim the number of units, we're within a half mile of the Rea Activity Village, and we think we're unique in that regard versus some of the other developments that may be happening farther afield. So, that's why we think this is appropriate. We hope you will agree. We do appreciate the work both from Stone Creek Ranch and also Ms. Black and Mr. Danziger, and we hope to continue talking to people. Thank you so much.

Glen Danziger, 11412 Tom Short Road said I just want to say thank you to the Council, Mayor Pro Tem, for allowing me to speak during this meeting today. I see there's still some green shirts left. We have a community here that's supporting us, and if the Gillespie rezoning was an exhibit for overcrowding and over-densifying Charlotte, the Caddo rezoning is exhibit 1B for that. So, the same issues that we have, that we've been talking about, and you all have been talking about as well, are the issues that we face with the Caddo redevelopment as well. My name is Glen Danziger. I live directly across the street from the Caddo property, and I'm representing the views of more than 3,000 petitioners that have spoken out in opposition to this rezoning.

We have provided binders to you as well with the information that will hopefully help clarify and make the decision easier for you, and I appreciate my colleague here for putting those altogether. You can see on the slide, just to put our opposition in perspective. If we could look at all the rezonings that have been approved and are being proposed in the ZIP Code of 28277, there's 15 of them, and you can see those in item number one if you have the laser pointer. The numbered boxes represent all of the schools, and you can see that there are now going to be four schools within basically a one-and-a-half-mile radius of this new development. Each one of those boxes represents rezonings that are mainly multi-family. Also included there are the number of daily trips that are going to be added, as a result of all these rezonings. I'll say that out of those 15 proposed or approved rezonings, which are again primarily multi-family, totalling 6,204 units, as well as a new high school, a new middle school and a new elementary school.

Our opposition is grounded in the principles of appropriateness and fairness, and this rezoning petition is neither of these. It is inappropriate, because there's insufficient infrastructure, as we've all talked about to support this, and similar projects in the area. It would be inconsistent with the character of the existing neighborhood, and it would contribute to the lack of affordability of housing. It's unfair, because this rezoning would

place an undue burden on the community, many of whom bought into this neighborhood when it was rezoned previously in 2004, expecting 331 single-family units on this property. Now, there are 917, as well as a new middle school.

I'd first like to expand on the inappropriate nature of the development. In terms of infrastructure, the biggest issue by far as you've heard, is traffic. This area is not walkable or bikeable, and there's no viable public transportation. It's entirely dependent on cars. So, every new apartment added adds at least one new additional vehicle on the road. These 15 new rezonings in the ZIP Code will add 65,381 new vehicle trips per day. Can I repeat that, 65,381 new vehicle trips per day on these streets. Traffic is a huge issue in South Charlotte on the major north/south commuter arteries of Providence and Rea Roads, and the two east/west corridors of Ardrey Kell and Ballantyne Commons, where traffic is bumper to bumper at rush hour. Traffic on Providence Road has become gridlocked due to massive development on and along Providence Road that has been almost exclusively apartments or mixed-use commercial development. Within just a mile of I-485 and Providence Road, where this development is occurring, there are plans for nearly 3,000 new apartments with further development of multi-family housing all the way up Providence Road to Uptown. Providence Road can't accommodate this increased traffic load. Every major intersection along Providence Road takes multiple traffic light cycles to get through during rush hour, you can't widen Providence Road. There's no plans for light rail, and there's no viable busing strategy. Road widening on the east/west corridors are many years away and will be inadequate by the time they're completed.

There are also issues with road and neighborhood flooding and dangerous road conditions, that was just discussed, that this plan does not adequately address, as well as safety and municipal services are already stretched thin with the current population. There have been conversations with the developer to address these concerns with the community, though, I would characterize these as inadequate and largely ignoring the issue of density. In terms of fit with the surrounding neighborhood, this development is not consistent with the character of the existing neighborhood. This rezoning places 682 new apartments right in the middle of single-family homes. It's completely surrounded by single-family homes. This neighborhood may be close to the Rea Farms and Waverly mixed-use developments, but it's not Rea Farms and it's not Waverly. It's a quiet suburban neighborhood, and we don't want it to be like Rea Farms or Waverly. We don't want to see four-story apartment buildings instead of tree canopies when we look outside our windows. We don't want our kids having to navigate giant parking lots on their bikes or walking on the way to school. We don't want 6,655 new vehicle trips per day cutting through our neighborhood roads and causing safety concerns, while our children play outside, and we don't want to experience the crime and noise that now occurs in Rea Farms and Waverly.

There are also concerns that without a financial stake in their properties, rental tenants will be less committed to maintaining a safe and desirable community, as well as a general concern around having 682 rental units sandwiched directly between two schools with preteen children. Yes, Charlotte is growing, and people need places to live, but the Charlotte metro area is at a massive deficit of single-family housing and has been since the financial crisis. A shortage of about 18,000 units per year has developed over that period of time, which now totals nearly 250,000, or a quarter of a million, shortage of single-family homes for people to purchase. There are a lot of reasons why home prices are unaffordable, but scarcity of new construction is one of the most significant and one of the most long-lasting. This development takes away 331 of those units that would've been otherwise built under the old zoning.

While single-family houses have yet to return to where they were 13 years ago, multi-family is now 200 percent what it was before the financial crisis, and according to Goldman Sachs, South Charlotte is the second highest at-risk city in the country for the risk of overbuilding in multi-family. So, by displacing 331 new single-family homes, with rental apartments here and in many other projects across this area, what we get is more of what we don't need and less of what we do need. Home equity is the most valuable asset in American's Financials portfolio, and you don't gain equity in a home by renting.

So, who is benefitting from this continued suppression of new single-family housing stock and replacing it with less necessary rental apartments, not ordinary Charlotteans. The benefits accrue only to the wealthy landowners and the real estate developers. Is that fair? I ask you. Is that consistent with the 2040 Vision?

I'd like to talk just a little bit more about fairness. After this property was rezoned to MX-1 back in 2004 with a maximum of 331 single-family units, every one who bought into this neighborhood, including myself, did so with the understanding that this property would have, at most, 331 single-family homes added to our neighborhood. With the second rezoning, not only will we have three times the number of housing units built, mostly apartments, but also a new middle school with nearly 1,000 kids. Although, this development will relieve overcrowding at our middle schools, it's now going to add to the overcrowding at Polo Ridge Elementary, that is also absorbing kids from the Rea Farm STEAM Academy after it converts to a full magnet next year.

Look, we're not saying no to development. We're just saying no to this kind of development and in this area. It's the wrong development, it's in the wrong place, and it's being built for the wrong reasons. This rezoning petition is simply not appropriate and it's not fair. Council members, I please ask for your support in saying no to Caddo. Thank you.

Councilmember Driggs said I just want to make a quick comment. Ms. Black, I know you have been very active and vocal. I'm sorry you didn't speak. I don't know if you intended to, but I've certainly heard your message, and I encourage you to write to all of us and share your thoughts. Thank you for being here.

Mr. Brown said thank you very much. I do appreciate the efforts and the comments and the concerns. Just to hit a few of the high points. Respectfully, in terms of the traffic numbers that are before you, I just have to point out that includes, for example, of those numbers, close to two-thirds of that is related to the Ballantyne redevelopment, which we think really is a different submarket, and has substantial road improvements that are coming with regard to that development as well. We understand the infrastructure needs. We have worked tirelessly for months on the traffic work to provide improvements, not just at the ramps and on Providence Road, not just a new network street, but also to try to alleviate some of the concerns about Tom Short Road. These are tangible things that will be happening as a result of the project. Respectfully, we think this neighborhood is moving in the direction of walkability. We believe that with our multi-use paths along Tom Short, the other connections on Golf Links, the pedestrian bridge to the community to go to school, we're providing the very type of walkability that moves the community in that direction.

In terms of density and fit, we are next door to this activity center. We're different in that way, and we've situated the multi-family communities large distances from the single-family. Frankly, we just believe that the rental community provides another living option, and that's what we're allowing, along with the townhomes and along with some single-family, and we think that's consistent with a lot of the goals and the policies with regard to missing middle housing that we're dealing with. So, we appreciate the comments. We think the proof is in the pudding of the work we've done with Stone Creek Ranch leaders. Again, they would like to see fewer apartments and they'd like to see fewer units too, but we think this is an opportunity to provide for the housing goals of the community in a way that adds infrastructure, adds walkability, and creates a school in a critical location. Thank you.

Mr. Driggs said good evening. It's my big night tonight. So, there are some similar issues here to what we've just discussed at some length about Gillespie concerning the emphasis on construction versus the infrastructure, and clearly, we're wrestling with that. My first reaction when I heard about this was, "Wow, on Tom Short." I used to ride my bike through there, and I don't see that as a high traffic area. I mean, I don't like the idea of that as a high traffic area. There are some perils on the road that we have talked about that need to be addressed, so that's clearly an issue, a lot of discussion about the stormwater, which continues. I guess what I would point out, though, is there are also

some differences from the prior rezoning. I kind of credit the Caddo family with not trying to maximum here, and you may think it's a lot, but in fact, this is nothing like going after 15 or 18 units and trying to take everything they can out of it. So, I give them a little credit for that. The difficulty here is it's a very large tract of land, and it doesn't have good infrastructure around it. So, we're left with the question, what you do with that? Because density of the number, as Mr. Brown indicated, by itself is in our current environment, not an aggressive number. We see a lot of that, and there are some features about this that are appealing. So, I'm still a bit stuck on the issue of the juxtaposition of this housing type with that housing type. We're having to deal with that in a number of locations. There's another one coming up on Kuykendall, the people are aware of that, on Providence Road.

The Council is going to need to think about exactly how we manage these things, because something like this comes along, and based on the context and the rules that we have right now, it seems okay if you can get around the traffic, and we have a study that says, the experts are saying, that the traffic is in fact mitigated. So, I think we need to be very thoughtful about what kind of pressure we apply here to change this, or whether maybe we think about just denying it entirely, because we will need to ask ourselves, never mind by-right. I'm just saying, we're going to need to ask ourselves, what do we think is right at a place like that? This is 125 acres with one farm on it right now, and down in South Charlotte that happens. We're kind of filling in gradually all of these formerly huge properties. Rea was one, the Waverly Development's one, and now we have this right in the middle of Stone Creek Ranch. It's like this was a hole in Stone Creek Ranch neighborhood before.

So, we're going to have to work on this, and I will continue to work with the petitioner to see how well we can respond to some of the issues that've been raised here, but as I mentioned before, we are once again in a position where just saying no or insisting that they be single-family units, the UDO, as I think you may know and the 2040 Plan, actually abolished a single-family zoning category entirely. That was the reason a number of us, bipartisan opposition said, "That's too extreme." It's one thing to kind of push for higher density. It's another thing no longer to have any single-family only zoning categories, but the truth is, that's where we are.

So, I look forward to working with nearby residents, and considering the issues, I thought the statement that was made about the concerns you have, was very well presented, and we will continue to work on it and see what kind of responses are possible from the petitioner. I think the presence of the school there is a community asset, although, it brings with it traffic concerns because of its location, but certainly, South Charlotte needs schools and we are grateful for the investment. Thank you, Dennis. Since we talked before about the schools overcrowding, I'm inclined to want to allow something that creates more school capacity to proceed, but there will be more of these. I mean, there are a couple other locations I can think of that are going to raise a lot of the same questions, and I hope we have a robust Council conversation on how we respond to that. Thank you.

Councilmember Ajmera said yes, thank you. Councilmember Driggs is right. It's almost 125 acres. This is almost double of what we've seen previously. So, this is huge. I appreciate, like Councilmember Driggs said, that this helps address overcrowding in schools, especially in South Charlotte, but the density is high, because this will revise our Policy Map from Neighborhood 1 to Neighborhood 2 for this specific site. So, that's what I struggle with. While I appreciate that it addresses school overcrowding, I appreciate the investments being made in open space, certainly appreciate some of the infrastructure improvements, but I struggle with the density here and how this will revise our Policy Map. See, what is breathtaking is the cumulative impact. If you look at all the developments that's been approved or by-right, and you look at the wholistic number, especially in this area, it's breathtaking. There was a site that showed all the rezonings. Could you bring that up? Someone presented that.

Mayor Pro Tem Anderson said Mr. Danziger.

Ms. Ajmera said yes, if someone could bring that up, I think that is worth looking at. If we can look at the cumulative impact. I know Councilmember Johnson would love this, because she keeps bringing this up every time. Just alone in this area, and when we look at the infrastructure, these are farm roads when we drive by these sites. Really, there is very little infrastructure. It's truly concerning. So, I struggle with this one. I'm not on board as of right now. I would like to see density being reduced while continuing to include the CMS schools. I don't think Council should be put in a situation to choose either/or. I think we can do both while addressing quality-of-life issues. So, I hope that petitioner will continue to work with the residents to address the quality-of-life issues that they are bringing up. Those are valid concerns. Can we look at the site where we have multi-family versus single-family breakdown, because I didn't quite catch the numbers? So, 125 acres. How many single-family residents and how many multi-family units?

Ms. Cramer said so, are you talking about the proposal itself, or are you talking about the area broadly?

Ms. Ajmera said, no, the proposal. I'm talking about specifically this proposal, because I just want to make sure we are not violating any meeting rules. We have to specifically talk about this rezoning. So, if you can bring up that slide where we have the breakdown, how many are single-family units, how many are multi-family units? I just need to see a breakdown.

Ms. Cramer said so, it would be up to 682 multi-family, that's apartment style buildings; 211 attached units, so townhome style structures; and then 24 of the single-family detached units, and that's in development Area C, which is the only development area where you see buildings close to the existing neighborhood. So, they oriented their least dense type residential product against that neighborhood, the single-family detached units.

Ms. Ajmera said okay, so 24 true single-family, 211 townhomes, and 682 multi-family?

Ms. Cramer said yes, that's the total maximum.

Ms. Ajmera said okay. So, how the numbers are skewed towards multi-family, to one of the speaker's concerns, I think it was Mr. Danziger, yes. So, we would like to see these numbers being revised, at least I would, so there is a little bit of balance where we are trying to preserve the neighborhood's character. That's all I have, thank you.

Councilmember Johnson said thank you. Can Mr. Danziger come back up, please? I have some questions. Thank you for the presentation. I wanted to see the map again, that Councilmember Ajmera has requested that we show. You're absolutely right, I do love the map. As Council, my colleagues know, that I've had maps created for District 4 numerous times. I even requested one for District 3. She's waiting on one, because believe it or not, as a Council, we don't get that type of illustrations. When we're looking at the zoning petitions, we're looking at the single zoning petitions. It's important that we see it from a cumulative impact. So, Mr. Danziger.

Mr. Danziger said did you want to bring that map back up?

Ms. Johnson said yes.

Ms. Cramer yes, I've asked for it, just a moment.

Ms. Johnson said are you an economist?

Mr. Danziger said no, I'm a Risk Manager in banking. So, I do a lot of economist work.

Ms. Johnson said okay. We need you on some committees. Are you on any City committees?

Mr. Danziger said I'm happy to help, yes.

Ms. Johnson said okay, alright. Thank you. Okay. So, if you look at this map, if you see all of those trips, from a policy perspective, we only receive Traffic Impact Studies if there are only 2,500 trips. So, if you look at all of these petitions, I think there's only four of those that would generate a Traffic Impact Study. So, we've talked about, from a Council perspective, that cumulative impact, what we need is when the number reaches 2,500 cumulatively, that we're doing Traffic Impact. So, this is one of the reasons you see the imbalance in improvements versus development. So, can someone from C-DOT come up? Thank you. We received a presentation, I don't know, it was a couple years ago, that cumulative traffic impact, we were moving toward that, maybe in the UDO or in the future. Can you give me an update on that? Do you know anything about that?

Jacob Carpenter, C-DOT said Jay Carpenter with C-DOT. So, we have moved under the UDO to performing traffic studies by-right and other transportation analysis for by-right development, which is a change from our old zoning. So, I think from a cumulative impact perspective, that's how we've worked to address that. So, thresholds are lower for performing traffic studies and we are now performing them for all development, the trips, those thresholds, instead of just rezonings.

Ms. Johnson said I'm sorry, say that again.

Mr. Carpenter said so, thresholds have lowered under our new ordinance for trips.

Ms. Johnson said to what?

Mr. Carpenter said it varies depending on development type.

Ms. Johnson said okay.

Mr. Carpenter said it could be as low as 1,500 trips or 200 peak-hour trips in some scenarios, and we are performing traffic studies for these developments that are developed by-right now. So, not just rezonings, but anyone that applies for a by-right development permit that reaches these thresholds, would have to perform studies. So, that's sort of how, as a department, we've transitioned to working to address the cumulative impact.

Ms. Johnson said okay. So, the thresholds have lowered, and we're looking at by-right that meet that threshold, and we weren't doing that before?

Mr. Carpenter said correct.

Ms. Johnson said so, can you provide, offline if you will, the new threshold, where it was 2,500, what that is now? That's going to help. Also, I know that this map, this illustration, helps me. I asked for it in District 4. This might be something my colleagues might want to ask in their district, because it does help for us to see. I'd love to talk to you, because you should see how we're calculating school impact. I mean, I talk about that constantly as well. I've talked to Dennis about that.

Mr. Danziger said you should also get the services of Marian Black, who was up here with me too. She pulled all this information together.

Ms. Johnson said okay. She should serve on the committee too. Okay, and then one question. You said that this area, it was second in neighborhoods at risk of oversaturation?

Mr. Danziger said yes. I was saying that if the Gillespie property was exhibit A, in overcrowding and over-densifying Charlotte, this was 1A, or exhibit B, because it all has the same issues.

Ms. Johnson said okay. I thought you cited some statistic that this area was second.

Mr. Danziger said yes. There was a study by Goldman Sachs that considers Charlotte to be the second highest at-risk city in the country for overbuilding of multi-family homes, next to Austin, Texas.

Ms. Johnson said okay, thank you.

Mr. Danziger said sure.

Councilmember Molina said I'll be quick. I don't want to belabor a point. Ms. Black, you're outstanding. So, I don't know if anybody can see this, but this is like a whole binder that we got last week, and it is one of the most thorough explanations that I've gotten since I've sat at this dais. So, thank you so much. This is the fabric of community. I've always said that when it comes to community, we are the sum of our parts, and I think the one thing that you see with Councilmember Driggs today, is that the community members that he represents, you guys know how to come together and really get your point across. I'd love to be able to disseminate this to so many other areas of our City. I think I was whispering to Councilmember Johnson here, I wish that more humans that we serve understood the process in the same way that some of you do. To be able to put something like this together, is indicative of a true understanding of what this process is and how it works. So, this was very helpful in understanding this.

In addition to this, of course, I would be absent in not mentioning the fact that your Council member has been very transparent in offering and sharing details with us about these petitions, and full transparency, we all have our hands full and that's the truth. It's hard for us to be tapped in, especially at a district level, with what we have going on in our particular district, and then we have to come, and we have to vote on other things. So, we depend on the other district member, who is in contact with the community members, to kind of give us updates on what's going on. That's kind of how this process works for full transparency. So, your District Representative has definitely been doing that, for both the last petition and this petition, and I think my colleagues and I, we hear resoundingly that we still have some very important conversations to hold. We've heard you. We hear you. We listen to you.

Some things that have stood out to me, like I said, stormwater. Stormwater, I want you guys to know across our City is a conversation that we're having. Just last month, I was here for a petition that made me cringe. I felt so bad for the community members, that it took that petition for them to kind of come forward and say, "Look at these videos. Look at these pictures. Look at what we are experiencing." Sometimes as your representatives, it's the first time that we've even had access to that information. So, once we're made aware of it, of course, we can hold the proper conversations on our behalf, so that we as the accountable members of this governing body, can work towards making those updates and those changes.

I think, in closing and my last comment, I'll say that I wasn't a member of the Council when the 2040 Plan and the UDO were adopted, but what I feel now is that we're going to have the community and the policy constantly clashing. This is going to be something that is just going to be immensely difficult, because we have this policy that was previously adopted where there's this by-right opportunity, and we are literally, it feels like in some cases, chasing behind what the community members would want and the updates that this policy is going to need. I have a few of these in my own district, so I empathize with you. I am looking forward to staying tuned into this one, depending on your representation, to continue to work with the development to see if there's equilibrium, to see if there's a happy medium. So, again, thank you guys for being here with us today, and I'm looking forward to the continued updates.

Councilmember Watlington said Councilmember Molina actually hit on a couple of the points that I wanted to make. We're about eight months into this UDO being in effect, and exactly like she said, we're seeing time and time again that there is a disconnect. I don't care where you live in this community, there's clearly a disconnect between what

the community desires and what shows up in our policy. Yes, we understand that the folks who come down here are typically not the folks that are giving us thumbs up, so there's a selection bias. That said, it's very, very clear to me that we've got to accelerate this work, because we can keep coming here, and I believe that my colleagues are speaking from a place of authenticity, but we have to remember that we are empowered to make these changes, so that we're not having these conversations every single month.

Councilmember Bokhari mentioned something earlier, alluding to the idea that most of us sitting around this dais are amenable to making adjustments. I absolutely would agree with that. When we talk about who was on this Council to vote for this, the fact of the matter is, that four of the six people who did vote are not here anymore. So, they're not dealing with the aftermath of what many of us around this dais lifted up as potential issues. Doesn't mean that we want to completely walk back every single thing that is in the UDO, but it does mean that, using language from my colleague here, a lot of this stuff was foreseeable and it's time to fix it. So, I would like to just say right now that at this point, we've got to do something. To that end, I know that we're not going to be talking specifically about policy today, but we know that there's a couple of items sitting within the Transportation and Planning Committee that are being looked at right now. I challenge us to go further, particularly ACM (Assistant City Manager) Babson, I challenge us to accelerate the work. We have heard enough themes over the last eight months to put it into committee, to start working around how do we make these adjustments, so we don't have to sit before our constituents anymore and keep offering condolences to what we know is something that we can change.

Councilmember Brown said I just want to say thank you so much. I saw your book, Ms. Black, when it was dropped off. Our packages get dropped off at our door, and I was like, wow, this is amazing. You're an amazing lady, you really are, and when you come out and you express your concerns, we definitely listen. To Mr. Brown, thank you so much for meeting me on the property site. I actually got to see the home and the vehicles parked inside of the Caddo property. When I walked up, I initially saw a black gate, all of the wooded area, and the cameras up there, and I said, "Wow, who in the world owns all of this property?" I said to Mr. Brown, because I'm transparent, I was like, "I wouldn't sell this. This is beautiful." Me and my kids can be out here running and playing. It's just a lot, a lot of land. I also noticed that, when you go down that street, there's a lot of open area. It runs to their home, the cul-de-sac, or the end of the road, I would say, because there's nothing else on the end, except for the homes. I visibly wanted to see what the area was like, and so Ed suggested, always going to look at the site, visual, I'm a visual person. So, yes, I'm running to the sites. I don't know if everybody does it, but I go to the sites. I need to go to the sites, because I'm new and I need to see it, and then I can put everything together into perspective.

This is really hard work. The UDO, the 2040, a lot of difficult stuff, books and pages of stuff. So, yes, I agree that condense, going back and looking at it, and see how it works and it's effective for everybody on the Council, for the residents to look at, because that by-right, we're still looking at that. No matter what goes on, we've got to come to, I think common ground, where we all can work together. In a perfect world, that would be the best thing that we could do, but we know there's going to be some type of opposition. I would like to say to you, Mr. Brown, and to the residents, I know that we can come, with Ed as the leader of this triangle, to come to some kind of common ground and work together. It says a lot about development when you invite us out there to show us specifically what it is, and take your time out of your schedule to walk the area and show me, because I had questions, lots of them. Bridget and Jeff drove me around in their car and I parked, and I wanted to know and I wanted to learn. So, thank ya'll so much for coming out. I look forward to seeing what Ed does, as he heads up this project, it is his district, and working together, to make sure that we can come to some type of common ground, so thank ya'll so much.

Mayor Pro Tem Anderson said thank you, Ms. Brown. So, I'd just like to say, I want to thank the community for coming out, and the level of engagement echo the sentiments of my colleagues, but I also would like to thank the petitioner. The petitioner has been

very comprehensive with meeting with as many Council members as would like to and walking through this actual particular petition, and the pros and cons to this. So, I would say, in addition, that the CMS impact is really significant, Dennis, and you're talking about an impact to schools like Sedgefield and Alexander Graham. Sedgefield is well north of Woodlawn, so it's not purely an impact just for South Charlotte. It is an extensive impact, as it relates to our middle schools in the City. So, bringing a new school online will have a ripple effect throughout the entire southeast area of Charlotte as well.

Lastly, I want to just acknowledge that the comments around the UDO, and we have been very clear that the UDO is a living document. So, it's a policy that Council did adopt with incredible input from the community, not just one touchpoint or two touchpoints, a plethora of touchpoints, but as we grow as a city and we begin to feel the effects of the UDO and try to understand some opportunities for improvement, we will do that. It's a living document, but it is our policy that Council has voted on and has been years in the making. So, the community, thank you for being engaged, please continue to stay engaged, and I know that Mr. Driggs will continue to lead you in the right direction as it relates to thinking about the balance, the pros and cons, of this particular petition.

Councilmember Mayfield said so, I have a couple of questions regarding our language that we have in here, because we use the language of, what may be developed, quite a bit for the multi-family for it not to exceed 682. So, Mr. Brown, it will be helpful if we're talking about partnering with CMS, to ask your clients if there is a willingness to actually designate in language the ability for diverse price point housing. Basically, if we're going to commit to build a school, are we creating housing for the teachers, for the service workers that's going to help maintain that school? Are we looking at between this multi-level development, we only have up to, or may develop, 24 single-family, but we have language in here that gives flexibility. Development Area C may be developed with up to 24 single-family detached homes. The number of single-family detached homes may be increased by three units by reducing the unit count in development Area B.

So, we do a lot of shuffling between the multiple areas, identifying if there's a commitment for accessibility for our workers, or that's going to be at that school for the families who may be attending this school, because not everyone is going to come in at a specific socioeconomic price point. We know that our teachers are not making the salaries for today's market, that type of commitment will be helpful. I would also like to find out, we have in here, and the proposal is for the innovative lot standards, we know the minimum standard on the side yard for a single-family detached is only five feet. Well, we also went through a pandemic. The minimum we say, is to have at least six feet away from each other in order not to catch basic germs. It would be helpful, because we have seen a lot of developments that have come out, new builds over the last few years, that five feet, that extra foot, makes a big difference in quality-of-life and accessibility for access in your home. Something that may seem very simple, like having your yard mowed. If you're not able to mow your own yard, and you have a company come in to mow your yard, that five feet, if they are driving a larger machine, and you have a landscaping company, then your shrubbery, if you actually decide to plant shrubbery along the side of your home, that is going to be destroyed.

So, something that may seem like a very simple step, especially when we're only talking about 24 single-family units, that one foot on each side to make it six feet, could make a big difference in the quality-of-life for the individuals, and also looking at what are we doing to make sure that this is a development that is attempting to reach our goals in the community of creating a truly diverse community. Because having a school, but having teachers having to drive an hour plus to get to and from that school, versus having easier access, and even all the service workers, whatever role that they may play to keep that school up and running, would be helpful to know that that was taken into consideration. Thank you.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2023-062, BY WHITE POINT PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.59 ACRES LOCATED ALONG THE SOUTH SIDE OF COMMONWEALTH AVENUE, WEST OF THE PLAZA, AND EAST OF PECAN AVENUE FROM NC (NEIGHBORHOOD CENTER) TO CAC-2(CD) (COMMUNITY ACTIVITY CENTER - 2, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just over 2.5 acres, along the south side of Commonwealth Avenue, on the west side of The Plaza, and east of Pecan Avenue. It's in the core of The Plaza Midwood neighborhood, and the southern boundary of the site abuts Independence Boulevard and the future right-of-way that LYNX Silver Line. The site is currently zoned Neighborhood Center, and that's as a result of the pedestrian overlay that was over much of this area, which translated several of the general legacy districts to Neighborhood Center. They are proposing to go to Community Activity Center-2, Conditional, which is consistent with the Policy Map recommendation for a Community Activity Center at this site. The proposal is to allow for all uses in the Community Activity Center-2 district, and it specifies four development areas, as outlined on the site plan. Existing buildings may remain, and redevelopment would also be allowed in accordance with the UDO. It specifies that new buildings in development Areas A and B, must incorporate ground floor activation by committing to set aside 35 percent of the ground floor area for commercial nonresidential uses. The petitioner also worked with the community to detail a note that specifies that if redevelopment were to occur in Areas A or B, at least one small commercial space must be provided.

The plan also specifies the maximum building height of 126 feet, which matches what was just approved on the east side of The Plaza, as Petition 2022-099. It also notes that any height achieved on this site above 80 feet, would have to utilize the UDO's bonus menu. There is proposed abandonment of the existing alleyway, and the petitioner also commits to reserve right-of-way for future acquisition by CATS for that Silver Line that would be along the southern boundary of the site. Staff recommends approval of this petition upon resolution of the outstanding issues. The current adopted Silver Line will run along the backside of this property, and the Light Rail Station is proposed just a short walk away along the other side of Pecan Avenue. The adjacency to this forthcoming transit infrastructure gives credence to intensification on parcels such as these that don't abut single-family homes or other sensitive land uses, and the rezoning itself sits in a transitional space between the neighborhoods most intense scale of development to the west of the site, and the Neighborhood Center and Neighborhood 1 type of development that we see to the east and north of the site.

The zoning being requested and the scale proposed is reflective of that gradual shift and land uses and intensity, and the CAC-2 district is being requested here for the site, rather than CAC-1, because the CAC-2 district provides a little bit more flexibility in the vehicle parking requirements, and so that could ideally lessen reliance to personal vehicle usage, which in this area is relevant given the existing and planned public transit options that we'll have. To bring this request more in alignment with the less intense CAC-1 district, the petitioner opted to build in the height provisions that align with the CAC-1 bonus menu options sought for any buildings above 80 feet. This petition is consistent with our Policy Map's recommendation, and I'll take any questions following the petitioner's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 said thank you, Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean with Moore & Van Allen, representing White Point Partners. Jay Levell with White Point Partners

sends his apologies. He had a sick child that kept him at home tonight, but he will keep abreast if the petition has been moved forward. Also here assisting us is Hattie Pavlechko-Reiter with Land Design, available to answer questions. Russell Fergusson, with The Plaza Midwood Merchants Association, is also part of our presentation. We've been working with Russell as well as the Commonwealth Morningside Neighborhood Association, and Allen Nelson, representing the Commonwealth Morningside, is also here. Petitioner's been working with them since we filed the petition, originally filed as a conventional, have converted it to a conditional, as Holly mentioned, to address neighborhood concerns, and we will be making additional changes to the petition. I spoke with Mr. Fergusson and emailed Allen this morning about additional changes the petitioner will be making to the petition to address additional concerns regarding membership in both associations, contributions to their associations as new development occurs, working with the City to redo the streetscape along Commonwealth Avenue at the time of redevelopment.

One thing I do want to mention, as a part of this petition, is the emphasis for this petition, is really not redevelopment in the short-term or even the near future. It's really adaptive reuse of the existing buildings on the site. CAC-2 allows Jay and his partners to do that without tearing down buildings to create additional parking. So, that's really why CAC-2, and then the conditions to address future conditions that might arise as part of redevelopment. Russell, I'll turn it over to you.

Russell Fergusson, 2254 Farmington Lane said Mayor Pro Tem, District 1, Council, Zoning Committee, good to see you guys. I'm here in my capacity as a board member of Plaza Midwood Merchants, and as mentioned, it's been a little bit late breaking, but we're here standing in support, because we've been working with the petitioner on this project with Commonwealth Morningside Association, which is also in the house tonight. We're pretty confident that these next couple steps, we'll have everything refined on the site plan and be able to support this going forward. We've been focusing on the pedestrian rail trail, which will highlight what goes with the Silver Line behind. Streetscape improvements on Commonwealth is something we'll be looking forward to working with C-DOT on, with the community and petitioner together, to make sure that fits the neighborhood, and mitigating some of the construction impacts, and some of the impacts we've been dealing with, with construction. So, we stand here on the support side, and we'll be working with the petitioner to get this right and other community members. Thank you very much for your time.

Mr. MacVean said we're happy to answer questions.

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

Mayor Pro Tem Anderson said alright. Before we do that, I would say I do appreciate you working with both Plaza Midwood Merchants and Commonwealth Morningside. As you know, those communities, they support adaptive reuse, and so I look forward to seeing the revisions of the site plans, as you have communicated with the community members and leaders. Thank you.

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

ITEM NO. 42: HEARING ON PETITION NO. 2023-176, BY SMITH DOUGLAS HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.85 ACRES LOCATED ON THE NORTHEAST SIDE OF PAW CREEK ROAD, EAST OF LITTLE ROCK ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said alright, thank you, Madam Mayor Pro Tem and Council. Petition 2023-176 is located at the northeast side of Paw Creek Road, east of Little Rock Road. The site's approximately 14.85 acres in size and is currently the site of a single-family dwelling. The current zoning is N1-A, Neighborhood 1-A Conventional zoning district. The proposed zoning is N2-A (CD), Neighborhood 2, a Conditional zoning district. The 2040 Policy Map recommends the Neighborhood 1 Place Type for this site. The N2-A district is inconsistent with the N-1 Place Type. Approval of this petition would revise the 2040 Policy Map recommendation to the Neighborhood 2 Place Type. The proposal calls for up to 127 duplexes, triplex, quadruplex dwelling units under multi-dwelling development use. Vehicular access to the site is from Paw Creek via a private drive.

Primary exterior building materials will consist of brick, glass, stone or synthetic equivalent, stucco, EIFS (Exterior Insulation Finishing Systems), metals and cementitious, or wood siding. Vinyl may not be used as primary building material, and concrete masonry units are prohibited. Pitched roofs have a minimum of four 12. Usable front porches and stoops will be features on the units faces the public street. Blank walls shall be limited to 20 feet. Meter banks shall be located outside the right-of-way and screened from public view. There are several outstanding issues on the site dealing with site and building design, and one dealing with environment from Urban Forestry. Staff does not recommend approval in the current form. The proposed development pattern is not compatible with the surrounding context area, and the land use recommendation for the Neighborhood 1 Place Type, as the proposed use is multi-dwelling development. Utilizing private alleys, the area is not served by public transportation. It lacks a comprehensive sidewalk network, bike facilities, and it's not within a half mile walk or a two-mile bike or transit ride of essential amenities, goods and services. I'm happy to take any questions after Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you Mayor Pro Tem, Council members. Collin Brown on behalf of the petitioner, Smith Douglas Homes. Joe Padilla, who many of you may know from his time in the industry, is here as well. Thanks, Maxx, for that overview. As Maxx mentioned, this is in the Paw Creek area in Councilmember Graham's district. The Smith Douglas Team, we did do some early outreach with neighboring communities. We actually had a couple meetings with the Board of the Northwest Coalition and have received their input as well and actually got very good feedback from them. As Maxx pointed out, there's kind of interesting mix of uses. We've got a school across the street, we've got a fire station, a church, and then transition to the lower density single-family neighborhood. The feedback that we heard from the community, when we had the meeting, was actually quite positive. Sam Smith, and I'll let ya'll speak to him if you would like, let him speak for himself, but he did say to us, "Hey, this is the type of residential housing we're looking for, and we're looking for sale housing," which is what Smith Douglas does.

We are pursuing an N-2 designation. So, I won't get into the by-right battle, but as Maxx mentioned, we're just talking about duplexes, triplexes and quads, but there's some design standards that make that pretty difficult under the N-1, so we've done this as a conditional, hitting on some of the themes tonight. We've done a conditional zoning to have a site plan, to have those commitments, to have some architectural commitments like you've heard, and generally the community feedback we heard was, "This is positive." They're excited about homeownership in the community, and these are Smith Douglas' goal to have a relatively attainable price point. So, that is some of the reasons we are trying to manage our commitments on all of the architectural features. However, we're optimistic. Staff has given us some points to work on. We hope, that in kind of following the hearing, we can work with our design team, the Smith Douglas team, to come up with some modifications to the plan that could help us earn staff support. Again, we feel like the development type, with these duplexes, triplexes and quads, are very similar to N1-A, and with some site plan modifications we hope we can get there. Happy to have community support, and we'll take any questions you have.

Councilmember Ajmera said thank you. So, Mr. Brown, you mentioned that we are looking at duplex, triplex and quadplex. Isn't that already allowed in N1-A? So, was this filed before the UDO?

Mr. Brown said no, and I don't want to get into the, what we could do under N1-A. Yes, someone could develop this site under N1-A. There are some things about N1-A that make it pretty difficult for a traditional townhome style layout. So, I don't want to get into, we could do this by-right. We've kind of come in, we said we'll go into, we'll provide a site plan that people can see. I think that's helpful for the neighborhood. Frankly, I think they'd rather see an N-2 Conditional sometimes, than a, we don't know what we're going to get with N1-A. So, I think that's the response we've gotten. So, yes, this product type could be built. Some of this could be built by-right. We think this is a better plan.

Ms. Ajmera said alright.

Motion was made by Councilmember Ajmera, seconded by Councilmember Brown, and carried unanimously to close the public hearing.
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ITEM NO. 43: HEARING ON PETITION NO. 2023-107, BY PENMITH HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.3 ACRES LOCATED ALONG THE NORTH SIDE OF ROCKY RIVER ROAD AND THE EAST SIDE OF JOHN RUSSELL ROAD FROM NS (NEIGHBORHOOD SERVICES) TO N2-A (CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-107. It's about 12.3 acres on Rocky River and John Russell. It's currently zoned Neighborhood Services, which is a conditional district. It is proposed to go to the N2-A Conditional district. The Adopted Place Type on the Policy Map does show this is Manufacturing and Logistics, mainly recognizing the existing use of, what I believe, is a nursery operation, is that correct? Yes. So, that's reflective of that existing use, but actually entitlements are for primarily a nonresidential neighborhood serving type of commercial use under that NS zoning district. So, the Policy Map doesn't quite align with the entitlements, and it is inconsistent with the actual proposal that we're looking at, but again, I think it's generally in line with some of the previous entitlements and previous conversations about development on this property.

So, with that, we'll get into the proposal itself, which is looking to allow up to 115 multi-family attached residential units or townhomes, also would allow up to 9,000 square feet of nonresidential units. You can see that right there along the frontage of Rocky River Road. They would also dedicate land for right-of-way for NC-DOT from the center line to John Russell Road, as well as the center line of Rocky River Road. Also provide accessible sidewalk, ramps and crosswalks, and pedestrian signalization at that intersection of John Russell and Rocky River as well. Provide a 12-foot multi-use path, eight-foot planting strip along both of those frontages, and then eight-foot sidewalk and eight-foot landscape strip along public road one and public road two internal on the site. It would also provide some supplemental plantings around the potential stormwater control area at that intersection as well. You can see that just in that bottom left-hand corner of the plan. Architectural details have been brought into the conditional notes as well. Then, it would also provide two amenity areas, the first being a minimum of 5,100 square feet, which would also provide two features, including but not limited to, things like a community pool, an open air pavilion, grilling area, splash pad, etc. Amenity area two could be a minimum of 1,800 square feet and would provide amenity features, which could include things like, a dog park, a children's playground or a community garden.

Staff does recommend approval of this petition. Just have outstanding items to work through related to environment. Like I mentioned, it is inconsistent with the Policy Map recommendation for Manufacturing and Logistics, but going to that Neighborhood-2 Place Type would actually provide a little bit better compatibility with some of the existing single-family that's out there, as well as some of the pending development right to the east of this off Bailey Run and Rocky River, which was a couple of recent rezonings that were approved that are very similar in character and development pattern as this request. So, with that, we'll turn it over to the petitioner, and we will take any questions following their presentation. Thank you.

Paul Pennell, 1213 West Morehead Street, Suite 450 said thank you so much, Dave. I'm Paul Pennell with Urban Design Partners, representing the petitioner on this particular petition tonight. Mayor Pro Tem, City Council, thank you so much for your time this evening. The site, as Dave did mention, is in fact a third-generation wholesale nursery. If you have purchased plants at a large box hardware store, you have probably purchased plants from this particular location. Just for the context, to the south of the site, the 12.3-acre site, is Rocky River Road. It's also adjacent with John Russell Road, which is moving north to south on this particular map. A little bit of an up-close view of what is happening on site. A large portion of the site is a grassed lawn area, and what you see primarily here is actually container-grown plants on site that basically just get irrigated over time, that's generally the use of the site today. You can see to the north of the picture there, that's the Seven Oaks Community, to the south is the existing Buckley Community, and then immediately across John Russell Road is the Redeeming Word Ministries Church, which we've been working with Pastor Mitchell as well. Farther north on the top end of the picture there is actually the existing nursery itself.

As Dave mentioned, the existing Policy Map is Manufacturing and Logistics. This is the existing rezoning plan that's currently in for review. As Dave had mentioned, it shows 115 single-family attached residential units, along with 9,000 square feet of neighborhood commercial nonresidential uses on site, 9,000 square feet. We have also conditionally restricted the number of units along public roads on site to four residential units to make sure that those buildings remain in general scale and character of the existing single-family homes that are in the area today. You can see two ponds on site, one at the immediate corner of John Russell Road and Rocky River Road, and then there's a ridge on site, so we've got two drainage areas that we're having to tend to, so that's the reason for two storm ponds on site. There's another one to the east of the site.

Just to go through a few of the community highlights here. We've got 9,000 square feet of neighborhood commercial uses, road widening along John Russell and Rocky River Road. Pedestrian signalization and crosswalks will be added at John Russell and Rocky River intersection, a 12-foot multi-use path along John Russell and Rocky River Road. We have committed to work with the adjacent property owner. There's a 350-foot gap between this development and Bailey Run. We're working with that property owner to actually close that multi-use gap. So, we'll be working on that. Let's see here. All residential units do have their own full-length driveway, so it'll be a two-car garage and full-length driveway for all of the townhomes. Also, we're going to be sending in an annexation application to request to come into the City of Charlotte, as well. If you have any other questions, we can handle them during the Q&A.

Councilmember Ajmera said yes, thank you so much. Yes, I'm very familiar with this site. I don't live far away from this site, and in fact, I've been there for plants. I knew you were going to mention something about architectural, so before I ask my question, do you want to finish that?

Mr. Pennell said yes, I do. Thank you for the additional time. Toll Brothers will be the builder on site, so it is a higher-end home builder. We have certain architectural features that are going to be incorporated into these residential units, three story, but they're all going to have their individual rooflines, they'll have very nice architectural detailing along those facades to make them clear residential units for each of the individual units,

and most importantly, these are going to be for sale units as well. So, this is not a rental community. This is a for sale product for this area.

Ms. Ajmera said I was just going to ask that question. So, thank you, Mr. Pennell, for a comprehensive presentation, as always.

Councilmember Johnson said thank you Mr. Pennell. Thank you for the presentation, and I just want to say for the record that he has worked with the residents, and I know in Seven Oaks. Did you say in Buckley also, you'd reached out?

Mr. Pennell said we have worked with the community members beginning in June 2023 and July 2023, with Buckley HOA, the Seven Oaks HOA. We're currently in discussions with the Pastor at Redeeming Work Ministries, which is right across the street, and we've also been working with Reneta Mitchell and [inaudible]. I believe we initially engaged them in June of 2023. So, it's been some time to make sure that everything is in place prior to presenting the petition to Council tonight.

Ms. Johnson said I appreciate that, and I know you worked with [inaudible], but this kind of borders District 4, and we now have our own coalition. It's the District 4 Coalition. So, I'd like to introduce you to those folks.

Mr. Pennell said yes, please do.

Ms. Johnson said yes, they're doing great work. I just want to thank you, because Seven Oaks was highly opposed to a development last year. So, for them to be on board, it speaks volumes about the petition, and I appreciate you're working with the community on this, and just being very engaging with me as well. So, thank you.

Mr. Pennell said of course, always.

Motion was made by Councilmember Johnson, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.
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ITEM NO. 44: HEARING ON PETITION NO. 2023-112, BY FCA, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.03 ACRES LOCATED AT THE DEAD-END OF CHRISTIE LANE, NORTH OF DOUGLAS DRIVE, EAST OF STEELE CREEK ROAD FROM N1-A ANDO (NEIGHBORHOOD 1-A, AIRPORT NOISE DISCLOSURE OVERLAY) TO ML-2(CD) ANDO (MANUFACTURING AND LOGISTICS 2, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-112 is just over five acres, located on the northern end of Christie Lane, east of Steele Creek Road, as well as adjacent to Steele Creek Presbyterian Church and about a mile south of the airport. Current zoning is N1-A within the Airport Noise Disclosure Overlay. Proposed zoning is ML-2 (CD) Airport Overlay. The 2040 Policy Map recommends Manufacturing and Logistics Place Type. There's no site plan associated with the petition; however, there are two conditions, which state that it would permit all uses allowed in the ML-2 zoning district, and also specifies that Christy Lane may not be used as an access for Manufacturing and Logistics uses. That access would have to be provided through adjacent ML-2 zoned parcels.

There is one outstanding issue, that staff is echoing a comment from the Charlotte-Mecklenburg Historic Landmarks Department, that is requesting a conditional note that the petitioner continue ongoing conversations with Historic Landmarks to relocate a historic home. There's an 1860s home on the property that was a [inaudible] associated

with the adjacent Steele Creek Presbyterian Church. So, that is a request that staff is maintaining. Otherwise, the petition is consistent, and staff is recommending approval. Thank you.

Mayor Pro Tem Anderson said thank you. Is Ms. Stephanie Lanse present?

Councilmember Brown said she had to leave, but she asked [inaudible].

Mayor Pro Tem Anderson said okay, thank you for that, Ms. Brown, because if she's not present, we don't have opposition. So, Mr. Brown, you will have three minutes.

Collin Brown, 1420 East 7th Street, Suite 100 said okay. I'll speak in three minutes. I did speak with Ms. Lanse today. She does have concerns. She did not attend our community meeting. We did a mailer to her HOA. She says there's a different President, so she was just getting up to speed. I spoke with her this afternoon. I've sent her a copy of the presentation and told her we'd follow up. I let Councilmember Brown know that as well. So, we will certainly follow up with her, but good overview from Joe. As he mentioned, my client, Foundry Commercial is here. Bill Simerville is with me. We've got a five-acre parcel that is really kind of an island surrounded by ML-2 zoning. Everything around it is owned by the City of Charlotte. So, our goal is to bring this into compliance with the zoning around it. Here's the 2040 Plan. As you see, that kind of fills in the donut hole, makes a lot of sense. Joe mentioned, we did put this into a conditional environment too. So, that if there were issues that come up, and if Ms. Lanse has a concern that we can address, we'll be able to address that through a condition. We did have neighbors attend from the Christy Lane community. They wanted to know that their road would not be used to serve a larger development. So, that is the condition that we've included, that Christy Lane would not be used for that.

The other condition is about the existing home on the property, which is historic. Last Monday, at their most recent meeting, the Historic Landmarks Commission voted to approve a measure that will accommodate the relocation of this home. So, that coordination is ongoing. Happy to answer any questions you have, and I'll follow up with you and Ms. Lanse after. If you've got any feedback, I'm happy to take it.

Ms. Brown said yes, thank you Mr. Collins. So, she did leave, but she sent me information. She was concerned about transparency, not knowing about the meeting. I know that you said that the meeting was sent to a previous HOA, and then there's a new HOA now, but how are we getting the information out to the community for engagement, so that they'll know exactly what's going on, and then how much engagement did we send out?

Mr. Brown said so, the City, and staff can add in, there are of course the rezoning signs that are posted on the property, notices published. The City provides us with a list of names to mail to. Part of those, there's a registered neighborhood leader list, and so on that list we had four HOAs, and we had a name. When I talked to Ms. Lanse today, I said, "Hey, I don't think you came to the community meeting." I said, "Hey, we mailed." She said, "That was our former President, that address needs to be updated." So, though, we did have attendees at the meeting, some folks that live on Christy Lane, she did not. So, I did say, "Hey, you need to have your HOA update the contact information."

Ms. Brown said so, what are we going to do going forward, since there's an outstanding number of people that are concerned about the project?

Mr. Brown said with this situation, I think we're going to follow up with Ms. Lanse. I didn't know there was opposition. She signed up. I called her this afternoon once I saw her name. I called you. I'll be happy to facilitate a meeting.

Ms. Brown said so, my satisfaction would be to loop me in, and then I can advocate for them, and we can speak. You and I work together, so it's not a problem, but when I have a constituent that has a concern and they bring it to me, I just want to address it and I want to be fair.

Mr. Brown said I understand too. I feel a little flatfooted. I don't even know what her concerns are either. So, we'll talk about that.

Ms. Brown said alright, thank you.

Councilmember Johnson said thank you, Mayor Pro Tem. My colleagues may not have had a chance to see the email, but we did receive an email from a constituent or a representative earlier today, letting us know that there were numerous residents that had not received the notice. We also had individuals at last month's meeting, and Councilmember Brown, I don't know if you were here.

Ms. Brown said I wasn't here.

Ms. Johnson said yes, but there were residents that hadn't received the notice. So, if it's something from a City perspective or City side that we need to take a look at to ensure that residents are getting the notice, then we definitely have to do that. Also, like you said, this is an opportunity to make sure that we're intentional about having another community meeting for those residents.

Mr. Brown said it's not a good look for us not to know, so we'll work on that.

Ms. Johnson said right, exactly, yes. Collin does a great job.

Ms. Brown said you do a great job, Collin. I agree.

Ms. Johnson said and then the 1860s home, the Historic Commission is leading that transfer or what's going to happen with that?

Mr. Mangum said it sounds like there's recent developments between the petitioner and the [inaudible].

Mr. Brown said there's another historic property in the area that is owned by the City of Charlotte here, where the old church is. There are discussions about relocating the house on this property to that site, which is right there and historically relevant to it. So, that conversation is ongoing, but the Historic Landmarks Commission did approve an agenda item last Monday, to help that conversation move along.

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

Councilmember Ajmera said so, Mr. Brown, you said that you talked to Ms. Lanse briefly, but you didn't know what her concerns were, correct?

Mr. Brown said that's right. I called her this afternoon, and she asked me a variety of things. She asked about the historic structure. So, I had to get some information for her as well. So, we're going to follow up, and I'll loop Councilmember Brown in, so she can attend.

Ms. Ajmera said perfect. Thank you so much.

Councilmember Watlington said my question is actually for staff. Some time ago, we made a move to change the notifications to include Next Door, and I just wanted to know what the status of that was? If that was still happening, and to whom are those notifications being sent?

Mr. Mangum said we are using Next Door. Dave, you might have more details on how it's used, but that's been going on for at least a year, probably a couple.

David Pettine, Planning, Design & Development said yes. So, we do use Next Door. Every month, we send out notices for petitions that were just filed. So, we've been doing that for, I guess about, I would say two-and-a-half, probably getting close to three years now, I would say. It started back, I think even pre-pandemic, we had some of the

conversations about it. So, we do send those out. We send things out within a mile of the subject property, whereas our mailed notices are only 300 feet. So, we're capturing a whole lot more, but it's also predetermined on if folks actually have access to the App and use it, but it is capturing a lot more residents that we normally wouldn't get through our mailed notices, just through that online platform. So, it seems to get a lot more, like I said, folks noticed of petitions, but we don't do that for public hearing notices. We just send those out via mail, but we do all of our courtesy notices. So, like, as soon as something's filed, we let folks know right out of the gates that there's a petition in their neighborhood. Like I said, it's within a mile of the site, so it captures a whole lot more than we do mailing wise.

Ms. Watlington said okay. I'd like to dig into that one a little bit more. I'd like to understand how that overlaps with our neighborhood contact list and our neighborhood representatives, because if they don't happen to live within a mile, because of where the parcel may be situated or whatever, I just want to make sure that that's captured overall. So, if I could just have a quick report or some kind of data that would show who's touched where, and how that overlaps with how we're reaching our neighborhood leaders through some of our other communications channels, that'd be great.

Mr. Pettine yes, and I think the other part about what Collin was mentioning earlier, the neighborhood leader list is also determined by the folks that go in and update it and maintain it online. So, if somebody left that neighborhood organization and didn't provide a new contact, then we still have the old information in our database. So, yes, we can certainly catch up more offline and talk through it a little bit. So, be happy to do that.

Ms. Watlington said thanks.

Mr. Pettine said yes.

Ms. Brown said so, I want to make sure that I know the process with how we know who gets the information. I was told by the constituents that only one person got it. So, if we sent it out to all of those outlets, and this is not specific to you, but how do we know they're getting them? I would like to be in the know for that, because to say if there's one or two people that don't get it, but this is a massive amount of people that say that they're not getting it.

Mr. Brown said right. So, we kind of use snail mail. As ya'll give us addresses, we mail them. I'm always happy when someone attends the meeting, so we know that we had attendees at this meeting. Ms. Lanse, who I spoke to today, because I said, "What is your neighborhood, we mailed to four." She said that the person whose name was on the list was no longer with the HOA. So, I don't know. If she's got a group that wants to meet with us, we're happy to meet with them.

Ms. Brown said I'll be leading the effort with you to make sure that we're just fair, and then we come back, because it's one thing we make a conscious effort to make sure that they get the information, and then if they get the information and don't come, then we've done our due diligence. I just want to make sure that that is what's done in this case, because there's more than 10 people that said that they were not aware today, and couldn't just stop working on a Monday night and be here.

Mr. Brown said so, I'm happy that we heard from her today, so we can at least talk about it now [inaudible].

Ms. Brown said yes, because if she had not spoke up, we wouldn't know anything.

Councilmember Driggs said Ms. Brown, I just wanted to point out, there is a long history of unreliability of that list. As a procedure, it says, "You have to use this list and mail to those people." If the neighborhoods don't maintain current information on that list, then the mailings don't reach the people that need to see them. So, what I've done is tried to independently, kind of look at what neighborhoods in questions, find out about

the HOA, and connect personally. It's just a suggestion, but I'm saying don't rely on that, because it's notoriously unreliable. It's always been a problem.

Councilmember Johnson said I have a question about the process. So, we did have opposition, however, the opposition didn't make it tonight. So, is this considered a no opposition petition, so that it would be eligible for Consent Agenda next month?

Mr. Driggs said you can always pull it.

Mr. Brown said frankly, I think it's fine with us, and I think Councilmember Brown would probably pull it anyway. So, we'll just treat it like it had opposition, and we'll treat it that way.

Ms. Johnson said and then, when was the last time that the rezoning signs were updated? The actual sign in the neighborhood? When was the last time those were updated?

Mr. Mangum said [inaudible] or when it was the format?

Ms. Johnson said I mean, have they been updated recently?

Mr. Pettine said they've gone through some recent updates, but mainly it's just the way the font and lettering looks on the sign, and they are, I think, curved signs now instead of straight signs with hard corners. So, not any real significant updates to it, other than just how the sign is treated with font size and information, but outside of that, that's no real material changes, other than just appearance.

Ms. Johnson said because it could be said that residents don't know what that means. So, maybe if the signs were more clear, if they were, what is it, the QR Code. I mean, that might be expensive, but if change is coming, or something just more clear.

Mr. Pettine said the [inaudible] with information on that's pretty standard. Just about any jurisdiction in state and out of state has a similar sign. If you're in different communities, they typically have something that looks like ours does. Some I've seen have QR Codes. We've talked through that. There's a different expense to that, just with the way we print and manufacture signs. We'd have to generate a QR Code individually for each one, rather than being able to maybe reuse and reproduce the signs over time, and it's also something that we were concerned if folks have one, are they going to be driving trying to scan it while they're driving by it. So, there's pros and cons to it, but happy to talk through it again and rethink if there's some ways we can approach it differently.

Ms. Johnson said or just something more clear. We want engagement, because even if they didn't get the notice, they see the sign if they live close enough to it. So, if they know change is coming, we are growing, or something just very plain English that makes it clear to residents, so there's an equitable representation. Areas like Ballantyne, we saw 20,000 people, they're engaged and understand the process, but we've got to do better as a city and outreach to individuals throughout the City. I just think the sign, it might a low-hanging fruit just to be clear that there's a petition or contact City or something.

Mr. Pettine said okay, yes. We can certainly take a look and see if there's tweaks that can be made, and then work with the folks that manufacture the signs for us in C-DOT to see if there's anything that can be changed.

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

Ms. Brown said I do, because it's my district. Everything I say is pressing in that district. So, everybody can't put together a book like this. This is amazing. Ms. Black, she's amazing. We get her to do some things, but we have to advocate for our constituents. This is for staff, because Mr. Brown is a fair person. We have a working relationship, which I think is pretty positive. When we mail out those tax bills, they go to the right

address, and when we collect their money for the City, we get the right address, or we find a way to get it to the right address. This is just real stuff, and some of the zoning signs are on dead-end streets. A lot of people don't really know how to get mobilized. So, that's what I intend to do, just help them mobilize, and this is a part of it, understanding what their rights are as their representative to be fair across the board. I think that with wrong addresses, I think the process, we failed them. Let me just say that. Now, I move to close.

Mr. Pettine said let me just make a comment on that real quick. Addresses are provided to us by the county tax system. So, we generate all of our addresses from what's on the tax record. So, addresses and mailings are generated from that last address that we know for that property owner, whether they live on the property or they live in another part of the city, another part of the state, another part of the country. Our addresses come from that same database. So, they get mailed out in the same way, U.S. Mail, but we do understand that some people get those with a zoning notice, and maybe don't open them the same way they look at when they get something from Mecklenburg County that says this is a tax bill. So, certainly understand that there's maybe some things we can look at to improve on, but we do get those addresses from the same place. So, I just wanted to make sure everybody knew that.

Motion was made by Councilmember Brown, and seconded by Councilmember Ajmera to close the public hearing.

Ms. Watlington said just as a followup to that, I want to make sure I'm clear. Mr. Pettine, those tax bills go to owners, not renters.

Ms. Ajmera said they are only going to owners.

Mr. Pettine said yes. Our mailing list goes to owners of property, not physical residents. So, that's another part of it.

Ms. Watlington said okay, thanks.

Mr. Driggs said there's an HOA list over a certain distance, and then there's a neighbor [inaudible].

Mr. Pettine said HOA is within a mile and the mailing list is 300 feet.

Mr. Driggs said so, those are two different things, just to be clear about that. You've got the mailing to those addresses, which is within a certain smaller distance, and then HOAs within a mile, and the HOAs is what breaks down.

Ms. Brown yes, I understand.

Mr. Pettine said and the HOA, they enter their own addresses in that database. The addresses we pull for the 300 feet are from tax records.

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

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ITEM NO. 45: HEARING ON PETITION NO. 2023-113, BY SRI SRI, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.14 ACRES LOCATED ON THE WEST SIDE OF SOUTHERN PINE BOULEVARD JUST SOUTH OF ARROWOOD ROAD FROM ML-1 (MANUFACTURING AND LOGISTICS 1) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-113 is approximately 1.14 acres located on the west side of Southern Pine Boulevard just south of Arrowood Road. Current zoning is ML-1. Proposed zoning is CG (CD). The 2040 Policy Map recommends Campus Place Type, and similar to the last petition, there is no site plan, just one bullet of conditional notes, noting that the use is limited to office and accessory uses, and will be developed under the standards of the CG district. While it may be inconsistent with the Place Type, the limited use created by the conditional note actually makes it consistent with the Campus Place Type. There are no outstanding issues and staff recommends approval, and I'll take any questions after the petitioner's presentation.

Parimal Thakor, 8632 Wilkinson Boulevard said good evening. It was understanding that our submitted site plan would have been shown, so we did not prepare a presentation. We do have one. Our intention is to build an office on this site. It will be our personal office for our company and our business, and so that's our intention for the location.

Councilmember Watlington said what kind of business? Just curious.

Mr. Thakor said we're in the hotel business, yes.

Ms. Watlington said okay.

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

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ITEM NO. 46: HEARING ON PETITION NO. 2023-132, BY MARK TALBOT - FREEDOM COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.67 ACRES LOCATED ALONG THE SOUTH SIDE OF TUCKASEEGEE ROAD AND THE NORTH SIDE OF ROGERS STREET, WEST OF KARENDALE AVENUE FROM UR-C(CD) (URBAN RESIDENTIAL-COMMERCIAL, CONDITIONAL) TO NC(CD) (NEIGHBORHOOD CENTER, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright 2023-132 is 1.67 acres on Tuckaseegee. It also has frontage on the back on Rogers Street. It's currently zoned UR-C, Conditional, which is an Urban Residential-Commercial district, with site conditions. The proposed zoning is for Neighborhood Center, Conditional. The Adopted Place Type for this location does call for Neighborhood-1, but you can see we do have Neighborhood Center just next door, as well as across the street there at Fern Avenue on either side. So, if this rezoning was approved, would change this area to that same color of Neighborhood Center that you see here on the map, just adjacent to it. This is a petition I alluded to a few times earlier tonight, where it started out as conventional, they listened intently with the community, raised some concerns, and they all worked in partnership to try to pull together some conditions that would satisfy and alleviate some of those concerns, which according to some emails this afternoon, they were successful in doing so, and the neighborhood is supportive of their request.

The petition doesn't have a site plan. It just proposes the following site conditions. So, they have use restrictions, so allowing uses like art galleries, office, childcare center, childcare center large, community center, cultural facility, government office facility, place of worship, community garden. All the uses you see listed out on this slide would be permitted. Any uses that are not shown that are still allowed in the NC district, should the rezoning be approved, would not be allowed. It would only be the uses that are shown here on the slide. It proposes to also limit structures new on the site to 40 feet and two stories. Compliance with the Post-Construction Stormwater Regulations of the UDO have been committed to. It does also propose that, to the extent that any building

site, element or structure located on the site, or any use being made of any land, building site, element or structure located, that fails to meet current UDO requirements, would be able to remain on the site and continue on the site without having to meet current ordinance requirements. That is a note that is a bit redundant. We do already provide for that in the UDO, so we're working with them to try to clarify if that's needed or if can just be removed. That's one of our outstanding items that's listed in the staff analysis. Then, there's one additional note that was provided, and that states, at such point when the existing use is discontinued, or the existing building or structure is demolished, then full site compliance is triggered, that the required 25-foot, Class B landscape yard would be provided in its entirety adjacent to those Neighborhood-1 Place Types. So, those are the site conditions that would be employed on this site should it be approved, and they would be able to continue to develop the site with some uses according to those site conditions.

Again, staff does recommend approval of the petition. We do have those outstanding items related to the site and building design to work through. While it's inconsistent with that Neighborhood-1 Place Type, the existing use and the existing zoning and the site conditions, taking it to that Neighborhood Center district, will give us a little bit more comfort to that inconsistency, and feel that it's a reasonable transition. Again, staff is supportive of the request, and we will turn it over to the petitioner and take any questions following their presentation. Thank you.

Allison Merriman, 223 North Graham Street said good evening. Allison Merriman. I'm with Land Design. I'm working with Mark Talbot and the Freedom Communities on the project. It's probably more appropriate for Mark to go through the purpose of the rezoning, but I'm happy to answer any questions that you have.

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

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ITEM NO. 47: HEARING ON PETITION NO. 2023-150, BY CAREN WINGATE FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.51 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, SOUTH OF EAST ARROWHEAD DRIVE, AND WEST OF NORTH HILLS CIRCLE FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO IMU (INNOVATION MIXED USE).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-150 is located on the east side of North Tryon Street, south of East Arrowhead Drive, and west of North Hills Circle. The site's approximately 0.51 acres, and currently developed with a vacant retail building. The site is zoned ML-2, Manufacturing and Logistics. The proposed zoning is IMU, Innovation Mixed-Use, a conventional district. The 2040 Policy Map recommends the Manufacturing and Logistics Place Type. The IMU district is inconsistent with this Place Type. However, the site is adjacent to the Community Activity Center, but it is not adjacent to any Neighborhood-1 Place Type or developments, and is located along the Lynx Blue Line, and located within half a mile of a transit station. This is a conventional rezoning petition. There's not an associated site plan, and would prevent any use allowed in the IMU district. Staff recommends approval of this petition, and I'm happy to take any questions.

Caren Wingate, 1030 Edgehill Road said thank you very much. I'm here to answer any questions you may have.

Councilmember Johnson said can you give some specifics about the development? Can you give us some information?

Ms. Wingate said so, initially this property was zoned I-2. The property went under contract prior to the June 2023 embarkment of the UDO. I-2 would have allowed a laundromat, and that's what the buyer of the property wanted to install. I-2 allowed some community supportive uses that ML-2 does not. So, when the property owner and his team realized that they could not sell to a laundromat operator without having the property rezoned. The contract fell out. The property owner was forced to rezone, and Planning suggested that for community uses, we seek this IMU zoning. It's for the purpose of bringing neighborhood uses like a laundromat.

Ms. Johnson okay, alright, thank you.

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

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ITEM NO. 48: HEARING ON PETITION NO. 2023-154, BY UNC CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.17 ACRES LOCATED ON THE SOUTH SIDE OF YORK ROAD AND WEST SIDE OF YOUNGBLOOD ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-154, is approximately 7.17 acres, located on the south side of York Road, west of Youngblood Road. Current zoning is N1-A. Proposed zoning is N2-B (CD). The 2040 Policy Map recommends Neighborhood-1 Place Type for the site. Proposal is for an age-restricted multi-family stacked development with up to 160 residential units. Limits the number of principal buildings to two. Provides a 10-foot Class C landscape yard with a six-foot opaque fence where adjacent to N-1 zoning and Place Type. Preserves 10 percent of the site as open space. Also, commits to transportation improvements including, access from both York Road and Youngblood Road, right turn lane at York Road access, with 150-feet of storage and a 100-foot taper, an eight-foot planting strip and 12-foot shared-use path along the site's York Road frontage, and an eight-foot planting strip and eight-foot sidewalk along the site's Youngblood Road frontage. It is inconsistent with the Neighborhood-1 Place Type recommendation. However, the age-restricted development will provide an additional housing opportunity for this growing segment of our community. The site is adjacent to a Neighborhood Center Place Type to the east across Youngblood Road. Staff does recommend approval upon resolution of outstanding issues related to site and building design, the environment and transportation, and I'll take any questions after the petitioner's presentation.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore & Van Allen. I am pleased to be here tonight representing Mary Ung with UNC Capital, and Brian Crutchfield with Timmons is also here to support us. We are all committed to getting all of the petitions done tonight. So, I'm not going to duplicate everything that staff has said. I just wanted to highlight, we did have some concerns from the community, specific to a maximum building height of 60 feet across the site. So, we're going to submit revised plans this week that limit the height on the back portion of the building, closest to the existing single-family residential, to a maximum building height of 49 feet from the base of the building. Then, the area that's shaded in blue to the front, will have a maximum building height of 60 feet with a pitched roof, and so the neighborhood was very happy that we made those accommodations. We've also committed to having the building no closer than 64 feet from the property line. Again, we're pleased to say we have no speakers in opposition tonight, and we're able to address all the staff concerns moving forward. Happy to answer any questions.

Mayor Pro Tem Anderson said thank you, Ms. Grant. It does look like you had pretty high community engagement too at your meetings.

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

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ITEM NO. 49: HEARING ON PETITION NO. 2023-155, BY CH LAND COMPANY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.15 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF BEATTIES FORD ROAD AND TRINITY ROAD, SOUTH OF LAKEVIEW ROAD FROM CG (GENERAL COMMERCIAL) AND N1-A (NEIGHBORHOOD 1-A) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-155 is located on the northeast intersection of Beatties Ford Road and Trinity Road, south of Lakeview Road. The site's approximately 16.15 acres and is currently developed with three single-family homes. The current zoning is N1-A, Neighborhood-1, and CG, General Commercial. The proposed zoning is N2-B (CD), Neighborhood-2. The 2040 Policy Map recommends the Commercial and the Neighborhood-1 Place Types. For this site, the N2-B district is inconsistent with the N-1 and Commercial Place Types. Approval of the petition would revise the 2040 Policy Map to the Neighborhood-2 Place Type. Proposal calls for up to 147 duplex, triplex, quadraplex and multi-family attached dwelling units, including up to five live-work units. The following transportation improvements are proposed. Vehicular access proposed via Beatties Ford Road and Trinity Road via a new public street. The plan proposes a new public street throughout the site. The southbound left turn lane with 150 feet of storage, which is proposed for access on Beatties Ford Road, northbound right turn lane with 100 feet of storage is proposed for access on Beatties Ford Road. Improvements are proposed to the existing bus stop on Trinity Road.

The following architectural requirements are proposed. All buildings will be limited to no more than five units per building. Primary exterior building materials will consist of brick, masonry stone, stucco, cementitious or wood siding. EIFS, vinyl and Masonite may not be used as primary building materials. The building's adjacent to Beatties Ford and Trinity, will front on interior streets. Pitched roofs will have a minimum slope of 5/12. All corner end units will have wraparound porches or stoops. Blank walls shall be limited to 15 feet on front and side facades facing public streets. Maximum building height is limited to 48 feet. The following landscape, streetscape and site improvements are proposed. A 12-foot multi-use path and eight-foot planting strips will be installed along Beatties Ford Road, an eight-foot sidewalk and eight-foot planting strip along Trinity Road. There will be 20 visitor parking spots and a minimum of five commercial parking spots for the live-work units. A 25-foot buffer is proposed along Beatties Ford Road. Staff recommends approval of the petition upon resolution of outstanding issues related to the site and building design and the environment. As the proposal increases the variety of housing types in the area, the majority of the site is providing duplex, triplex and quadraplex buildings that are generally in alignment with Neighborhood-1 Place Type. Also proposes five live-work units that may provide small scale neighborhood-oriented businesses that align with the Commercial Place Type. The site is adjacent to an elementary school, a regional park, shopping center, several churches, and within a two-mile bike or transit ride of Neighborhood Activity Center. I'd just like to note that, since staff's analysis was drafted, C-DOT has clarified that they do not have any outstanding issues. I'm happy to take any questions following the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you, Madam Mayor Pro Tem, members of City Council and the Zoning Committee. I'll be really brief, because I know we're under the gun here, and Maxx did a good job. I'm just going to show you the site plan. Once again, the request is to allow up to 147 dwelling units. They'd be comprised of quadraplexes, triplexes and duplexes, and one building with up to five dwelling units, and that's where the live-work units could be located. This is the

site plan. Briefly, it's kind of rotated, but this Trinity Road. This is Beatties Ford Road. These are the access points. All the units would be front-loaded units. There'd be a 25-foot-wide Class B reverse frontage buffer located along Beatties Ford Road, along with an eight-foot planting strip, 12-foot sidewalk and street trees. There'd be an eight-foot planting strip and an eight-foot sidewalk on Trinity Road. Each unit would have a garage and a 20-foot-deep driveway. There'd be on-street parking spaces, 20 of them, to provide guest parking. All the units, once again, are quadrplexes, triplexes or duplexes, except for this one on Beatties Ford Road. They can have up to five units, and that's where you could have the live-work dwelling units. We did have two community meetings. We had one on January 3, 2024, and then we just had a followup meeting a few weeks ago, on February 27, 2024. We did file a report for the January 3, 2024. We did not file a report for the one on the February 27, 2024, because it just happened, and it was after the 30-day deadline, but we had a followup meeting with the neighbors and that went well. We're happy to answer any questions.

Councilmember Johnson said you both mentioned the five live-work units. I don't know that I've heard that term, and then you were describing it, but I couldn't understand it.

Mr. Oliver said well, it's a dwelling unit that you can have commercial uses, as well, that are allowed in that district. So, for instance, in a townhome unit, Councilmember Johnson, the first floor could be devoted to a nonresidential use, like an office or commercial use, and then the owner/occupant would live above the live-work component. So, it'd be like a little mixed-use unit. Like, if I went out on my own, I could have a little townhome, and have my law office on the first floor and could live on the second floor.

Ms. Johnson said that's pretty cool, but it's not retail? It's not considered retail?

Mr. Oliver said it could be.

Ms. Johnson said okay. So, there'd be up to five in the one building. Is it residential also in that building?

Mr. Oliver said yes. So, the owner of the business would also live in the unit. I mean, if someone didn't want to have a business, they wouldn't be required to, but we're allowing up to five live-work units right there. I don't know, I haven't seen any in Charlotte, but that's allowed under the UDO.

Ms. Johnson said I think that's a great idea, if we think about that, when we talk about upward mobility in certain areas.

Mr. Carmichael said there's a few around, I think, on 115 and Cornelius, there's several. It's not real common, but there are some in the county.

Ms. Johnson said there's a house in District 4 that they have their business out of that's a residential unit too. Okay, I think it's cool. Alright, that's all I wanted to know. It's a good idea.

Mr. Carmichael said yes.

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

ITEM NO. 50: HEARING ON PETITION NO. 2023-166, BY MILBURN DAVANT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.396 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF PINCKNEY AVENUE AND EAST 28TH STREET,

SOUTH OF MATHESON AVENUE FROM N1-C (NEIGHBORHOOD 1-C) TO N1-D (NEIGHBORHOOD 1-D).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under half an acre, at the intersection of Pinckney Avenue and East 28th Street, south of Matheson Avenue in the NoDa (North Davidson) neighborhood. As you can see, the site is on the edge of a lot of the mixed-use and dense commercial areas of NoDa as well as the residential to the east. The site is currently zoned Neighborhood 1-C, and they are proposing to go to Neighborhood 1-D, which is just one step up in that zoning classification for the Neighborhood-1 districts. This request is consistent with the Policy Map's recommendation for Neighborhood-1 on the site and the surrounding single-family area. This is a conventional petition, so we don't have a site plan. Staff recommends approval. The site's locational context on a corner lot, as well as its adjacency to the Community Activity Center Place Type, warrants a request in a slightly more intense N-1 district, but just by a step. The N-1D and N-1C district also have the same allowed uses, but the N-1D district would allow for a little bit more flexibility in the zoning regulations, such as lot dimensions, and I'll be happy to take any questions.

David Murray, 5950 Fairview Road, Suite 710 said thank you, Mayor Pro Tem. I'll be brief. If anybody has any questions, I would be happy to answer them.

Mayor Pro Tem Anderson said thank you. I do not have any questions as a District Rep. I'm good with this one.

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

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ITEM NO. 51: HEARING ON PETITION NO. 2023-167 BY BEACON PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.629 ACRES LOCATED ON THE WEST SIDE OF ATANDO AVENUE, NORTH OF NORTH TRYON STREET FROM ML-2 (MANUFACTURING AND LOGISTICS - 2) TO IMU (INNOVATION MIXED-USE).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is 5.63 acres, just north of North Tryon, along the west side of Atando Avenue, in an area where we have a lot industrial, but we're seeing it transition away to allow for more diverse mix of uses, and you'll see that, because we've had a lot of TOD rezonings along with the North Tryon portion of the street. The current zoning is ML-2, Manufacturing and Logistics-2, and they are proposing to go to Innovation Mixed-Use. That is inconsistent with the Policy Map's recommendation for Manufacturing and Logistics. It is a conventional petition, so there is no associated site plan. Although, it is inconsistent with that recommendation for Manufacturing and Logistics, this is an area that we're seeing transition away from those strictly industrial uses, and also it's important to note, that it is part of the North Graham, North Tryon Street Corridors of Opportunity influence area. So, rezoning it to Innovation Mixed-Use, would allow for a mix of uses that better aligns with the Corridors of Opportunity intent and goals. It is inconsistent, like I said, and we are going to see a lot more change coming along Atando Avenue. I think we just had another IMU petition approved last month, just across the street, and this is a conventional petition, so I'll keep it short. I'll take any questions following petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said and this is keeping up with a theme that you've heard from me over the last couple months of these rezonings from the ML districts to an MIU. This area on Atando is the one Councilmember Molina mentioned a couple meetings ago. It's kind of near and dear to her, because it's a place where

businesses have a place. As you probably know, my client, Beacon Partners, Pete Kidwell is here with us tonight. Beacon owns a lot of those industrial buildings and caters to that kind of clientele. So, they're looking at this corridor. It is changing. As you know, when we change to ML-2, it only allows the very heavy stuff. So, if someone wanted to use that building for an office, they can't under the current zoning. So, that is the reason to the change for the IMU here. It does still allow them to cater to a lot of those businesses. We had one attendee at the community meeting. It was a property owner next door that had kind of the same questions of, "Hey, we see this area changing." So, anyway, the feedback we got from him was positive. I think this is a move in the right direction. This is a conventional, so there's not a plan, because they don't know what's coming, but I do think this is maybe okay, and these are where we're seeing really a downzoning from the very heavy ML-2 use. So, happy to take any questions.

Mayor Pro Tem Anderson said thank you, Mr. Brown. I do agree that we've seen a trend here along Atando Avenue with these rezonings. I feel like it's aligned; however, I just want to have greater community connection. So, as we did similarly with the last petition in this area, if we can get in contact with some of the business owners. This is a heavy business corridor. If we get in contact with some of those business owners and get their input, I think that would be very helpful for us to be proactive in that regard.

Councilmember Johnson said we talked about last month, we can talk to them, that's proactive, but developing policies to assist these small businesses is more proactive. So, I asked ED (Economic Development) at that time, I think Tracy was here, and I asked if we had any policies. Alyson, do you have any information? Are we looking at policies for small business displacement? That's what's going to happen in the City as these neighborhoods are changing.

Alyson Craig, Planning, Design and Development said yes. Let me follow back up with Tracy on that. She and I did connect about it, but I just need to check back in with her, and I can provide a followup back to you.

Ms. Johnson said okay, thank you. So, from our committee perspective, that's something we definitely should take a look at. This is not new. It's not a new problem, but we're behind the eightball, so if that's something we can take a look at. Our businesses are going to suffer the way that our residents have. Thank you.

Councilmember Molina said I want to add to that. Collin, first, thank you for acknowledging that. I definitely know you to be a real honest broker. He spent, full transparency, like three hours with me at a meeting with community last month, and they had a ton of questions and things of that nature. You're absolutely right, this place, this area, I do see it changing. It's been changing for a while, but only on the Tryon side had it been changing to where it's noticed. There was a brewery that kind of popped up, and then the transit station that's now a stop. So, there is an inevitable change, and I realize that. Knowing that area as intimately as I do, I know a lot of those business owners are international. So, a lot of them have origins outside of this country, and they provide services in that area. So, I'm not sure kind of how we reach them, but I agree with the Mayor Pro Tem, everything that we can. I'm happy to be a resource. I've been asking questions to see, like who's still in the area, because I haven't been there in quite a few years. If I can be of help to you, I am happy to, just to kind of help us connect and see if there's anything that we can do from a City perspective, just to kind of give some information to those business owners and kind of help them transition if that is the inevitable truth of what this area's going to become. So, that's all I have, though.

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

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ITEM NO. 52: HEARING ON PETITION NO. 2023-168, BY CUTTER FAMILY PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.1 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF DALTON AVENUE, WEST OF PLYMOUTH AVENUE FROM ML-2 (MANUFACTURING AND LOGISTICS - 2) TO IMU (INNOVATION MIXED-USE).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just over 9 acres, located along both sides of Dalton Avenue. It has close proximity to Camp North End, as well as Optimist Hall. So, very similar to the last petition. It's in an area that has had a lot of industrial, but that's not necessarily where the use is going in the future. The existing zoning for this site is ML-2, Manufacturing and Logistics-2, and they are proposing to go to Innovation Mixed-Use. The Policy Map recommendation here is split among Commercial and Innovation Mixed-Use, but I will note that, in our draft revised Policy Map, which was just released to the public recently, they have identified all of this Commercial shown here along Dalton Avenue, as being changed to Innovation Mixed-Use. I think that was just maybe a little bit of an oversight, and Innovation Mixed-Use is something that would better reflect the character of the area, and this was also as a result of their conversations with the community during the Community Area Planning engagement process. So, this is a conventional petition, so there is no associated site plan. This is also very similar to the last petition, in that it's also within the Corridors of Opportunity area. So, rezoning it away from ML-2 and to IMU, could better align with those Corridors of Opportunity intent and goals, and I'll take any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said same theme with this. This is obviously ML going to IMU. A little bit different here. We had good engagement from the Lockwood Community. There was a good turnout at that community meeting, and also a little bit different. The Cutter Family owns it and operates it. So, if they are displaced, they are displacing themselves. I think they realize. They've been a heavy user. The neighborhood is changing. I think Mr. Cutter spoke at the meeting and said, "Hey, here's what I'm seeing," and I think the neighborhood was happy to see the transition in this direction.

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

ITEM NO. 53: HEARING ON PETITION NO. 2023-169, BY D.R. HORTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 33.95 ACRES LOCATED EAST OF BENDING BRANCH ROAD AND WEST OF INTERSTATE 485, NORTH OF ALBEMARLE ROAD FROM MX-1 (MIXED USE DISTRICT) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said so, this site is just under 34 acres, along the eastern edge of City limits, north of Albemarle Road, and it is located in an area with largely single-family and some multi-family uses, and we also have some commercial uses along the Albemarle Road frontage. This site is currently zoned MX-1, that's Mixed-Use Residential district, and that's as a result of the 2017-180 Petition that was approved back in 2018. So, this is actually for phase two of that project, but instead of MX-1, they're looking to do Neighborhood 2-A, Conditional. The Policy Map for this site calls for Neighborhood-2. So, this request is consistent with that Policy Map recommendation. The proposal itself is for up to 124 single-family attached townhome-style residential units, and it would have a maximum height of 48 feet. It limits a total number of principal buildings to be developed on this site to no more than 28. They

would have proposed access off of Lemmond Farm Drive, and it also constructs public streets A and B associated with eight-foot planting strips and eight-foot sidewalks.

They note a number of multi-modal mitigation and transportation improvements that they would install as part of this petition, including curb ramps into ADA compliance, removing channelization from the southbound turn lane and others. It relocates the pedestrian pole and the channelization island and relocates it to the corner. It would also have a 25-foot Class B landscape yard, and that would follow along any of the property boundaries that are against the N-1 areas along the west that you see there. It notes architectural standards include preferred building materials, porches and stoops being oriented to the street, and it also notes that the site will comply with the tree ordinance. It dedicates a little over half an acre to Mecklenburg County Parks and Rec prior to the first Certificate of Occupancy, and that's right here on the south part of the site next to the multi-family development. Staff recommends approval of this petition upon the resolution of the outstanding issues, but this petition would help to expand the housing options in the area, while maintaining sensitivity to single-family uses with that Class B landscape yard along the site's boundaries to the N-1 zoned areas. The plan would also improve the multi-modal connectivity of the site in the area, and dedicate land to Mecklenburg County Parks and Rec. It's consistent with the Policy Map, and I will take questions following petitioner's presentation.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, again. It's a pleasure to be here tonight representing the D.R. Horton team. Tim Derylak is here, as well as some others from the team. Holly did a great job on the presentation, so I'm not going to go into the details. We're pleased to say that it's consistent with the Adopted Land Use policy, and that we're actually elevating some of the open space, tree save, and park features above what's currently permitted on this site. With that, I'm happy to answer any questions.

Councilmember Molina said just really quickly. Thank you. I've already spoken to you, Bridget, at length about this, so just really quickly. We have a community meeting with eight. Did that include FENCO (Far East Neighborhood Coalition)? Was this a FENCO?

Ms. Grant said I do believe that someone from FENCO participated. It was principally neighbors that were closet to it that were curious about the buffers, the tree save, and connectivity.

Ms. Molina said yes, and I think we discussed it, but I just wanted to make sure.

Ms. Grant said I need to go back to that list. I can get back to you on that.

Ms. Molina said yes, we'll talk about that offline. Thank you. That's all I have.

Councilmember Johnson said and you might have said this. If you did, I apologize. These are for sale units, or do we know for sure?

Ms. Grant said I don't know if we've identified it at this point of whether or not they're for sale or for rent.

Ms. Johnson said I just assumed with D.R. Horton. So, okay. Thank you.

Ms. Grant said you're welcome.

Motion was made by Councilmember Driggs, seconded by Councilmember Johnson, and carried unanimously to close the public hearing.
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ITEM NO. 54: HEARING ON PETITION NO. 2023-170, BY BVB PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.57 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, SOUTH OF ORR ROAD, AND NORTH OF OLD CONCORD ROAD FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO IMU (INNOVATION MIXED USE).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-170 is just over 1.5 acres, located on the east side of North Tryon Street, south of Orr Road, and north of Old Concord Road. Current zoning is ML-2. Proposed zoning is IMU, and IMU proposed zoning aligns with the 2040 Policy recommendation for IMU Place Type. Staff recommends approval, and I'll take any questions following the petitioner's presentation.

Bridget Grant, 100 North Tryon Street, Suite 4700 said Bridget Grant, Land Use Consultant with Moore & Van Allen. Pleased to be here representing BVB Properties, and Randy Smith is also here tonight. Similar to several of the other petitions that you heard, they're seeking an IMU rezoning to allow uses that are similar to what's already in the existing buildings, that are more in line with IMU, rather than the heavier ML-2 uses. Happy to answer any questions.

Councilmember Johnson said so, you don't have any other specifics to provide?

Ms. Grant said IMU is consistent with the Adopted Land Use Policy and it's a conventional zoning, so it's allowing the range of uses that are permitted under IMU. It gives you a little bit of a blend towards, exactly what you mentioned before, some of the smaller, lighter industrial-type uses, but also can bleed over into some of the more transitional retail-type uses.

Ms. Johnson said okay, and because it's conventional, did notices go out?

Ms. Grant said yes.

Ms. Johnson said okay. This is probably farther than UCP area, University City Partners?

Ms. Grant said that's correct.

Ms. Johnson said okay, alright. We can talk offline. Thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Molina, and carried unanimously to close the public hearing.
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ITEM NO. 55: HEARING ON PETITION NO. 2023-171, BY STRATEGIC CAPITAL PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.2 ACRES LOCATED ON THE NORTH SIDE OF WALKERS FERRY ROAD, WEST OF INTERSTATE 485, AND SOUTH OF OLD DOWD ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO ML-2 (MANUFACTURING AND LOGISTICS-2).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-171 is located on the north side of Walkers Ferry Road, west of Interstate 485, and south of Old Dowd Road. The site's approximately 2.2 acres, and currently developed with two single-family dwellings. The site is current zoned N1-A, Neighborhood-1. The Proposed zoning is ML-2, Manufacturing and Logistics. This is a conventional zoning district. The 2040 Policy Map recommends the Neighborhood-1 Place Type. The ML-2 district is inconsistent with this Place Type, however, the area's located west of the airport, and

the site is adjacent to Interstate 45. The area surrounding the site has been transitioning to Manufacturing and Logistics and is surrounded by the Manufacturing and Logistics Place Type, and is accessible by arterial roads and interstates. Approval of the petition would revise the Policy Map to the Manufacturing and Logistics Place Type. This is a conventional rezoning petition, no associated site plan, and would permit any allowed uses in the ML-2 district. Staff recommends approval. I'm happy to take any questions following the petitioner's presentation.

Susanne Todd, 10665 East Morehead Street said good evening, Mayor Pro Tem, Council, Zoning Committee. Again, this is a conventional rezoning to ML-2. Just want to point out the proximity of this property to the airport, and we are simply asking for this rezoning, because it plays to the areas strengths by leveraging this airport as an asset and creating diverse and resilient economic opportunities. I'm just available to answer any questions you might have.

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

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ITEM NO. 56: HEARING ON PETITION NO. 2023-172, BY BVB PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.78 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF MT. HOLLY-HUNTERSVILLE ROAD AND LAWING SCHOOL ROAD, WEST OF BELLHAVEN BOULEVARD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said as mentioned, Petition 2023-172 is located at the intersection of Mt. Holly-Huntersville Road and Lawing School Road. It's approximately 0.78 acres and is currently undeveloped. Existing zoning is B-1 (CD), Neighborhood Business, Conditional. Proposed zoning is CG (CD) , General Business, Conditional. The 2040 Policy Map recommends the Commercial Place Type for the site. CG district is consistent with this Place Type. The proposal calls for up to 7,250 square feet of nonresidential uses, or the development of a 2,700 square foot drive-thru establishment. It limits the total number of principal buildings to more than two. The site is an outparcel of Rozzelles Crossing Shopping Center and will be considered part of that shopping center as a planned reunified development. The plan specifically prohibits certain more noxious uses. Access to the site will be from existing internal drives in the shopping center. No new driveway connections are permitted on Lawing School or Mt. Holly-Huntersville Road. A new ADA compliance bus stop will be built along Mt. Holly-Huntersville Road. The plan proposes a 12-foot multi-use path and eight-foot planting strip along Mt. Holly-Huntersville Road and a six-foot sidewalk and eight-foot planting strip all Lawing School Road. The building will be constructed predominantly of brick, and compatible in design with the existing shopping center buildings. Staff recommends approval of this petition, as the plan is consistent with the Policy Map recommendations. The site is an existing outparcel of an existing shopping center, and prohibits certain uses that are more noxious, and transportation and streetscape improvements are included in this plan. Happy to take any questions after Ms. Grant's presentation.

Bridget Grant, 100 North Tryon Street, Suite 4700 said hello again. Bridget Grant, Land Use Consultant with Moore & Van Allen. Pleased to be here tonight again with Randy Smith with BVB Properties. We weren't aware that we had opposition, so we're happy to talk to the residents after this presentation. I do want to cite that there is an existing zoning on this site that allows up to 7,200 square feet in one building. The primary purpose of this rezoning, again, consistent with the Adopted Land Use policy, was to allow more than one building. It was to take it to a no more than two buildings on the site, and again, the previous zoning did allow a drive thru. We're still allowing one drive-thru and just reducing the amount of square footage that would be permitted. So,

it's to take it from a one building over 7,000 square feet, to no more than two buildings. If one of those has a drive-thru, the square footage will be reduced even more, and with that, I'm happy to answer any questions.

Wanda Mattis said thank you, Mayor Pro Tem and Council for listening to my concerns. I'm speaking on behalf of my mother. She lives directly across the street from this site that is being proposed. She's been there over 75 years, and so are lots of other elderly neighbors that live close by, and I'm speaking on their behalf too, because they've expressed this concern to me. This is a very busy commercial area already backed up right beside residents. That Rozzelles Crossing has an exit right at my mother's driveway. It's almost impossible to get out of her driveway at times with all the traffic. There's a Planet Fitness there. It's open 24 hours. There's two restaurants, there's a nail salon, there's numerous other businesses in there, and there's a lot of traffic. I know there's two or three exits, but they're exiting onto Lawing School Road and on to Mt. Holly-Huntersville Road. Mt. Holly-Huntersville Road is always backed up, 20 cars deep, trying to get out onto Mt. Holly-Huntersville Road. So, this is just going to create more traffic in that area. I understand that there's no building currently proposed for this site, but in the studies that I'm seeing online, there could possibly be up to 1,600 trips to this site, if it were a drive-thru coffee shop or something like that. That's a lot more traffic in that small little area right there close to residents.

It used to be country. I grew up there, and it wasn't even in the City. So, now it's in the City, and those people left there still living in their homes are exposed to this. I just want you to hear my concerns. I was in a meeting with Maxx Oliver back in January 2024, and we went over all of these concerns, that if this site is developed, that you consider the traffic. I think there'll be a traffic study done on this site, and I hope Council and the land development group will look at that before approving this and see what the traffic impact's going to be. There's been a murder committed in that parking lot of that shopping center, and there're people walk through the yards of the residents there all the time and trash is thrown out in their yards. So, it's a real heavy pedestrian trafficked area for those residents that live there. So, this is just going to add more pedestrian traffic too, probably on their property.

Just would like for you to consider, when they are building this, that they shield these neighbors, whatever way possible they can, with planting, and if there's dumpsters or whatever, they're definitely hidden and away from the residents at this site. I mean, at some point, I would think that some of these neighbors would be asking to rezone their properties for resale, because they truly are in the center of a commercial area. So, those are my concerns, and that you take all these things in consideration, that this is being built right up, and my mother's house was shown on one of those slides, you can pull it back up. You can see at the back of the shopping center, the other houses directly behind the shopping center, and then my mother's right to the left of the star. Then, there's other residential houses just on the other side of her and down the street on Mt. Holly-Huntersville, but the rest of everything else is commercial. Goodwill, a Dollar Store is across the street, and a church. So, she's being engulfed with commercial. Thank you for your time.

Ms. Grant said I certainly won't use two minutes, but I just want to confirm, we've worked with C-DOT to even further reduce the square footage associated with coffee or some of the more high intense uses, and so we have revised plans that are going to go in on Thursday that reflect a more trip neutral to what's already permitted on this site or less. One of the benefits of the new UDO, is that there are more stringent landscaping and screening standards associated with the auto-oriented uses, or with this type of use for CG zoning. So, we'll be adhering to all of the more stringent screening and driveway landscape standards.

Councilmember Driggs said I just wanted to say quickly, Ms. Mattis, I hope you've communicated with Mr. Graham. He had to leave earlier tonight, but he is your

Due to technical difficulties, there was no video audio for this portion of the meeting.

principal point of contact in order to try to deliver that message. You can write to him, or I don't know if you talked to him already.

Mr. Oliver said Mr. Graham was copied on an email that I responded to her on earlier today.

Mayor Pro Tem Anderson said thank you, and we'll convey what we've heard tonight to Mr. Graham as well.

Councilmember Johnson said I just wanted to understand where the house was in relation to the petition. If you could like blow that up. I'm not familiar with the area.

Mr. Oliver said I don't know if we have a closer shot, but her mother's house is located directly across Lawing School along Mt. Holly-Huntersville. So, this is Lawing School Road. This is the site in question. Her mother's house is on the opposite corner along Lawing School at the corner of Mt. Holly-Huntersville Road.

Ms. Johnson said and the entrance to that drive-thru is going to be on what street?

Mr. Oliver said it's not fully contemplated on the site plan at this time, but it will be accessed via an internal drive in the shopping center. So, there will be no new access to Lawing School Road or Mt. Holly-Huntersville Road for this. They'll have to come through the existing shopping center to access the drive-thru, if one is built.

Ms. Johnson said alright, thank you.

Mayor Pro Tem Anderson said thank you.

Motion was made by Councilmember Driggs, seconded by Councilmember Molina, and carried unanimously to close the hearing.
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ITEM NO. 57: HEARING ON PETITION NO. 2023-175, BY UNITED RENTALS (NORTH AMERICA) INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.95 ACRES LOCATED ON THE NORTH SIDE OF WESTINGHOUSE BOULEVARD, WEST SIDE OF OLD NATIONS FORD, AND EAST SIDE OF INTERSTATE 485 FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO ML-1(CD) (MANUFACTURING AND LOGISTICS-1, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-175 is just shy of 10 acres, located on the north side of Westinghouse Boulevard, west side of Old Nations Ford, and east side of Interstate 485. Current zoning is ML-2. Proposed zoning is ML-1 (CD). It is consistent with the 2040 Policy Map recommendation for Manufacturing and Logistics Place Type, and like a few other petitions we've seen tonight, there is no site plan. The conditional notes state that it allows for all uses permitted in the ML-1 zoning district, and specifically permits both major and minor vehicle repair facilities. Those are uses that the UDO requires to be conditional zonings. Staff recommends approval, and I'll take any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you, Mayor Pro Tem, Council members. Collin Brown on behalf on the petitioner, United Rentals. United Rentals has been on this site operating a business and employing Charlotteans for a number of years. You've probably driven by it 100 times, as I have as well. So, this is their operation. They got caught in a UDO change. United Rental rents all sorts of construction equipment. They also do repairs on site to repair their own equipment. Now under the new ordinance, they must have a conditional approval. So, we are here asking for their conditional approval, so they can continue to operate on the site that they've operating on for a number of years.

Mayor Pro Tem Anderson said thank you.

Motion was made by Councilmember Molina, and seconded by Councilmember Johnson to close the hearing.

Councilmember Johnson said I just wanted to publically thank Wells Fargo and some of the buildings downtown. You all have heard me mention brain injury awareness a couple times tonight. So, I'll read the proclamation next week, but there are buildings in the City of Charlotte that are going to be lit up tonight, illuminated in the colors blue and green for brain injury awareness. There are over 80,000 individuals who are injured per year in North Carolina. We know that one in two of the homeless population have a history of head injury, and it's very, very prevalent in our criminal justice system. So, I'm honored to advocate for that population, and as you're driving home tonight, make sure you look at the skyline, and those buildings that are blue and green are in observance of awareness. So, thank you.

Mayor Pro Tem Anderson said thank you, Ms. Johnson.

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

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ADJOURNMENT

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

The meeting was adjourned at 10:04 p.m.


Stephanie C. Kelly, City Clerk MMC, NCCMC

Length of Meeting: 4 Hours, 53 Minutes
Minutes completed: November 5, 2024