

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday May 23, 2022, at 5:00 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Tariq Bokhari, Ed Driggs Larken Egleston, Julie Eiselt, Renee Johnson, Matt Newton, Gregg Phipps, Victoria Watlington and Braxton Winston II.

ABSENT: Councilmembers Dimple Ajmera and Malcolm Graham

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ZONING MEETING

Mayor Lyles said I want to welcome you to the Charlotte City Council May 23rd zoning meeting. It's always good to be able to have this meeting and do it in a way that helps move the development and growth of our city along. I want to call this meeting to order and welcome everyone that is watching. I want to remind our community that tonight's zoning meeting is being held in accordance with applicable law governing remote meetings with some council members participating remotely and some attending here tonight in the government center.

So, one of the things that I'd just like to note is there's been lots of things going on across our country, but I do want to actually send from Charlotte to Buffalo, New York our sincere condolences for the loss of life so unnecessarily. I also want to recognize that we are still in a pandemic and hope that everybody will get out and get vaccinated or wear a mask as appropriate. Our numbers are going up and we want to make sure that we don't end up in a situation that we were in as of two years ago.

So, with that, this meeting being called to order. I want to just acknowledge that everyone, the public and the media, are able to view this meeting on the Government Channel, the City's Facebook page or the City's YouTube page.

Mayor Lyles said alright, so I just want to acknowledge that Mr. Graham and Dimple Ajmera council members will not be joining us tonight. So, with that, Mr. Winston, I do have you written on my notes to say that you'll give us our invocation and following our invocation, we will have our pledge of allegiance.

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INVOCATION AND PLEDGE

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

Mayor Lyles said thank you Mr. Winston. For someone that had an impromptu, you did a wonderful job. So, thank you for reminding us of that.

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EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Keba Samuel, Chair of the Zoning Committee said good evening members of council, Madam Mayor Pro Tem, Madam Mayor. My name is Keba Samuel, and I serve as Chair of the Zoning Committee of the Charlotte Mecklenburg Planning Commission. The Zoning Committee will meet on June 7, 2022, at 5:30 pm to discuss and deliberate on the petitions being heard tonight. That meeting will not be a continuation of tonight's

public hearing. There is not an opportunity for the public to speak unless and until it is decided that a commissioner has a question or inquiry that can best be addressed by a member of the public. The public and members of council can watch that meeting via the Planning Department's YouTube page. Again, that meeting on June 7th, 5:30 pm is when we will make decisions. Joining us live via Government Channel or the City's YouTube page are my fellow Zoning Committee members. Commissioners Andrew Blumenthal, Astrid Chirinos, John Hamm, Courtney Rhodes, Sam Spencer and Douglas Welton.

Mayor Lyles said thank you Ms. Samuel. We really do appreciate all the work that you and your committee do for us. Thank you so much. I just wanted to make a note that often we have many, many hearings and we try to be attentive to each and every one.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to defer a decision on Item No. 2, Petition No. 2021-141 by The Drakeford Company to June 20, 2022; a decision on Item No. 3, Petition No. 2021-197 by Crescent Communities to June 20, 2022; a decision on Item No. 4, Petition No. 2021-209 by Coastal Acquisition Entity, LLC to June 20, 2022; a decision on Item No. 5, Petition No. 2021-219 by Lincoln Property Company to June 20, 2022; a decision on Item No. 6, Petition No. 2021-079 by Piedmont Capital, LLC; a hearing on Item 26, Petition No. 2021-234 by Matt Gallagher on June 20, 2022; and, withdrawal of Item No. 24, Petition No. 2021-224 by The Pulte Group; and withdrawal of Item No 25, Petition No. 2021-228 by Morningstar Properties, LLC.

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DECISIONS

ITEM NO. 7: ORDINANCE NO. 302-Z, PETITION NO. 2021-119 BY PROFILE HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 30.16 ACRES LOCATED ON THE SOUTHWEST SIDE OF FREEDOM DRIVE, EAST OF TODDVILLE ROAD, AND NORTH OF TUCKASEEGEE ROAD FROM R-3 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA), INST LLWPA (INSTITUTIONAL, LOWER LAKE WYLIE PROTECTED AREA), AND MX-2 (INNOV) LLWPA (MIXED-USE – INNOVATIVE, LOWER LAKE SYLIE PROTECTED AREA) TO MX-2 (INNOV) LLWPA (MIXED-USE – INNOVATIVE, LOWER LAKE WYLIE PROTECTED AREA), MX-2 (INNOV) LLWPA SPA (MIXED-USE – INNOVATIVE, LOWER LAKE WYLIE PROTECTED AREA, SITE PLAN AMENDMENT)

The Zoning Committee voted 5-0 (motion by Blumenthal, seconded by Chirinos) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be partly consistent and partly inconsistent with the Northwest District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential at up to 8 dwelling units per acre (DUA) for a portion of the site (consistent). The plan recommends greenway for a portion of the site (consistent). The plan recommends single family residential up to 4 DUA for a portion of the site (inconsistent). The plan recommends institutional use for a portion of the site (inconsistent). The petition is consistent with the General Development Policies for consideration of density up to 6 DUA. 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 compatible with the general development pattern in the area consisting of mixed residential uses near the intersection of Freedom Drive and Toddville Road. The majority of the site is already zoned to allow single family attached and multifamily residential. This petition would reduce the density of residential use from 7.99 DUA to 4.63 DUA. The proposed development would provide an alternative housing type for

this section of the Freedom Drive corridor. The petition would improve the street network in the vicinity by connecting to street stubs and provide an 8' planting strip and 6' sidewalk along all public streets. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from current recommended single-family at up to 4 DUA to residential up to 6 DUA land use for the site.

Motion was made by Councilmember Winston, seconded by Councilmember Egleston and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be partly consistent and partly inconsistent with the Northwest District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends residential at up to 8 dwelling units per acre (DUA) for a portion of the site (consistent). The plan recommends greenway for a portion of the site (consistent). The plan recommends single family residential up to 4 DUA for a portion of the site (inconsistent). The plan recommends institutional use for a portion of the site (inconsistent). The petition is consistent with the General Development Policies for consideration of density up to 6 DUA. 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 compatible with the general development pattern in the area consisting of mixed residential uses near the intersection of Freedom Drive and Toddville Road. The majority of the site is already zoned to allow single family attached and multifamily residential. This petition would reduce the density of residential use from 7.99 DUA to 4.63 DUA. The proposed development would provide an alternative housing type for this section of the Freedom Drive corridor. The petition would improve the street network in the vicinity by connecting to street stubs and provide an 8' planting strip and 6' sidewalk along all public streets. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from current recommended single-family at up to 4 DUA to residential up to 6 DUA land use for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 011-012.

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ITEM NO. 8: ORDINANCE NO. 303-Z, PETITION NO. 2021-125 BY RED SEA PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 133.09 ACRES LOCATED ON THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD, NORTHEAST OF INTERSTATE 85, AND EAST OF BACK CREEK CHURCH ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL), R-4 (SINGLE-FAMILY RESIDENTIAL), AND B-D (DISTRIBUTIVE BUSINESS) TO MX-2 (MIXED USE) WITH 5-YEAR VESTED RIGHTS

The Zoning Committee voted 5-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Rocky River Road Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the adopted plan recommends utility, greenway, and warehouse/distribution uses on 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 while inconsistent, the request furthers the Rocky River Road Area Plan's vision to "offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development." At a proposed density of 4.37 dwelling units per acre, the request is compatible with the existing neighborhood character. Land use goals for this area encourage a mixture of housing types and recommend that new development fits contextually. The approval of this petition will revise the adopted future land use as specified by the Rocky River Road Area Plan, from utility, greenway, and warehouse/distribution uses to residential uses up to five DUA for the site.

Councilmember Johnson said first of all I'd like to acknowledge that these are single family for sale units which we'd like to see more of and we did receive letters of support from the community. I have a question for our zoning staff in regards to the five year

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vested right. Could you explain that again for me and also for viewers Mr. Pettine, please?

David Pettine, Rezoning Manager said okay, are you asking the explanation of why we're supportive of the vested rights on this one?

Ms. Johnson said yes, because I've seen the vested rights on some of the petition and it feels like I'm starting to see that more than I've seen that before. So, I wanted to know if you could explain the purpose and why the city is supporting that.

Mr. Pettine said sure. This one in particular has quite a few elements to it that were warranted for the five-year vesting request being maintained and a lot of it was A., it's a multi-phased development with almost 600 homes over several different phases and times of construction. So, a lot of the construction time will be brought out over probably more than a five year period. There are potential changes that could impact some of the particular road crossing that they have in this project that have to cross over some creeks. So, they'd like to have an understanding of the current ordinances that we have in place because they've designed the site to meet current standards. They know that if some of those standards, particularly for those creek crossings may change, that could compromise some of the project that they put forwards. So, that was one of the reasons that we were understanding and we're okay with that support of five-year vesting for this being multi-phased and also just to maintain some of the design elements that they have in place to cross some of those sensitive environmental areas.

Ms. Johnson said okay, thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Rocky River Road Area Plan based on the information from the final staff analysis and the public hearing, and because the adopted plan recommends utility, greenway, and warehouse/distribution uses on 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 while inconsistent, the request furthers the Rocky River Road Area Plan's vision to "offer a balanced mix of land uses and housing opportunities that utilize high-quality design principles for new development." At a proposed density of 4.37 dwelling units per acre, the request is compatible with the existing neighborhood character. Land use goals for this area encourage a mixture of housing types and recommend that new development fits contextually. The approval of this petition will revise the adopted future land use as specified by the Rocky River Road Area Plan, from utility, greenway, and warehouse/distribution uses to residential uses up to five DUA for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 013-014.

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ITEM NO. 9: ORDINANCE NO. 304-Z, PETITION NO. 2021-133 BY DRAKEFORD COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.57 ACRES LOCATED SOUTH OF ALLEGHANY STREET, WEST OF ASHLEY ROAD, AND NORTH OF BULLARD STREET FROM R-12 MF (MULTI-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL)

The Zoning Committee voted 7-0 (motion by Ham, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the Central District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends multifamily residential land use 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 land use is consistent with the adopted multi-family land use for the site and meets the General Development

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Policies (GDPs) for allowing up to 17 DUA for this site. The proposed site plan proposes to extend Heywood Avenue and implement 8' planting strip and 6' sidewalk on both sides of the street. The petition proposes to construct single family attached dwellings, a form of "missing middle housing," in close proximity to CATS bus stops, retail, and public schools.

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. Provide a minimum six-foot-tall opaque screened fence along the edge of the public alley to help screen parking that is accessed via those private alleys, three, four and five on the site plan.

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

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Central District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends multifamily residential land use 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 land use is consistent with the adopted multi-family land use for the site and meets the General Development Policies (GDPs) for allowing up to 17 DUA for this site. The proposed site plan proposes to extend Heywood Avenue and implement 8' planting strip and 6' sidewalk on both sides of the street. The petition proposes to construct single family attached dwellings, a form of "missing middle housing," in close proximity to CATS bus stops, retail, and public schools, as modified.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 015-016.

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ITEM NO. 10: ORDINANCE NO. 305-Z, PETITION NO. 2021-168 BY STATION WEST, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.83 ACRES LOCATED ON THE SOUTHEASTERN CORNER OF THE INTERSECTION OF BERRYHILL ROAD AND STATE STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT – OPTIONAL).

The zoning Committee voted 5-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Central District Plan based on the information from the post hearing staff analysis and the public hearing, and because the plan recommends industrial uses for this 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 while inconsistent with the industrial land use recommendation for the site, the proposed rezoning is compatible with current development patterns in the area. The proposed development will adaptively reuse older industrial buildings with a mix of uses, which is more compatible with the surrounding uses and adjacent residential uses than the industrial uses that previously occupied those buildings. The petition will provide minimum 6' sidewalk along both the Berryhill Road and State Street frontages where none currently exists as well as accessible curb ramps at the intersection. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from industrial land use to mixed use for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Central District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends industrial uses for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because while inconsistent with the industrial land use recommendation for the site, the proposed rezoning is compatible with current development patterns in the area. The proposed development will adaptively reuse older industrial buildings with a mix of uses, which is more compatible with the surrounding uses and adjacent residential uses than the industrial uses that previously occupied those buildings. The petition will provide minimum 6' sidewalk along both the Berryhill Road and State Street frontages where none currently exists as well as accessible curb ramps at the intersection. The approval of this petition will revise the adopted future land use as specified by the Central District Plan, from industrial land use to mixed use for the site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 017-018.

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ITEM NO. 11: ORDINANCE NO. 306-Z, PETITION NO. 2021-188 BY DOMINION REALTY PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.83 ACRES LOCATED ALONG THE NORTH AND SOUTH SIDE OF ROUNTREE ROAD, EAST OF INTERSTATE 77, AND NORTH OF TYVOLA ROAD FROM I-1 (INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Woodlawn Transit Station Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office and office/industrial-warehouse-distribution uses. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition provides housing opportunities within walking distance to places of employment, commercial uses. The site is located $\frac{3}{4}$ of a mile from the Woodlawn Transit station. The area around Scholtz Road, Springbrook Road, and Rountree Road, between the site and the station, has recently seen zoning transitioning from industrial development to transit oriented development. The petition supports the emerging ix of uses in the area. The proposal provides connectivity between Tyvola Road and Old Pineville Road by connecting Seventy Center Drive to Rountree Road. The approval of this petition will revise the adopted future land use as specified by Woodlawn Transit Station Area Plan, from office and office/industrial-warehouse-distribution use to residential less than or equal to 22 units per acre.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Woodlawn Transit Station Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends office and office/industrial-warehouse-distribution uses. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition provides housing opportunities within walking distance to places of employment, commercial uses. The site is located $\frac{3}{4}$ of a mile from the Woodlawn Transit station. The area around Scholtz Road, Springbrook Road, and Rountree Road, between the site and the station, has recently seen zoning transitioning from industrial development to transit oriented development. The petition supports the emerging ix of uses in the area. The proposal provides connectivity between Tyvola Road and Old Pineville Road by connecting Seventy Center Drive to Rountree Road. The approval of this petition will

revise the adopted future land use as specified by Woodlawn Transit Station Area Plan, from office and office/industrial-warehouse-distribution use to residential less than or equal to 22 units per acre.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 019-020.

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ITEM NO. 12: ORDINANCE NO. 307-Z, PETITION NO. 2021-195 BY STEEL CREEK AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 60.65 ACRES LOCATED IN THE NORTHEASTERN QUADRANT OF THE INTERCHANGE OF INTERSTATE 485 AND ARROWOOD ROAD FROM MUDD-O AIR (MIXED-USE DEVELOPMENT, OPTIONAL, AIRPORT NOISE OVERLAY) TO MUDD-O AIR SPA (MIXED-USE DEVELOPMENT, OPTIONAL, AIRPORT NOISE OVERLAY, SITE PLAN AMENDMENT), I-1(CD) AIR (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the Steele Creek Area Plan for the majority of the site and inconsistent for the remainder of the site based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends mixed residential/office/retail for the site. A portion of the site (Development Area E) is proposed to be rezoned to I-1(CD), which is inconsistent with the plan's recommendations. 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 current zoning already permits commercial, residential, and hotel uses. This petition proposes to increase the intensity of those uses while permitting limited I-1 uses on a portion of the site. The portion of the site proposed to be rezoned I-1(CD) would be limited to the following uses: office, repair, maintenance, warehouse, showroom, assembly, and sales uses. The proposed mixed-use area is consistent with the land use recommendation for the site and is located across Arrowood Road from a similar mixed-use development. The site is located within the Whitehall Mixed Use Activity Center, as per the Centers, Corridors, and Wedges Growth Framework, and the uses proposed are consistent with the uses recommended for this type of activity center. The approval of this petition will revise the adopted future land use for Development Area E as specified by the Steel Creek Area Plan, from mixed residential/office/retail land uses to light industrial land uses for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Steele Creek Area Plan for the majority of the site and inconsistent for the remainder of the site based on the information from the final staff analysis and the public hearing, and because the plan recommends mixed residential/office/retail for the site. A portion of the site (Development Area E) is proposed to be rezoned to I-1(CD), which is inconsistent with the plan's recommendations. 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 current zoning already permits commercial, residential, and hotel uses. This petition proposes to increase the intensity of those uses while permitting limited I-1 uses on a portion of the site. The portion of the site proposed to be rezoned I-1(CD) would be limited to the following uses: office, repair, maintenance, warehouse, showroom, assembly, and sales uses. The proposed mixed-use area is consistent with the land use recommendation for the site and is located across Arrowood Road from a similar mixed-use development. The site is located within the Whitehall Mixed Use Activity Center, as per the Centers, Corridors, and Wedges Growth Framework, and the

uses proposed are consistent with the uses recommended for this type of activity center. The approval of this petition will revise the adopted future land use for Development Area E as specified by the Steel Creek Area Plan, from mixed residential/office/retail land uses to light industrial land uses for the site.

Councilmember Watlington said certainly I can appreciate the work that was done on this petition and acknowledge it in conjunction with the previous petition. There has been some traffic and congestion mitigation efforts made here. So, certainly want to acknowledge that work that was done by the petitioner. I do however want to represent the beliefs or the position of the residents in District 3. I'm sure many of you receive some of the same emails that I did. I would like to share that with you all and read it into the record. The residents of Steele Creek are at their wits end when it comes to congestion, particularly during the rush hour times and they have been agreeable and amenable to work with the petitioner agents. Certainly, the Steele Creek Resident Association is committed and has been a wonderful partner to date. They have sent over a position letter for this particular petition, and they are officially not opposed which is not a letter of support, but also not a letter of opposition.

That said, an overwhelming amount of residents straight from the district have reached out and they have been unified in their request. Because of that, I find that it's appropriate to lift that request up for the public at this time. So, very briefly I will read it into the record and pose it for discussion as well as feedback from my colleagues, particularly my At-Large representatives because I'm sure you have heard this as well given that you share the same constituency.

In the past 20 years, the population and density of Steele Creek has grown over 200 percent without infrastructure to support the increased traffic. This has resulted in increased congestion on roads, slower moving traffic and many intersections not designed to safely handle current increased traffic flow. Additionally, these changes have occurred without addressing required emergency evacuation plans for areas located within 10 miles of a nuclear power plant. Lack of coordination among local, state and federal authorities has resulted in unsafe and congested traffic patterns that commuters and school buses experience daily. The inability to effectively evacuate the area in the event of a nuclear incident or safely make left hand turns out of neighborhoods is unacceptable. Therefore, we are asking for your support and urging you and your colleagues to consider implementing the following actions: Impose a moratorium on development in the Steele Creek area until traffic improvements are made to address current traffic problems. All future development has to include cost for traffic impacts, emergency evacuation plans are updated to address 2020 population growth. Approved comprehensive development and transportation plans are reviewed and updated.

The reliance on developer generated site specific traffic studies prepare a valid comprehensive traffic impact study of Steele Creek using 2020 census and updated development metrics. As I mentioned, I received this from many in Steele Creek and the overwhelming sentiment is that enough is enough and they would like to see some concerted effort around addressing traffic. Certainly, considering the recent release of our Strategic Mobility Plan and in particular some of the ordinance work that's happening in regards to how do we manage traffic, what do our traffic impact study requirements look like. Right now, we're at 2,500. I do know that that is coming down as a result of the work. In light of that, I'm hopeful that many of the things that were listed here are already in progress and certainly have been a part of some of that work. At this point, many of the residents are ready to see us take a more firm approach to building in this area.

Again, I acknowledge that this particular petition has leaned on a previous petition to address traffic mitigation concerns, however I'm lifting this up as a matter of policy and I do hope that we're able to discuss this going forward. Certainly, we can take a look at where a moratorium would be appropriate within Steele Creek or other areas across the city. We certainly want to be amenable to growth in our community and we understand

that we'd like to increase the housing supply, also however we want to protect our competitive advantage here in Charlotte and ensure that people who already live here are able to enjoy a good quality of life. I'll offer that to my colleagues. I will not be supporting this particular petition. Thank you.

Councilmember Driggs said I just wanted to say briefly I think those are valid concerns, but we can't resolve them on the back of this petition. I have issues as well on Providence Road. I think in general, the tension between needing to create more housing in order to keep housing cost down and being respectful of the infrastructure constraints that we're working against, is a serious issue. I do feel that we cannot take this opportunity to try and take action on that by denying this petition. So, I'm supporting it. Thank you.

Councilmember Winston said I understand the concerns of the people of Steele Creek. I live just around the corner from where this petition is, right off of South Tryon and Arrowood. So, I understand. We have to be honest with our neighbors over here and really understand, as Mr. Driggs said, we can't deal with this petition to petition necessarily or at least definitely not on this petition. We need to understand the enemy that we're fighting here. The enemy that we're fighting here is not necessarily development, but it's history. History of how this region was developed over hundreds of years. Steele Creek, as many places in the Carolinas and around Charlotte is defined by farm to market roads. Farm to market roads that still to this day present lifelines from rural communities to the markets of urban cores. This area used to be defined by large tract plantations and farms. So, these roads exist because of that and then you go into a different form of growth and development patterns. These were perfect places for the type of suburban sprawl development that defined many cities, in particular Charlotte and the growing regions around South Carolina again as folks came into our urban core. They're not sufficient to support the type of dense urbanism or the type of urbanism that is showing up in Steele Creek.

So, in order to deal with the issues that we're facing in Steele Creek, I don't know if any of those things that are listed necessarily get us closer if we don't deal with changing the layout and reliance on these farms to market roads for people to get from point A to point B. To that end, the idea of a moratorium is simply a false pretense. It holds no truth in ability or where it would get it. If we just did a moratorium on conditional or even conventional rezonings, then you would still get by-right development that would possibly make conditions worse as they move forward. Because what the community is asking for development actually of better transportation infrastructure. You don't get development with a moratorium. Even if we were to somehow convince landowners to stop development, i.e. create even a by-right moratorium, that would mean all of a sudden this area is not growing, it's dying. That also doesn't stop the development further down these farms to market roads which would further congest Steele Creek as people drive through them and again create even worse situations.

So, if we're being honest, there are probably three things that we need to be putting our efforts and energy on and this has to start from both us and government, but it's the community. We can figure out how to go up to Raleigh to advocate not just to the legislature because this is an executive branch issue to employ different growth and development patterns on farm to market roads or particularly in Steele Creek. Being that I'm co-chair of the Intergovernmental Committee, as I talked to some of our delegation from Raleigh, they say we need to be prepared if we're going to try to push in that direction that the state might turn around and say, "You know what? Here, these can be your roads now and you have to take care of them." I don't think this council member is against that, but if that does happen then we have to have a very serious discussion on where does the revenue come from to deal with this.

What I'm trying to highlight here is that this is a systematic issue and we have to approach it from that perspective and the idea of pushing some type of development moratorium, while it might be popular in certain circles of our constituencies, it is a dishonest policy approach. It is not even practically executable because of the by-right status. I think we should definitely have a conversation. Hopefully we can during the

small area planning process. I would hope that the Steele Creek area once the UDO is passed and we get into that process, I would hope that Steele Creek is one of the first areas that we consider because something certainly needs to be done, but a moratorium is not it. Thank you.

Councilmember Johnson said I wanted to ask Mr. Pettine a question about this particular area. Ms. Watlington mentioned a nuclear plant and a required evacuation plan or a disaster plan. Are you familiar with that? Are we compliant with that? Is that something that needs to be considered for this area?

David Pettine, Rezoning Manager said that would be handled through other channels than the zoning department. I'm not sure who at the city level would be coordinating that. I imagine some of its state, some of it's probably down in South Carolina as well. It's not something that I'm familiar with.

Mayor Lyles said so, I think you're talking about the Lake Wylie Nuclear Plant. I think it's located in South Carolina. That would be the responsibility I guess of that state to do that. I do know that in our area where we have the plant up at Lake Norman, the Charlotte Fire Department is responsible for it.

Ms. Johnson said so, the letter mentioned that. It mentioned the requirements for an evacuation. I think it said 10 miles of the plant. Is that something that we need to know about if it's something that we should be compliant with? Like as far as Ms. Watlington's development, we see monthly that the rezoning in her area is higher than in some others. So, again we've talked about the traffic and the need for cumulative traffic impacts. So, I hear her residents like I hear the other ones in this city. So, I don't know why Mr. Winston says a moratorium is dishonest. It seems at least something that we could consider even if it were for 60 or 90 days in certain areas to get studies or to get answers to questions like should we be considering nuclear plant evacuations or something. I understand what you said Mr. Driggs. We've talked about this for years. It shouldn't be the developers' responsibility, it's our responsibility to listen to our residents and address these issues. So, I guess what my question is, is there a nuclear disaster plan that we should be aware of before approving any more developments in this area? Ms. Watlington do you have any information or maybe you can read that again for those who might not have heard it, but the residents mentioned a nuclear disaster plan that's required. Right?

Ms. Watlington said the residents have mentioned a lack of a nuclear evacuation plan although the plant is in South Carolina. Certainly South Carolina is not responsible for the evacuation of North Carolina roads. So, I think it's worth finding out from staff if something does in fact exist and when the last time it's been updated. Thank you for highlighting that.

Mayor Lyles said so, Ms. Johnson I just want to make sure. You would like to have the information on the nuclear evacuation plans for the two nuclear plants. One is in North Carolina and the one in South Carolina. You'd like to have more information on that. I'm sure we can get that to you, it's just that I don't think the question has come up. So, we can get that to you.

Ms. Johnson said specifically do we need to consider that when we're looking at development in the Steele Creek area or is there a radius that we need to be aware of when we're approving.

Mayor Lyles said I believe the requirement is a federal requirement. It's not a local requirement, it's a federal requirement that's met by the agency assigned. So, I think we'd have to get more information for you and I'm glad to ask our chief to send that information out. I do think it's federal more than local. It's like federal decides what you do and then the local implements it.

Ms. Johnson said okay. Thank you.

Mayor Lyles said we'll get the information though.

Councilmember Eiselt said I think we've been having this conversation for a while and I think it's definitely a worthwhile conversation. I don't know what the solution is but I guess I'm frustrated that we're having it on the night of a zoning when we're supposed to vote this up or down. It's not the place to do it. Yeah, we need to have conversations about escape routes for a nuclear disaster or whatnot, but again, you don't do it on the night that we're going to be voting on this. So, this took me by surprise. I got a call from the developer today which I didn't realize that there was opposition. So, I'm going to be supporting it because I don't think it's right to pull out the rug at the last minute. If people have concerns about these things, we need to get them on the table sooner and have a better conversation about what our alternatives are.

In terms of a moratorium, I think to Mr. Driggs' point, I don't know what the answer to that is. You know, we've been told that that's just going to push development over the border and those folks are still going to be using those roads because they work in Mecklenburg County. 51 percent of the people that work in Uptown come from outside of the county. So, they're still going to be coming. That's the issue that we have to address and that's why we really need to be talking about transportation more comprehensively within the context of our development. So, thank you.

Councilmember Phipps said yes, I recall working on the Steele Creek small area plan as a planning commissioner back in 2012 and it took a long time to develop this plan, but even shortly thereafter, after the plan was approved and adopted, the plan had to be revisited because of the growth patterns in the Steele Creek area. So, even back then the area was growing past what we had already approved in that small area plan. So, here it is I guess in the mid-2000s, we're back at this same situation where that area is experiencing tremendous growth largely because there's still large tracts of land in that area. University City was the same way. They had large tracts of land but nothing compared to Steele Creek. I'm surprised they still have large tracts of land in Steele Creek as much as we've been doing rezonings here. I would agree that this is an area and some others around Charlotte that we definitely need to take a look at. I don't know if we're going to solve anything here tonight, but it's definitely something that needs to be considered. So, I don't know what the procedure is. How do we get this on some sort of discussion matrix to thrash it out just to see what are our options that we can come up with? I do know that anytime that M word is used, it's almost like a red flare goes up in the minds of some people. So, I would hope that we could avoid that, but it is something that needs to be studied and considered. Thanks.

Ms. Watlington said I just wanted to respond. With all due respect to the Mayor Pro Tem, this should not be a surprise. This is something we talk about on an almost monthly basis. To Councilmember Phipps' point, at some point we have to take it up and I would imagine that we would take it up in the TAP (Transportation Action Plan) Committee. I certainly can understand why folks feel like this is a broader conversation. I agree with that. This is certainly a broader conversation. So, make the decision how you will on this particular petition, but I think we have to stop saying we can't talk about it on this particular petition because we're going to have that same conversation the next month and the next month and the next month. Let's just get it on the agenda and discuss what we need to about what's the proper way to go forward.

Ms. Eiselt said I guess my point was Ms. Watlington that I didn't hear from you on this. I'm just hearing from you now in the meeting while we're taking a vote.

Ms. Watlington said that's fine. Vote on it how you will on this particular petition, but I'm talking about the overall issue.

Ms. Eiselt said the overall issue needs to be addressed for the whole city.

Ms. Watlington said I've been sending emails all week.

Ms. Eiselt said I mean we need to address this for the whole city.

Ms. Watlington said agree.

Ms. Eiselt said thank you.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Egleston, Eiselt, Graham, Phipps, and Winston

NAYS: Councilmembers Johnson, Newton, and Watlington

The ordinance is recorded in full in Ordinance Book 65, Page(s) 021-022.

Mayor Lyles said I just want to say we had our first meeting this morning and it was about the Unified Development Ordinance. A large part of the discussion that we had was about this very same issue, about the idea of how are we going to have growth transportation and make this a city that's connected. Mr. Winston went through a lot of the history of why we are who we are and what we're doing but the bottom line is that there are two choices here. We have to figure out how we're going to have revenue to do this work and what kind of revenue we're going to have to do this work. Because right now if we had to change and improve every bit of our transportation system, we would actually make our city impossible for people that are working class to live in. That's not our goal. Our goal is to have people of all diversity and income types to be able to live here.

So, at some point we have to decide if we're going to do something about this and it's going to take money and it's going to take a choice and a decision. We talked about our transit system. It was the same discussion in District 5 this morning about how do we decrease the use of cars and increase the use of transit. So, at some point the discussion is way beyond how this immediate growth is going. It's actually what are willing to pay to do and who's going to pay to do it. If we changed our entire bus system, I think the estimate was four years to get 15- and 30-minute routes. If we talk about differences in how we're going to build roads, those things take time. Four to five years. So, you have to be realistic and know that one of the things we can do is put a sign up and say this is a place where growth is so fast and happening so quickly that we can't keep up. We could just advertise it. We could just say that, but I don't think that that's the kind of city that we are. We actually tackle problems. It's good to have it in committee about zoning decisions and growth patterns, but this is all about what is our infrastructure going to be and the willingness to begin to address it and fund it. That's a very tough decision and choice to make, but at some point we have to be truthful to the people that live here and say it has to be made.

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ITEM NO. 13: PETITION NO. 2021-199 BY NEST HOMES COMMUNITIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRE LOCATED ON THE SOUTH SIDE OF NORTH DAVIDSON STREET, NORTHWEST OF YADKIN AVENUE, AND EAST OF MATHESON AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Blumenthal, seconded by Chirinos) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 36th Street Station Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the adopted plan recommends single family uses up to five dwelling units per acre (DUA) 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 petition supports the Transit Station Plan's general land use goals that seek to "accommodate higher intensity uses that support the various transportation systems throughout the Corridor, while protecting the fabric of residential neighborhoods and providing the opportunity for housing." This petition is protecting the fabric of the surrounding neighborhood and saving existing housing from demolition by

proposing development on a currently vacant site along the North Davidson Street corridor. While the petition exceeds the recommended density, land uses surrounding the subject property are similar in density and context. The approval of this petition will revise the adopted future land use as specified by the 36th Street Transit Station Plan, from single family uses up to five to residential uses greater than 22 DUA for the site.

David Pettine, Rezoning Manager said the petition had several changes. Mainly just some conditional notes being clarified. The first was noted the existing bike lane along North Davidson would be maintained. Also added a five-foot internal sidewalk to connect sidewalk systems along North Davidson Street. There's a site plan note that specified dedication and fee simple conveyance of all rights of way to the city before the site's first CO (Certificate of Occupancy) and also revise the site plan and conditional notes to commit to dedicate a 30 foot right of way from the road center line. Added language to state the site plan that all transportation improvements would be approved and constructed before that certificate of occupancy is needed. Then revised the site plan and conditional note to specify that a two-foot sidewalk utility easement would be set at the back of sidewalk. All of those have been added. There's no outstanding issue and those are pretty minor changes that staff does not believe warrant additional review by the Zoning Committee. Thank you.

Mayor Lyles said do I have a motion to that the staff believe the changes are minor and do not warrant return to the Zoning Committee?

Councilmember Eggleston said I did not see these changes and there had been some things that the Neighborhood Association asked about. If it's at all possible to slot this one at the bottom of our decisions, I'd like to make a quick call and compare these changes to the notes that I'd received from the Neighborhood Association because I did not see these prior to today. Is that possible?

Mayor Lyles said certainly. We can do that. We'll come back to item number 13 at the end of our decision agenda.

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ITEM NO. 14: ORDINANCE NO. 308-Z, PETITION NO. 2021-201 BY BLUE AZALEA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.15 ACRES LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF WEDDINGTON AVENUE AND BASCOM STREET, EAST OF EAST 7TH STREET FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Elizabeth Area Plan (2011) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential uses of up to no more than 5 dwelling units per acre. 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 at a density of residential uses of less than 16 DUA, this petition is inconsistent with the area plan's recommended density of 5 dwelling units per acre, but it is consistent with the plan's surrounding recommended residential uses of no more than 22 DUA. The increased density is approximate for this infill site, being located within 1-mile of a Lynx Gold Line Streetcar Stop. The proposed project is consistent with the mix of existing residential development in the area. The request is compatible use for an infill site between an existing residential neighborhood and nearby multifamily uses. The approval of this petition will revise the adopted future land use as specified by the Elizabeth Area Plan, from residential uses of no more than 5 DUA to residential uses of no more than 16 DUA for the site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Elizabeth Area Plan (2011) based on the information from the final staff analysis and the public hearing, and because the plan recommends residential uses of up to no more than 5 dwelling units per acre. 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 at a density of residential uses of less than 16 DUA, this petition is inconsistent with the area plan's recommended density of 5 dwelling units per acre, but it is consistent with the plan's surrounding recommended residential uses of no more than 22 DUA. The increased density is approximate for this infill site, being located within 1-mile of a Lynx Gold Line Streetcar Stop. The proposed project is consistent with the mix of existing residential development in the area. The request is compatible use for an infill site between an existing residential neighborhood and nearby multifamily uses. The approval of this petition will revise the adopted future land use as specified by the Elizabeth Area Plan, from residential uses of no more than 5 DUA to residential uses of no more than 16 DUA for the site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 023-024.

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ITEM NO. 15: ORDINANCE NO. 309-Z, PETITION NO. 2021-204 BY WILLIAM J WOLKOFF AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.85 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF WEST W.T. HARRIS BOULEVARD AND HENDRY ROAD, WEST OF OLD STATESVILLE ROAD.

The Zoning Committee voted 5-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the Northlake Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends industrial, warehouse and distribution land uses. 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 use of automotive sales and repairs, including tractor-trucks and accompanying trailers is aligned with the adopted area plan's recommendation of industrial, warehouse and distribution land uses for this site. The proposed use is compatible with the surrounding industrial character of the area, as the majority of the surround parcels are of industrial uses. The key recommendation of this area is to preserve existing industrial-warehouse-distribution uses east of I-77, which aligns with this proposal. This petition's request will maintain consistency and compatibility with the surrounding industrial land uses along WT Harris Boulevard in this area.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Northlake Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends industrial, warehouse and distribution land uses. 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 use of automotive sales and repairs, including tractor-trucks and accompanying trailers is aligned with the adopted area plan's recommendation of industrial, warehouse and distribution land uses for this site. The proposed use is compatible with the surrounding industrial character of the area, as the majority of the surround parcels are of industrial uses. The key recommendation of this area is to preserve existing industrial-warehouse-

distribution uses east of I-77, which aligns with this proposal. This petition's request will maintain consistency and compatibility with the surrounding industrial land uses along WT Harris Boulevard in this area.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 025-026.

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ITEM NO. 16: ORDINANCE NO. 310-Z, PETITION NO. 2021-207 BY CHARLOTTE REGIONAL VISITOR'S AUTHORITY C/O CITY OF CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.7 ACRES LOCATED ON THE SOUTHEASTERN CORNER OF THE INTERSECTION OF INDEPENDENCE BOULEVARD AND PAUL BUCK BOULEVARD FROM B-2 (GENERAL BUSINESS) TO MUDD-O (MIXED-USE DEVELOPMENT – OPTIONAL).

The Zoning Committee voted 5-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the Independence Boulevard Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends institutional land use for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition supports the continued use of Ovens Auditorium and neighboring facilities through improved signage for events and community related information. The petition seeks only to allow upgraded and expanded signage to the site. No other changes to the buildings or grounds are proposed. The proposed petition is necessary in order to provide updated signage for the existing venues to allow them to continue as viable entertainment centers. Ovens Auditorium and the surrounding facilities are important cultural centers and historic venues that host a variety of events including concerts, sporting events, performing arts, speakers, and graduation ceremonies. The site is located at a future transit station area along the proposed CATS Light Rail Sliver Line.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Independence Boulevard Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends institutional land use for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition supports the continued use of Ovens Auditorium and neighboring facilities through improved signage for events and community related information. The petition seeks only to allow upgraded and expanded signage to the site. No other changes to the buildings or grounds are proposed. The proposed petition is necessary in order to provide updated signage for the existing venues to allow them to continue as viable entertainment centers. Ovens Auditorium and the surrounding facilities are important cultural centers and historic venues that host a variety of events including concerts, sporting events, performing arts, speakers, and graduation ceremonies. The site is located at a future transit station area along the proposed CATS Light Rail Sliver Line.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 027-028.

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ITEM NO. 17: ORDINANCE NO. 311-Z, PETITION NO. 2021-222 BY RAD SCHNEIDER AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF

CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.16 ACRES BOUND BY THE WEST SIDE OF BEATTIES FORD ROAD, SOUTH SIDE OF COWBOY LANE, AND NORTH SIDE OF KIDD LANE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Northwest District Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single family land uses of up to 4 dwelling units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 6 dwellings per acre. 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 at 5.81 DUA, the petition proposes a slight increase in the recommended density. The petition creates additional housing opportunities and housing diversity along the Beatties Ford Road corridor.

The petition commits to building street and sidewalk connections to the adjacent parcels to increase street connectivity and the pedestrian experience for future developments. The petition proposes a 12-foot multi-use path along Beatties Ford Road, contributing to improving pedestrian connectivity along the corridor. The site plan proposes functional amenities for future residents, including a shared use path and bike racks. The site commits to a 50-foot class C buffer where the site abuts existing residential areas to the southwest, ensuring an appropriate transition between sites. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from single family uses of up to 4 DUA to multifamily residential land uses of up to 6 DUA for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Phipps and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Northwest District Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends single family land uses of up to 4 dwelling units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 6 dwellings per acre. 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 at 5.81 DUA, the petition proposes a slight increase in the recommended density. The petition creates additional housing opportunities and housing diversity along the Beatties Ford Road corridor. The petition commits to building street and sidewalk connections to the adjacent parcels to increase street connectivity and the pedestrian experience for future developments. The petition proposes a 12-foot multi-use path along Beatties Ford Road, contributing to improving pedestrian connectivity along the corridor. The site plan proposes functional amenities for future residents, including a shared use path and bike racks. The site commits to a 50-foot class C buffer where the site abuts existing residential areas to the southwest, ensuring an appropriate transition between sites. The approval of this petition will revise the adopted future land use as specified by the Northwest District Plan, from single family uses of up to 4 DUA to multifamily residential land uses of up to 6 DUA for the site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 029-030.

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ITEM NO. 18: ORDINANCE NO. 312-Z, PETITION NO. 2021-226 BY AREP GALLOWAY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 8.02

ACRES LOCATED ON THE SOUTH SIDE OF GALLOWAY ROAD, EAST OF CLAUDE FREEMAN DRIVE, AND NORTH OF WEST MALLARD CREEK CHURCH ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Blumenthal, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Northeast Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends residential land uses of no more than 4 dwelling units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 6 dwellings per acre. 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 at 6 dwelling units per acre, this petition is inconsistent with the area plan's recommended density of 4 dwelling units per acre, but it is consistent with the area plan's recommendation of a residential use. The slight increased density is appropriate for this infill site and is an appropriate adjacent use to the surrounding single-family neighborhoods. The proposed project is generally consistent with the existing development pattern in the area, in particular with the site to the southwest of the site. The petition commits to enhancing the pedestrian environment throughout the site through site design elements and creates improved street connectivity along Alloway Road as well as a pedestrian connection to Arbor Vista Drive in the neighborhood to the east. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan, from residential land uses of no more than 4 DUA to residential land uses of up to 6 DUA for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Newton to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Northeast Area Plan based on the information from the final staff analysis and the public hearing, and because the plan recommends residential land uses of no more than 4 dwelling units per acre. The petition meets the General Development Policies locational criteria for consideration of up to 6 dwellings per acre. 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 at 6 dwelling units per acre, this petition is inconsistent with the area plan's recommended density of 4 dwelling units per acre, but it is consistent with the area plan's recommendation of a residential use. The slight increased density is appropriate for this infill site and is an appropriate adjacent use to the surrounding single-family neighborhoods. The proposed project is generally consistent with the existing development pattern in the area, in particular with the site to the southwest of the site. The petition commits to enhancing the pedestrian environment throughout the site through site design elements and creates improved street connectivity along Alloway Road as well as a pedestrian connection to Arbor Vista Drive in the neighborhood to the east. The approval of this petition will revise the adopted future land use as specified by the Northeast Area Plan, from residential land uses of no more than 4 DUA to residential land uses of up to 6 DUA for the site.

Councilmember Johnson said I'd just like to thank the developer for the concessions that were made. They did agree to vital fencing, a privacy fence, increased distance between the existing home and the proposed development and also they're limiting the height of the units on the buildings that are closest to the development. So, I just wanted to say thank you. That it's appreciated that the developer listened and worked with the community. For that reason I'll be supporting. Thank you.

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

The ordinance is recorded in full in Ordinance Book 65, Page(s) 031-032.

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ITEM NO. 19: ORDINANCE NO. 313-Z, PETITION NO. 2021-230 BYT PROVIDENCE GROUP CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.40 ACRE LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET, NORTH OF REMOUNT ROAD AND SOUTH OF DUNAVANT STREET FROM TOD-NC (TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD CENTER) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT – URBAN CENTER).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the New Bern Station Area Plan (2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends transit-oriented development – mixed 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 site is within a ½-mile walk of the proposed Rampart Station, and just over a ½-mile walk to New Bern Station. The TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The site is located directly adjacent to a number of parcels zoned TOD-UC. The use of conventional TOD-UC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Motion was made by Councilmember Watlington, seconded by Councilmember Newton to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the New Bern Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends transit-oriented development – mixed for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the site is within a ½-mile walk of the proposed Rampart Station, and just over a ½-mile walk to New Bern Station. The TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The site is located directly adjacent to a number of parcels zoned TOD-UC. The use of conventional TOD-UC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening.

Councilmember Watlington said I just wanted to note that the upcoming proposed station nearest here is funded. I just wanted to call that out that we're starting to see increased development around this area and some residents have noted a concern that they weren't sure whether or not this station was actually coming. This one in particular is funded.

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

The ordinance is recorded in full in Ordinance Book 65, Page(s) 033-034.

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ITEM NO. 20: ORDINANCE NO. 314-Z, PETITION NO. 2021-231 BY EMORY INVESTMENT CORPORATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.45 ACRE LOCATED AT THE INTERSECTION OF PIERSON DRIVE AND CHIPPENDALE ROAD, EAST OF MONROE ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-6 (SINGLE-FAMILY RESIDENTIAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent and inconsistent with the Independence Boulevard Area Plan (2011) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends single family land uses up to 5 DUA. 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 rezoning is for a corner lot, making it an appropriate site for a slight increase in density in an area predominantly developed with single family homes under the R-5 zoning district. Although the site is 0.45 acres, under the current zoning district, lot width requirements limit the site to one single family home. The proposed zoning district would allow for the site to be subdivided into two lots for a maximum of two single family units. The petition is consistent with the area plan's recommendation for single family land uses. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan (2011), from the single-family residential density recommendation of five DUA to six DUA.

Motion was made by Councilmember Newton, seconded by Councilmember Driggs and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent and inconsistent with the Independence Boulevard Area Plan (2011) based on the information from the final staff analysis and the public hearing, and because the plan recommends single family land uses up to 5 DUA. 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 rezoning is for a corner lot, making it an appropriate site for a slight increase in density in an area predominantly developed with single family homes under the R-5 zoning district. Although the site is 0.45 acres, under the current zoning district, lot width requirements limit the site to one single family home. The proposed zoning district would allow for the site to be subdivided into two lots for a maximum of two single family units. The petition is consistent with the area plan's recommendation for single family land uses. The approval of this petition will revise the adopted future land use as specified by the Independence Boulevard Area Plan (2011), from the single-family residential density recommendation of five DUA to six DUA.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 035-036.

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ITEM NO. 21: ORDINANCE NO. 315-Z, PETITION NO. 2021-233 BY HOPPER COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.52 ACRES LOCATED ON THE SOUTH SIDE OF ENDHAVEN LANE AND WEST SIDE OF ELM LANE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Chirinos) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the South District Plan. However, the petition meets the General Development Policies based on the information from the post-hearing staff analysis and the public hearing, and because the plan single family

residential up to 3 dwelling unit per acre. The general Development Policies locational criteria supports up to 8 dwellings per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because the petition proposes single family attached residential up to 7.98 units per acre. The site plan provides a buffer larger the Ordinance minimums abutting the single-family homes to the west, architectural design standards and limits of height of the units to 40 feet, comparable to single family residential. The site is large infill parcel, not internal to the surrounding single-family neighborhoods. The site is located just north of Stonecrest Shopping center and the newly constructed Elm Lane/I-485 bridge included sidewalks which provides pedestrian access to the commercial area within a ½ mile walk. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential less than or equal to 3 dwelling units per acre to residential up to 8 units per acre for the site.

Motion was made by Councilmember Driggs, seconded by Councilmember Newton to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the South District Plan. However, the petition meets the General Development Policies based on the information from the final staff analysis and the public hearing, and because the plan single family residential up to 3 dwelling unit per acre. The general Development Policies locational criteria supports up to 8 dwellings per acre. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition proposes single family attached residential up to 7.98 units per acre. The site plan provides a buffer larger the Ordinance minimums abutting the single-family homes to the west, architectural design standards and limits of height of the units to 40 feet, comparable to single family residential. The site is large infill parcel, not internal to the surrounding single-family neighborhoods. The site is located just north of Stonecrest Shopping center and the newly constructed Elm Lane/I-485 bridge included sidewalks which provides pedestrian access to the commercial area within a ½ mile walk. The approval of this petition will revise the adopted future land use as specified by the South District Plan, from single family residential less than or equal to 3 dwelling units per acre to residential up to 8 units per acre for the site.

Councilmember Driggs said I think this is good land use of this location. So, I recommend it to all of us. I will note that there are concerns on Endhaven about traffic safety at the junction with Elm and in general about the growth in traffic because of school development along there. C-DOT is working on that. I will continue to follow it, but this is a good petition and should pass. Thank you.

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

The ordinance is recorded in full in Ordinance Book 65, Page(s) 037-038.

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ITEM NO. 22: ORDINANCE NO. 316-Z, PETITION NO. 2021-236 BY RJS PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.83 ACRES LOCATED ON THE SOUTH SIDE OF ROUNDTREE ROAD AND NORTH SIDE OF MINUET LANE, WEST OF OLD PINEVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSI-ORIENTED DEVELOPMENT – COMMUNITY CENTER).

The Zoning Committee voted 5-0 (motion by Blumenthal, seconded by Chirinos) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Woodlawn Transit Station Area Plan

(2008) based on the information from the post-hearing staff analysis and the public hearing, and because the plan recommends office/industrial-warehouse-distribution uses on this 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 subject site is within a ½-mile walk of the Woodlawn Station. The TOD-CC zoning district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within a ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The subject site is directly adjacent to other parcels zoned TOD-CC and is an area that is steadily shifting away from industrial and auto-oriented uses to development that is more compatible with the intentions of the TOD zoning districts to encourage transit-supportive uses. The use of the conventional TOD-CC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the Woodlawn Transit Station Area Plan (2008) from office/industrial-warehouse-distribution uses to transit oriented development for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Phipps and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Woodlawn Transit Station Area Plan (2008) based on the information from the final staff analysis and the public hearing, and because the plan recommends office/industrial-warehouse-distribution uses on this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the subject site is within a ½-mile walk of the Woodlawn Station. The TOD-CC zoning district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within a ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The subject site is directly adjacent to other parcels zoned TOD-CC and is an area that is steadily shifting away from industrial and auto-oriented uses to development that is more compatible with the intentions of the TOD zoning districts to encourage transit-supportive uses. The use of the conventional TOD-CC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The approval of this petition will revise the adopted future land use as specified by the Woodlawn Transit Station Area Plan (2008) from office/industrial-warehouse-distribution uses to transit oriented development for the site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 039-040.

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ITEM NO. 23: ORDINANCE NO. 317-Z, PETITION NO. 2021-239 BY DRAKEFORD AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.34 ACRES LOCATED ON THE WEST SIDE OF EAST W.T. HARRIS BOULEVARD, NORTH SIDE OF DISTRICT DRIVE, AND EAST SIDE OF SHORTHORN STREET FROM 0-1 (CD) (OFFICE, CONDITION) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Blumenthal) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Newell Small Area Plan based on the information from the post-hearing staff analysis and the public hearing, and because the

adopted plan recommends office uses (as amended by rezoning petition 2005-024) on 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 petition achieves the Plan's land use objective of "encouraging a range of housing types and densities that will meet the need of different types of households." Single family attached housing can provide an appropriate transitional land use between the established single family neighborhood to the northwest and W.T. Harris Boulevard. The petition commits to enhancing the pedestrian environment via an 8-foot sidewalk and 8-foot planting strip along District Drive and Shorthorn Street. Both points above achieve the Plan's land use goal stating, "new development should be pedestrian friendly and comparable in scale to existing neighborhoods". The approval of this petition will revise the adopted future land use as specified by the Newell Small Area Plan, from office uses to residential uses up to 12 DUA for the site.

Stephanie Kelly, City Clerk said there's changes.

Mayor Lyles said thank you so much Madam Clerk for doing this. This one has changes in it as well. So, I'm going to go ahead and put the motion on the floor and then ask Mr. Pettine to read the changes that are in it. Mr. Pettine, explain what the changes are.

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. Provide usable common open space of not less than 1,000 square feet. That would contain two benches and walks.
2. Notes the driveway shall be a minimum of 10 feet in width and built per the CLDSM (Charlotte Land Development Standards Manual) for a residential alley.
3. Rescinds the staff's request to provide a note committing to enhance possible water quality via approved plannings and features.
4. Updates language for solid waste on site to reflect the petitioner will provide the area per ordinance standards.
5. Adds a note that proposed 45,000 square feet of the required 61,052 square feet of required tree save. Have an option to pay lieu because it is in a corridor.

David Pettine, Rezoning Manager said so, again, staff believes those changes are minor and do not warrant additional review by the Zoning Committee. Will be happy to take any questions. Thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Eiselt not to refer back to the Zoning Committee.

Councilmember Johnson said I just want to acknowledge the developer on this petition. You all may or may not remember, but this was the development where the petitioner and also the neighborhood leader spoke last month. The neighborhood leader had previously been opposed to development in this area and Mr. Drakeford worked early on with the neighborhood and they worked very closely and the residents were able to come and support. So, I'm just very proud of this development. I think this is the standard that we should all set and have for developments where the residents feel listened to. We know the city's growing. So, it's our job to kind of negotiate that and mediate that and try to listen. I'm just very happy about this petition. This is one of the highlights of my term thus far. There have been a few, but this was good. So, thank you for Mr. Drakeford and to the Farms Community for really staying engaged in helping to have a good development in the area. So, I will be supporting it. Thank you.

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

Motion was made by Councilmember Driggs, seconded by Councilmember Winston and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Newell Small Area Plan based on the information from the final staff analysis and the public hearing, and because the adopted plan recommends office uses (as amended by rezoning petition 2005-024) on the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because the petition achieves the Plan's land use objective of "encouraging a range of housing types and densities that will meet the need of different types of households." Single family attached housing can provide an appropriate transitional land use between the established single-family neighborhood to the northwest and W.T. Harris Boulevard. The petition commits to enhancing the pedestrian environment via an 8-foot sidewalk and 8-foot planting strip along District Drive and Shorthorn Street. Both points above achieve the Plan's land use goal stating, "new development should be pedestrian friendly and comparable in scale to existing neighborhoods". The approval of this petition will revise the adopted future land use as specified by the Newell Small Area Plan, from office uses to residential uses up to 12 DUA for the site, as modified.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 041-042.

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ITEM NO. 13: PETITION NO. 2021-195 BY STEELE CREEK 1997, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRE LOCATED ON THE SOUTH SIDE OF NORTH DAVIDSON STREET, NORTHWEST OF YADKIN AVENUE, AND EAST OF MATHESON AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to defer a decision on Item No. 13, Petition No. 2021-195 by Steele Creek to June 20, 2022.

Councilmember Egleston said I can explain if anyone would like. These changes, I think some of them are moving in the right direction but are not quite to the point where the neighborhood is comfortable. They think that there can be more progress made with a little bit more time.

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HEARINGS

ITEM NO. 27: HEARING ON PETITION NO 2021-112 BY CAMBRIDGE PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.54 ACRES LOCATED ON THE EAST AND WEST SIDE OF IKEA BOULEVARD, SOUTH OF UNIVERSITY CITY BOULEVARD, AND WEST OF NORTH TRYON STREET FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO MUDD-O (MIXED USE DEVELOPMENTAL, OPTIONAL), MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL), B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said 2021-112. That's approximately 15 and a half acres on the east and west side of Ikea Boulevard, south of University City Boulevard and west of North Tryon Street. It's currently zoned B-2 conditional. The proposed zoning is for MUDD (mixed-use development)-optional, MUDD conditional, B-2 conditional with five year vested rights being requested. Adopt a future land use from

the blue line extension University City Area Plan. Recommends residential and office uses at this site. The proposal itself is for up to 350 multi-family units on Parcel A, up to 20,000 square feet of automobile dealership including vehicle servicing, office space, retail and vehicle sales with a maximum building height of 48 feet on Parcel B. Allow surface and/or structured parking on Parcel B. The structure parking will be limited to 60 feet in height. Allows for a master project identification sign on Parcel C and then also allows a sports court, linear park, walking trail, dog park, community garden open space, outdoor fitness area on Parcels D and E. Then commits to an eight-foot planting strip, six foot sidewalk along Drivers Way and Tryon Park Road.

Optional provisions requested for a master project identification sign up to 35 feet in height with the sign face of up to 360 square feet. Also commence to architectural details for building façade placement along streets, massing and façade modulations, blank wall expanse limitations, screened parking decks. Five percent of parking spaces dedicated to EVs (electric vehicles), pitched rooves and screened surface areas. Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. It's overall consistent with the blue line extension plan for the residential and office uses. The retail uses that are being requested are in consistent with the plan, but staff does feel that the overall land uses that are being proposed do fit well with that blue line extension area plan. Again, we do recommend approval upon resolution of outstanding issues and will be happy to take any questions following the petitioner's presentation. Thank you.

Jay Priester, 831 E. Morehead Street, Suite 245 said good evening, Madam Mayor, members of city council. Jay Priester with Cambridge Properties. So, the entertainment district is a multi-phase development. We've been through one zoning thus far. The first phase was for the Top Golf which is existing today and operating. The next phase this evening is for 350 multi-family units on Parcel A. Parcel B is being proposed for a parking garage for the dealership. So, this is a surface parking lot today being used for the Chevrolet dealership. So, this is where they park their inventory. The plan is to move the inventory into an enclosed garage here with a 20,000 square foot new building which is for the growth of the dealership which also will create a more urban dealership. We also will be adding this linear park. This is land underneath a 140-foot-wide transmission line today. So, it's quite unsightly and so our objective is to create and use that space and maintain that space.

This is a recent drone picture of the sight. So, you can see the dealership on the corner of University Boulevard and Ikea Boulevard. Parcel B is the parking garage for the inventory. So, that will all be housed in up to four stories in that deck. We also will have a building here to hard edge that corner of Ikea. Parcel A is the multi-family of 350 apartments, and again the linear park along the side of Ikea which is complimentary to eh 10-foot-wide multi-use path that we've already constructed in the first phase. This is looking back from Top Golf towards Ikea Boulevard. Ikea Boulevard is here, University City Boulevard is here. So, I think it's important to note the location of the light rail transit stop. We're within a quarter mile walk. So, these 350 apartments will be able to have an easy access along with the 10-foot multi-use path that we've build and also the linear park to really bring these developments together that are currently bifurcated by this 140-foot easement.

This shows the surface parking lot that is going to go away with the new inventory lot being built in the structure deck closer to the dealership. Lastly, just wanted to make note of the infrastructure that we put in in phase one. So, this is a very urban streetscape with parallel parking throughout on all four sides. We've constructed the majority of the sidewalks. We'll finish the missing sidewalks here with this development. Also, the pedestrian scale streetlights, if you can see those here and street trees that we've installed. Just wanted to get a little bit more zoomed in in case there are any questions. Happy to answer anything related to our petition. Thank you.

Councilmember Johnson said thank you very much. I do have a question. So, thank you for the presentation. It looks like a very nice development. You mentioned that it's a

quarter mile from the train, it's urban streetscape, it's an entertainment area. Is there any affordable or workforce housing in any of the units?

Mr. Priester said there's not any proposed in this first phase.

Ms. Johnson said okay. Is it planned for any of the phases?

Mr. Priester said we're still programming it. We have a total of 50 acres here and so what we're trying to do is slowly tee this up. I do not know if we will have another residential component to it. So, I can't say for a fact there is any additional residential that will be a part of this.

Councilmember Bokhari said we can't ask that I don't believe.

Ms. Johnson said okay. Thank you.

Councilmember Winston said thank you. I just have a question for the petitioner just from my edification. Why did we decide to go with MUDD zoning as opposed to TOD (Transit Oriented Development) zoning?

Mr. Priester said when we originally met with staff, we kind of talked about both. We did do MUDD under the Top Golf zoning. So, for consistency we did. I think there's also a level of flexibility as we look at different phases here from a parking standard. We're obviously very hopeful that more people will continue to use the train, but until that point some of the governance with the parking requirements got a little bit too thin for the development.

Mr. Winston said I'm glad I asked. That's very interesting. Staff I wonder if you have any feedback into the process of how we got to MUDD-O versus TOD and I don't think it's necessarily detrimental or anything like that, but maybe something we can continue to talk about offline. It seems like this could be the exact type of area and type of development where something like transit-oriented development zoning districts were intended for. So, wondering the thought process there and what that means for future TOD development in areas that are similar to university?

Mr. Pettine said yeah, as we mentioned there was some discussion about both and I think part of the opportunities that we saw with the potential for a conditional plan also gave us some opportunity to program some of that open space. That linear park was something that we wanted to make sure we had some commitments to and some clarification on. That was something we also worked with the folks at University City Partners on to kind of talk through what would be the best outcome for that area. So, I think when it all was said and done, a good opportunity for both zoning districts, but when we got the opportunity to do that conditional plan, we wanted to make sure we got some things programmed in there that we felt were important for the area that maybe TOD by-right wouldn't have that same outcome for us.

Mr. Winston said thank you very much.

Councilmember Phipps said I'm familiar with working with this plan when Top Golf was being envisioned. Is this plan substantially the same as the original vision for this second phase as it was when you first announced it?

Mr. Priester said that's a good question. A few things have changed. One we acquired an additional 15 acres to the south of this. So, we've been able to transition and move some of the additional retail and we're going to adaptively reuse another building. This parcel here has presented some topography issues. This was supposed to be more of a retail parcel, but with the topography there as Ikea Boulevard kind of goes up, it made it very difficult to create what you would think of as more of a flatter retail site. So, being able to move the multi-family to this site where it can be more adaptive to the topography and build within the land made it a little bit more feasible. The other thing that is nice about this is it's a little bit closer to the light rail transit than the other spot further to the south that we had otherwise identified.

Mr. Phipps said with respect to those two parcels you have there for the linear park, what's the plan for those to be amenitized? Are they going to have benches and things or it's just a doggy park or how does that work?

Mr. Priester said yes, exactly. So, we are meeting all our open space requirements within each individual parcel. So, this is an additional item we would like to do because we think it will create a better streetscape coming in and it also feels very divisive from the light rail transit station to our project as well. It really separates us because it's such a massive transmission easement. So, we want to bring it together. So, we were actually in conjunction with the University City Partners going to contribute to building this as more of a public open space as well as the developer over here is also going to be participating in that. So, it's really a joint effort between three parties.

Mr. Phipps said alright, thank you.

Motion was made by Councilmember Driggs, seconded by Councilmember Johnson and carried unanimously to close the hearing.
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ITEM NO. 28: HEARING ON PETITION NO. 2021-240 BY ASCENT REAL ESTATE CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.67 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF ABBEY PLACE AND HEDGEMORE DRIVE, SOUTH OF MONTFORD DRIVE AND EAST OF PARK ROAD FROM MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL) TO MUDD-O (MIXED USE DEVELOPMENT – OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said alright 2021-240. It's 1.67 acres at Abbey Place and Hedgemore Drive over in the Montford area. This is currently zoned MUDD-conditional. The proposed zoning is for MUDD-optional. Adapt a future land use from the Park-Woodlawn area. The plan does recommend residential office and retail mixed-use. This area is also in an identified activity center. The proposal is for up to 252 multi-family dwelling units and up to 3,500 square feet of retail, sale of professional and general office uses on the first-floor ground floor. Maximum building height would be 95 feet. It illustrates that there are two vehicular access points. One on Abbey Place and one on Hedgemore Drive. A 10-foot sidewalk and 8-foot planting strip would be constructed along the site's frontage. The sidewalk would be 12 feet where it abuts those buildings, and that sidewalk may also meander a bit around some of the large mature trees in an effort to maintain those onsite. It does commit to architectural standards related to exterior building materials, things like screening and mechanical equipment, building modulation limitations on blank wall expanses, etc. It does provide urban open space at a rate of one square foot for every 100 square feet of building area. Also dedicates an area to Mecklenburg County Parks and Rec which would be approximately 0.39 acres on the east side of the site for greenway and recreational purposes.

It does request an optional provision to allow one parking space per residential unit for 90 percent of the units. That's a 10 percent reduction of the required parking that would be in the MUDD district. Retail uses would be parked at the minimum requirements for MUDD. So, no deviation from those standards. It does commit to provide bike storage which would be in excess of the 10 percent of those MUDD standards and also will provide some refrigerated space for grocery delivery services. MUDD standards requires one bike space per 20 units. Again, that would be exceeded by 10 percent with this proposal. Staff does recommend approval of this petition. We do have some outstanding issues related to site and building design and tech revisions related to site and building design and environment to be worked through. It is consistent with the Park-Woodlawn Area Plan recommendation. We do recommend approval upon resolution of those issues. Will be happy to take any questions following the presentation by the petitioner team. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said Madam Mayor and council members, Collin Brown on behalf of the petitioner, Ascent Real Estate Capital. I'll move quickly because we have a loaded agenda tonight as you've mentioned. An area that is seeing a good bit of redevelopment, this Montford Park area. Dave has done a nice job on his overview. So, I'll move quickly. So, that you know, the existing zoning on the site was zoned maybe eight years or so ago now for a multi-family development. You're looking at the approved conditional plan. These are the approved drawings. It looks very similar to what we are planning. Just a little bit more density on the site. As I think you know, the Ascent team working with David Furman is really looking into more. Someone may ask, these are market units that they are more affordable than what else we're seeing in the market and the reason is they're just more smaller units frankly.

So, that is the purpose of this rezoning. To take this site that's already entitled for multi-family, update the entitlements a bit. We do think the design is actually a little bit more functional. You can see it here working with the proposed greenway. One of the things Mr. Furman has done is typically we see these pool decks that are kind of tucked away in the middle of a new building. This would have it opening up to Abbey Place. So, it's kind of addressing the street. It has a staircase leading up to that to open it up putting some focus on the corner. So, we think this will be a nice addition to the neighborhood, adding some more urban density to support the retail revitalization that we're having there. Happy to answer any questions you may have.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs and carried unanimously to close the hearing.
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ITEM NO. 29: HEARING ON PETITION 2021-249 BY MILL CREEK RESIDENTIAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 25.46 ACRES LOCATED ON THE WEST SIDE OF STEELE CREEK ROAD, SOUTH OF THE INTERSECTION WITH SLEDGE ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO MX-2 (INNOV) & NS (MIXED USE, INNOVATION) AND (NEIGHBORHOOD SERVICES).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said okay 2021-249. It's 25.46 acres. It's located on the west side of Steele Creek Road, south of the intersection of Steele Creek and Sledge Road. Currently zoned R-3. Proposed zoning is for MX-2 with innovative provisions as well as a portion of the site being requested to rezone to NS for some neighborhood services uses. Adopt a future land use from the Steele Creek Area Plan. Recommends residential up to four dwelling units per acre for this site. The proposal is for up to 160 attached and/or detached dwelling units. That would come in at about 6.28 DUA (Dwelling Units per Acre) and also will provide up to 7,700 square feet of retail and/or office uses. You can see that highlighted right along Steele Creek Road in that reddish pink portion of the site. It does prohibit the following uses that are found in NS (Neighborhood Services). It would be accessory drive throughs on [INAUDIBLE] service stations, equipment rental and leasing, funeral homes and embalming and tattoo establishments. Those would all be prohibited in that area proposed to be rezoned to NS.

It does request the following innovative provisions. That would be internal streets shall have public access easements with a cross section of two 10-foot lanes and two 6-inch curb and gutter. That would be a total of 25 feet back of curb to back of curb. No minimum lot size or width. A minimum building separation of seven feet. Public street frontage and private street frontage will not be required for the units. Set back along private street A would be 16 feet from back of curb. Private streets B and C would be 14 feet from back of curb with an 8-foot planting strip and 6-foot sidewalk and a 30-foot setback would be provided from Steele Creek Road.

Transportation improvements would include a 50-foot right of way dedication from the Steele Creek Road center line. Also, would include a 12-foot multi-use path along

Steele Creek Road. Left and right turn lane construction on Steele Creek Road at the intersection of private road C, that would be the main entrance there just north of that retail component. It does include architectural commitments for blank wall limitations and usable porches and stoops as predominant features for the residential units. Also commits the 10 percent of the site being reserved for open space with amenities. Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation, the environment and site building design. We will be happy to take any questions following the petitioner's presentation. Thank you.

Bridget Grant, 100 North Tryon Street, Suite 3300 said good evening, Mayor Lyles, members of council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here tonight with William Morris and with Lucas Shires with Mill Creek Residential. Lucas is just excited to attend a meeting in person. We're also supported by DRG (Design Resource Group) and Thomas Haapapuro. As Dave described, there is a range of zoning in the area and the site is located on Steele Creek Road. The adopted policy for place types has been adopted yet not implemented. We think it's important to discuss the fact that this is consistent with the N-1 place type. Throughout the presentation you'll see that the land use, character, mobility and building form and open spacing all propose with this aligned place type. We are proposing housing options in the form of single and duplex cottages on a traditional block grade neighborhood oriented to open space.

This plan sets out the street network. Our original plan was residential only and we received stakeholder feedback that we should entertain providing retail to better align with the 10-minute neighborhood given our location on Steele Creek Road. That said, we added that retail component in in the red. When you look at the rendered site plan and all the yellow circles that are called out are individual parks and parklets. It also reflects the extensive connectivity options away from Steele Creek Road. As Dave noted, we're proposing 160 residential units with 7,700 square feet of that neighborhood serving retail. There are a few precedent images that depict the type of community that Mill Creek is proposing. Our open spaces throughout is an organizing element. We have over a half-acre of small parks. We have 2.55 acres of overall open space throughout the community. We have a traditional neighborhood block structure, connections to adjacent development, commitment to architectural features, extensive tree save and again that 12-foot multi-use path.

It is timely that the Charlotte Observer published two articles yesterday, both about demand. One focused on lack of homes for sale, the other focused on increasing rental costs. Both indicated that increases in pricing caused in part by supply shortage. We need housing to support the jobs we're attracting. We need housing for the recently approved hospital and the employees that will come with it and rooftop support area businesses. I also want to take a minute to just talk about connectivity. By adhering to the subdivision ordinance, we're providing alternative connections out to Shopton and Sledge. This demonstrates the absolute of connectivity, mobility, and options. In field development extends the options. Transportation improvements cannot always be achieved through road widening and we know we cannot always wait for the state. So, I think this is just intended to show how we're getting some connectivity through some other options. Again, I also want to note that there's development pressures in the area. So, we went back and took a look at our comp plan alignment. We were already aligned with goal one, two, five and seven. We're walkable retail, choice, and variety of housing types, that extensive street network and extensive open space.

We also plan to include a commitment to affordable housing in our next submittal to strengthen goal two and to also address goal three which is housing access for all. We appreciate staff support and that no one signed up to speak in opposition.

Motion was made by Councilmember Eiselt, seconded by Councilmember Winston and carried unanimously to close the hearing.
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ITEM NO. 30: HEARING ON PETITION 2021-251 BY DELRAY VENTURES FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.08 ACRES LOCATED ALONG THE EAST SIDE OF MALLARD CREEK ROAD, NORTH GOVERNOR HUNT ROAD, AND WEST OF DAVID TAYLOR DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said 2021-251 is approximately 13 acres on Mallard Creek Road just north of Governor Hunt and west of David Taylor Drive. Existing zoning is R-3. Proposed zoning is for UR-2 conditional. Adopt a future land use from the north east district plan. It does call for research related land uses at this site because of the date of this plan and it's a district plan. We do apply the General Development Policies and they do support locational criteria for consideration of up to 23 dwelling units per acre across these parcels that are involved in this rezoning. The proposal under this petition is to allow up to 295 multi-family units across five buildings. It does limit building height to 60 feet. It does provide transportation improvements like turn lanes along Mallard Creek Road with appropriate turn lane storage. Dedicates 50 feet of right of way from the road's center line on Mallard Creek Road. Provides an ADA (Americans with Disabilities Act) compliant bus waiting pad also along Mallard Creek Road and commits to an 8-foot planting strip and 12-foot multi-use path along that frontage. Provides 20,000 square feet of amenity open space with a pool and club house and also commits to architectural details for things like exterior building materials, front and side presentations for the facades along streets, building modulations and lengths in excess of 120 feet. Blank wall expanse limitations and articulated façade features.

Staff does recommend approval of this petition upon resolution of outstanding issues related to the transportation. While it is inconsistent with the recommendation for research related land uses at the site, it does meet the General Development Policies criteria for up to 23 dwelling units per acre. Will be happy to take any questions following the petitioner's presentation. Thank you.

Collin Brown, 1420 East 7th Stret, Suite 100 said Madam Mayor, Collin Brown on behalf of the petitioner. Our presentation is up. I'll try to move quickly. I'll say this is an assemblage of multiple property owners putting together a large piece of property that I don't think many of us thought would be developed. So, we appreciate staff's support. We are just on the edge of the University Research Park adjacent to their employment sector. Though not required, this does not trigger a traffic study, however the team voluntarily did a transportation memo which we have submitted to CDOT. Here is the map showing you its proximity. The dark line is the University Research Park. So, we're absolutely adjacent to that. The color shows you the areas that were to be the employment district and the park district. So, those are great things to be close to. This map shows that we have bus service to the site, walking distance to bicycle infrastructure and greenway infrastructure. We are also in walking distance to the new headquarters for Centene. So, we think this is checking a lot of boxes for where we want to see density in the future. This picture speaks a thousand words. So, you can see just how many fantastic things that it is in close proximity to. With my other minute and a half, I will turn that over to the folks from the Piedmont Unitarian Universalist Church. If you are there, you have about a minute and a half.

Stephen Whitfield, 9704 Mallard Creek Road said good evening, my name is Steve Whitfield. I'm currently the president of the board of prestige at Piedmont Church. Let me begin by saying that our founders have long anticipated the inevitable growth and demographic shifts near our church location and in fact purchased part of the tract of land upon which we currently reside over 25 years ago with that inevitability in mind and with a primary objective of ensuring long term financial security for Piedmont UU Church. In supporting the proposed rezoning, we are also mindful of the phase of the housing shortages that currently exist in the Charlotte Metro region and the acute need for thoughtfully planned and executed growth and development that is sensitive to environmental values of this price to minimize the negative trade-offs typically associated with growth. We believe that this proposed rezoning and planned

redevelopment is consistent with our view of responsible growth. Finally, the contingent contract we've signed to sell a parcel of our land to support development of new residences would provide acutely needed significant funding for our church to complete our recovery from the effects of the pandemic and would provide additional funding for new programming, expanded staff and infrastructure upgrades. In summary, our congregation overwhelmingly supports this rezoning petition currently proposed and believes it would provide significant long-term benefits to PUUC. Thank you.

Councilmember Johnson said I wanted to thank the petitioner for the voluntary traffic study research. I did hear from the neighborhood leaders on this and I wanted to confirm. Will there be a median or was there discussion about removing a median or a median not appropriate for this area? Are you familiar with that conversation at all?

Mr. Brown said I think that Michael Wickline with DRG is on and we have him signed up. His group is the one that did the transportation memo to coordinate with C-DOT and really make sure we're understanding. There are a lot of other transportation improvements coming. So, Michael if you're there, I'll defer to you on that.

Michael Wickline, 1435 West Morehead Street, Suite 160 said yes Collin, I'm here. This is Michael Wickline with Design Resource Group. In terms of what we analyzed in the traffic memo, we didn't necessarily talk about any type of medians. I think the concern you're referencing is one that was brought up during one of the community meetings. That is currently on Silver Birch Drive, internal to the neighborhood there for their access point. There's an existing median and I think that development is Mallard Trace. There's an existing median there that I think there were some questions and some concerns raised with the configuration and potential solutions to help make it easier for the Mallard Trace community members to get out of their drive. That wasn't anything we specifically dug in to in terms of the traffic memo. I think it's something that it's on the table and we're looking at, but that's about all the information I have related to that median. There will not be any medians on Mallard Creek Road in lieu of the two way left turn lane that currently exists.

Ms. Johnson said okay, thank you. We can certainly follow up on that. Thank you.

Mr. Wickline said thank you.

Councilmember Phipps said could you show us the entrance points to this particular project? I'm particularly interested in whether or not the entrance on Mallard Creek Road is it a full movement intersection there or not?

Mr. Brown said Councilmember Phipps, I will show you the access location. One is directly across from Silver Birch Drive and then the other is far northern portion of the site where I'm showing here. I believe they're both full access, but we'll defer to Mr. Wickline on that.

Mr. Wickline said so, the first access, they're both full movements. Both will have left and right turning lanes in to them to ensure that anyone that's turning into this site is not going to be stopping on Mallard Creek Road and causing any delays there. They'll have their own dedicated storage lanes in either direction that you're coming from for either access. The first access, the southern one is located as Collin said, opposite Silver Birch Drive. So, it's going to take a three-leg intersection and make it a four leg intersection. That's more preferable than having some type of offset intersection that could cause conflict points. This is going to help maximize the safety for an intersection of this type. The next access point is also full movement and it's located about 750 north of Silver Birch Drive for reference. The reason for doing that is to try to maximize the spacing between those two drives and just to ensure that you don't have conflicts from a nearby street where Silver Birch is not conflicting with those left and right movements in and out with any of these access points. It's well above the typical space and requirements from NC-DOT (North Carolina Department of Transportation). It looks like Collin has highlighted those two. So, from a traffic standpoint and an access evaluation,

these meet the criteria for safe and efficient ingress and egress to a site due to the spacing and the location.

Mr. Phipps said thank you. I had another question also about the building configuration right there between the two dots you have there. That building there seems like a considerable amount of massing there. Is there no way to break that building up? That's a pretty long building. How long is that?

Mr. Brown said yes, I think we've had a little bit of back and forth with staff. If Thomas Haapapuro from DRG is on, I'll let him respond to that Councilmember Phipps.

Thomas Haapapuro, 1420 East 7th Street said yes, it is a little bit longer than normally would be provided there. I think it's close to 500 feet. I don't recall exactly off top. Part of the reason is it's providing the driveway separation there. I'll also mention that the alignment with Silver Birch, that extension there is actually a public street per the [INAUDIBLE] standards. So, that one's actually creating that network connectivity there. We also have a significant amount of grade change across the site. So, we actually stepped into the site so that the buildings are bigger on the inside of the site, at least that big building. So, that the smallest face possible is presented to the public and the larger face is internal to the site. We did kind of put a bend into the building to try to break up that mass. We also have provided a notch in about the midpoint, similar to how the TOD ordinance works, that if your building exceeds a certain length, you provide notches in the facade to break up the visual plane. That was the approach we used to solve that issue.

Mr. Phipps said so, I learned today that a typical average lot length is the City of Charlotte is 400 feet. You're saying this is 500 feet. So, that's kind of pushing it some, don't you think?

Mr. Haapapuro said well it's between 400 to 600 feet is the most typical lot length.

Mr. Phipps said that's all the questions I have.

Motion was made by Councilmember Driggs, seconded by Councilmember Winston and unanimously to close the hearing.
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ITEM NO. 31: HEARING ON PETITION NO 2021-217 BY BOULEVARD REAL ESTATE ADVISORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.513 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF ORCHARD CIRCLE AND SOUTH TRYON STREET, EAST OF INTERSTATE 77, AND SOUTH OF WEST PETERSON DRIVE FROM B-2 (GENERAL BUSINESS) AND R-8 (SINGLE-FAMILY RESIDENTIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said alright, 2021-217. It's three and a half acres on South Tryon just south of West Peterson Drive and east of Interstate 77. Existing zoning is currently B-2 along North Tryon. You can see that portion in red and the remaining portion is R-8 single-family residential. The proposed zoning is a TOD-NC, conventional. Adopt a future land use from the Scaleybark Transit Station Area. Plan does recommend single-family residential up to eight DUA in green and then retail on the site which is that red area again along the portion of South Tryon Street. Staff does recommend approval of this petition. It is a conventional TOD petition. It's inconsistent with the Scaleybark Transit Station Area Plan, however it is within a one mile walk of the Scaleybark Station. That TOD-NC district can be applied to parcels within that one mile walking distance of an existing station or an adopted MTC (Metropolitan Transit Commission) alignment station location. So, again we do recommend approval. I will be happy to take any questions following the petitioner's presentation. Thank you.

pti: MT

John Carmichael, 101 North Tryon Street said thank you Madam Mayor and Madam Mayor Pro Tem, members of city council and the Zoning Committee. I'm John Carmichael and as the mayor said Chris Branch is with me tonight. I'm here working with Boulevard Real Estate advisors on this rezoning request. As Mr. Pettine stated, it's about three and a half acres located on the west side of South Tryon Street between West Peterson Drive and Orchard Circle. That's an area on the slide that's outlined in green. You can see South Tryon to the east and 77 to the west. The site's currently zoned a combination of B-2 and R-8. You have B-2 to the south, TOD-NC directly across the street. You have [INAUDIBLE] nearby and then you have R-8 and R-5 to the north. The site's about six-tenths of a mile from the Scaleybark Transit Station. Petition is requesting that the site be rezoned to the TOD-NC zoning district to accommodate uses allowed in that zoning district. Even though it's a conventional rezoning request, we did hold a community meeting several weeks ago and we appreciate planning's favorable recommendation. We're happy to answer what questions that we can. Thanks so much.

Councilmember Phipps said yes, in previous conversations we used to always look at a quarter of a mile or no more than I thought a half a mile from a transit stop would be a reasonable walk. Now are we saying that is like a mile now?

Mr. Pettine said two of the districts are applied within a half mile and then two of the districts NC (Neighborhood Community) and TR (Transit Transition) can be applied within one mile. It really has to do with the level of intensity of those TOD districts. UC and CC (Community Center) are the more intense zoning districts in TOD. Those can be applied closer into the station than that one mile walk radius the NC and TR come into play which have a little bit less intense in terms of building height and some of the other requirements. TR allows some of those other uses that are permitted outside some of the other TOD districts. So, out of the four districts, two are a half mile, two are a mile. So, that's been the standard I guess since that update to TOD was adopted back in 2018 or '19.

Mr. Phipps said thank you.

Motion was made by Councilmember Winston, seconded by Councilmember Eiselt and carried unanimously to close the hearing.
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ITEM NO. 32: HEARING ON PETITION NO. 221-218 BY BOULEVARD REAL ESTATE ADVISORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.68 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET AND NORTHEAST SIDE OF WEST PETERSON DRIVE, SOUTH OF CLANTON ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said this is the second of three petitions that are very similar. 2021-218 is 3.6 acres on the north side of West Peterson Drive and on the west side of South Tryon Street, just south of Clanton Road and east of I-77. Current zoning is R-5 for the entirety of this parcel. The proposed zoning is also for TOD-NC. The adopt of future land use again from the scale of our Transit Station Area Plan recommends two different residential densities. One at 12 DUA along South Tryon then transition back to a five DUA recommendation back on West Peterson Drive. Again, this is for a conventional TOD-NC request similar to the last one. It's inconsistent with that Scaleybark Transit Station Area Plan recommendation, but within a half mile walk to the Scaleybark Station. Again, that NC district can be applied within a one-mile walking district. This one's a little bit closer to Scaleybark. So, again the NC district is applicable. Staff does recommend approval and will be happy to take questions following the petitioner's presentation. Thank you.

John Carmichael, 101 North Tryon Street said thank you Madam Mayor, Madam Mayor Pro Tem and members of the council and Zoning Committee. Chris Branch is with me. This site does contain about 3.9 acres. It's located on the west side of South Tryon Street as Mr. Pettine indicated. It's the west side of South Tryon Street and the northwest corner of Peterson and Tryon. There's an ariel of the site. The site's about six-tenths of a mile from the Scaleybark Station. As Mr. Pettine stated, the site is currently zoned R-5 and you can see the surrounding zoning. The petitioner is requesting the site be rezoned to the TOD NC zoning district. A community meeting was also held with respect to this petition. Once again, we appreciate the [INAUDIBLE] staff's favorable recommendation and we appreciate your consideration. Thank you.

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

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ITEM NO. 33: HEARING ON PETITION NO. 221-225 BY BOULEVARD REAL ESTATE ADVISORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.807 ACRES LOCATED ON THE SOUTH AND NORTH SIDE OF ORCHARD CIRCLE, WEST OF SOUTH TRYON STREET, AND EAST OF INTERSTATE 77 FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said thank you. 2021-225. It's 5.807 acres located on the north side of Orchard Circle, west of South Tryon, and east of Interstate 77. Currently zoned R-8. Proposed zoning is as the others, TOD-NC. Adopt a future land use from the Scaleybark Transit Station Area Plan does recommend residential up to eight DUA for this site. It's in an area again that's within that one mile walk to the Scaleybark Station. So, that TOD-NC district as the others is applicable for this one as well. It's a district that we're seeing in this general area on both sides of South Tryon. Staff again does recommend approval and will be happy to take any questions following the petitioner's presentation. Thank you.

John Carmichael, 101 North Tryon Street said thank you Madam Mayor, Madam Mayor Pro Tem, and members of council and the Zoning Committee. I'm John Carmichael and Chris Branch is with me. I won't really add much to what Mr. Pettine stated. The presentation frankly would be identical to the other two. The petitioner is requesting TOD-NC zoning. Once again, the district held a community meeting with respect to this petition and the other two and we appreciate the [INAUDIBLE] staff's favorable recommendation and your consideration. We're happy to answer what questions that we can. Thank you.

Councilmember Winston said really I think it's process oriented. I'm grateful that we're doing these all at the same time. I think obviously TOD is supposed to be contiguous. So, if there are multiple happening in the same area, I think just from a matter of practice this is good for the council to analyze this policy like this. I do have a question I guess for the petitioner. While I do see that many different property owners, it is still all done by Boulevard Real Estate I believe. So, why wasn't this done as one rezoning?

Mr. Carmichael said that's a great question. I'm going to let Chris backfill a little bit Councilmember Winston. The [INAUDIBLE] on the parcels concurrently but separately and they kind of just all came together at the same time. All three sites are separated by a public right of way. We frankly never asked the question whether you could do it under one petition or not. I didn't really understand that they would all come together the same night for the public hearing. It's always a possibility, but I don't know whether that was necessarily the intention, but it came about that way. I do think it's efficient. In fact, the neighborhood meeting we had was a joint neighborhood meeting. We sent invitations out to folks on all three mailing lists just trying to be efficient for them as well. Chris, do you have anything to add to that?

Chris Branch, 2100 Hastings Drive said I don't. I think you went over it. It was coincidental that they all came together at the same time, being different assemblages. So, it's happenstance. I'm glad that it happened and occurred on one evening, but we did not know that when we got started.

Mr. Winston said so, I'd love to hear if there is any feedback from staff because one of the things that we like to consider is efficiency. Making processes more efficient where possible where it makes sense to cut costs to make development more affordable and make it more dependable. So, staff is there any response? It seems like there's a lot of happenstance and anomaly happening here. Is there anything that we can learn to again maybe make these processes more efficient because it seems like there could be cost that could be cut without compromising the policy processes that we do have.

Mr. Pettine said I think there was probably some opportunities for some consolidation, but again we had some of those conversations early on and there obviously was a lot of different property owners and entities involved. I think there was some need to make sure if something got hung up on one end at the entirety of all these things moving forward, wouldn't get impacted if there was some kind of domino effect that it wouldn't hurt all the petitions that could be going forward. Certainly, if we have opportunities like that to take them all as one, it certainly makes it cleaner for everybody including folks in the community, but certainly I think there was some discussion on doing it under one petition. Ultimately it came down to just being submitted as three and yeah, we did kind of get a little lucky on them all falling on to the same public hearing night. That's why we grouped them together in this fashion. It's certainly some things we can look at as we move forward if we see that materialize again.

Mr. Winston said thank you so much.

Councilmember Johnson said I'm piggybacking off of what Councilmember Winston was saying, how these lots are adjacent to one another. So, do we have any idea how many combined residential units these are without looking at these separately? Do you have that information Mr. Carmichael?

Mr. Carmichael said this is a conventional rezoning Councilmember Johnson. So, I don't know that Chris knows definitively what would be here. He has a sense of it, but I don't know that he knows how many. Are you asking how many residential units will be developed here? I don't know if he has that information or not.

Ms. Johnson said well I mean total for all of the petitions that are contiguous. I wanted to know how many residential [INAUDIBLE] developed.

Mr. Carmichael said it's about 13 acres in total. Chris, do you have a sense of what would be developed here?

Mr. Branch said we sense that the majority of it would be multi-family and potentially some commercial along South Tryon, but we have not planned the parcels yet. So, we don't know whether they would be apartments or townhomes or a combination of both. So, we do not have a unit count now.

Ms. Johnson said okay. So, I'm familiar with Clanton Road and that area. It's currently as far as residential, can be considered pretty affordable. With what's there now, will anyone be displaced from the development? Are there current residential units that have to be demolished or evacuated [INAUDIBLE]?

Mr. Carmichael said Chris, can you respond to that?

Mr. Branch said sure. The homes that we have under contract that are in combination with some of the larger more commercial parcels, those folks have come to contract with us. They will be moving out and we will be raising those homes, but they were interested in selling to us obviously which is how we got them under contract.

Ms. Johnson said okay. Then this is a question for Mr. Pettine and the TOD or for our policy folks. Is there anything in the TOD policy that speaks to affordable housing in the TOD requirements?

Mr. Pettine said there's incentive options for bonus provisions in TOD for providing affordability. I don't believe there's any requirements in the TOD district to establish affordable units as part of a project, but there are incentives if you provide them for additional height benefits and other bonus provisions related to them.

Ms. Johnson said thank you.

Keba Samuel, Zoning Chair said a question for Mr. Carmichael likely. It's very considerate of you to move forward with a community meeting when one wasn't required. I think I heard you mention that there was an attempt to make it joint. I'm wondering if you would be willing to share the information that came out of the meeting? I'm particularly interested in the number in attendance who are actually occupants of the homes in question here for these particular rezonings. I know the notifications would go to the homeowners, because that's not always the occupant of the home. I'm wondering what those numbers look like if you would be willing to share. Not here in this public setting just follow up with an email if you don't mind.

Mr. Carmichael said I'm happy to follow up with you directly about the community meeting and who was notified and who attended, that sort of thing.

Ms. Samuel said thank you.

Mr. Carmichael said thank you.

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

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ITEM NO. 34: HEARING ON PETITION 2021-223 BY SELWYN PROPERTY GROUP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.39 ACRES LOCATED SOUTHWEST OF PRESSLEY ROAD, NORTHEAST OF BILLY GRAHAM PARKWAY, AND WEST OF INTERSTATE 77 FROM R-22 (MF) (MULTI-FAMILY RESIDENTIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said 2021-223. It's approximately 2.39 acres located southwest of Pressley Road, northeast of Billy Graham Parkway, and west of I-77. Currently zoned to R-22 MF (multi-family residential). Proposed zoning is for I-2, conditional. Adopt a future land use from the Central District Plan. Does recommend industrial uses for the site. The proposal is for up to 30,000 square feet of developable space. Permitted uses would include those allowed in the I-1 zoning district as well as a contractor's office and accessory uses, outdoor storage of goods and materials in excess of 25 percent of the floor area of a principal building along with warehousing. It does prohibit things. Heavy industrial uses in the I-2 district such as abattoirs, adult establishments, automotive repair garages, automotive service stations, car washes, construction and demolition landfills, crematory facilities, junkyards, medical waste disposal facilities, petroleum storage facilities, sanitary landfills, truck stops, truck terminals, underground fuel tanks, waste incinerators as well as some others that have been further prohibited as part of this conditional plan.

It does commit to install a Class A buffer along portions of the site that abut the properties adjacent, zoned B-1 and the one zoned R-22 MF. You can see that area in green labeled buffer. It does provide access to the site from Yorkwood Drive and also it commits to provide a 20-foot-wide paved driveway within the existing Yorkwood Drive paper right of way which would extend from the existing Yorkwood Drive street stub and

pti: MT

that driveway would be subject to C-DOT approval. Staff does recommend approval of this petition. There are no outstanding issues to resolve. The petition is consistent with the Central District Plan recommendation for industrial uses of this site. With that, will be happy to take any questions following the petitioner's presentation. Thank you.

John Carmichael, 101 North Tryon Street said thank you Madam Mayor, Madam Mayor Pro Tem, members of council and the Zoning Committee. I'm John Carmichael here with the petitioner Selwyn Property Group. Pat Pierce of Selwyn Property Group is with me tonight. The site contains just under 2.4 acres, and it's located in the southern terminance of Yorkwood Drive which is just south of Pressley Road. This is an ariel of the site. So, it abuts the railroad, Norfolk Southern Railroad as you can see on this slide. Once again, it's the southern terminance of Yorkwood Drive. This site is currently zoned R-22 MF to the north and west it's zoned I-2. To the north and east, those two parcels are zoned B-2 and then to the south you have I-1 CD as you can see. In a portion of the railroad right of way to the west, it's actually zoned R-17 MF.

As Mr. Pettine stated, the request is to rezone it from R-22 MF to I-2 CD. The uses that would be allowed on the site would be those that are allowed in both the I-2 and the I-1 zoning district except for three I-2 uses. Those I-2 uses are contractor offices and accessory uses, the outdoor storage of goods and materials in excess of 25 percent of the floor area and warehousing. There's a litany of prohibited uses. The maximum square feet of a building on the site would be 30,000 square feet. This is the site plan that Mr. Pettine shared with you. There would be a buffer next to the B-2 zoned property and then the parcel to the east and then there's a building [INAUDIBLE] as you can see which is in yellow. We're happy to answer any questions that you may have. We appreciate the staff's favorable recommendation and there are no outstanding issues. Thank you.

Councilmember Winston said this question or observation is for staff. So, this is an interesting petition because what we need second most or maybe first most depending on how you look at it, not land for affordable housing, but also industrial zoned land. This parcel and the way it's cut, in understanding the priorities of city council not to put certain residential zones next to industrial, it seems like there's going to be an oddly parceled remainder of R-22 MF as well as R-17 MF. Now I know from a residential standpoint, the city can upzone property, but could we do something where we change something from residential multi-family to industrial? Again, thinking of ways that we can make our development priorities more economically feasible especially given some of the policy decisions that council has. It would seem like the remainder of R-22 MF remnant as well as the R-17 that goes along Woodbridge Center Drive would make sense to be contiguous to an industrial zone which is all around it and therefore reducing a cost for a need that we wanted, and we have a shortage of even before this inflationary time period that we're in. So, is there a way that we could look at this to upzone things to industrial where they make sense?

Mr. Pettine said I think it certainly does leave behind some odd remnant pieces. I will say there is some ongoing multi-family development on the B-2 zoned portion just off of Charlotte Park Drive and Pioneer Park Drive. I don't know if those remnant pieces are a part of that or not. Certainly, I think those are the kinds of things that when we get into the community area planning process and even as part of some of the potential translations and transitions and realignments with any UDO adoptions down the road, we can look at pieces like that and say do they fit the place types that are going on around there. Do they fit the adopted place types? Should they be better aligned? I think currently on the policy map, those two remnant pieces of R-22 and that long strip of R-17 are recommended for an innovative mixed-use place type which is somewhat a mix of employment, industrial, adaptive reuse type of place type.

So, I think those are the kinds of things we certainly want to evaluate and if there's remnant pieces like that, taking them in a direction that's better suited for the desired outcome I think is something we can look at. We'd also have to be a little bit careful because we have to operate within the statutes if we do any kind of city initiated rezoning on some of those and how that impacts property owners. Like you said, you can either upzone or if they consider that an upzone from the apartments to industrial.

So, we would just have to be cautious on that front, but certainly the community area planning process I think will give us some opportunities to look at those remnant pieces like that and get them better aligned with what the desired outcomes are.

Mr. Winston said that's a great answer. Thank you very much.

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

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ITEM NO. 35: HEARING ON PETITION 2021-235 BY CORAL REEF INVESTMENT PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.6 ACRES LOCATED ON THE EAST SIDE OF TYVOLA ROAD NEAR THE INTERSECTION WITH TYVOLA CENTRE DRIVE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-17 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) WITH 5 YEAR VESTED RIGHTS

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said thank you. 2021-235. It's about 8.6 acres located on **West** Tyvola Road near the intersection with Tyvola Centre Drive. Currently zoned to R-4. Proposed zoning is for R-17 multi-family, conditional. They are also requesting five-year vested rights. The Southwest District Plan recommends single family up to four DUA for this site. The General Development Policies also only support it up to 12 DUA for this site. So, again that would be the 17 DUA being requested is beyond the GDP (Gross Domestic Product) supported policy for up to 12. So, the proposal for this petition is to allow up to 146 multi-family residential units. That comes in at 16.94 dwelling units per acre. The building height would be limited to 65 feet. It would be a 30-foot set back from the future right of way of Tyvola Road, as well as an eight-foot pedestrian and bicycle trail connection between the site and adjacent Yorkmont Park. You can see that down at the bottom where it says mixed-use trail access. We do have transportation improvements that would include dedication of right of way, an 8-foot planting strip and 12-foot shared use path along Tyvola Road. Eastbound left turn lanes at each driveway as well as an improved CATS (Charlotte Area Transit System) bus stop and relocation of pedestrian refuge island. That would be taken care of during permitting.

Architectural standards have also been included and that would include the use of things like bricks, stone or stucco for facades facing Tyvola Road and blank wall limitations in building façade modulation requirements for the buildings on the site. Staff does not recommend approval of this petition in its current form. We've had conversation with the petitioner from the onset, from the pre-submittal meeting through all of our reviews that the density support with the GDPs would only be up to a maximum of 12 DUA. So, that's where staff would be more comfortable. If we were able to get to a density a little bit closer to that, I think staff would be amenable to reconsidering our recommendation. Currently we do not support it in its current form, but certainly understand there are some improvements like the multi-use path and connection to the park adjacent that would be some benefits along with improved bus stop along Tyvola. Again, we'd like to see it better aligned with the policy that's adopted for the GDPs in this area at that 12 DUA. So, with that we'll take questions following the petitioner's presentation as well as the presentation from members of the community. We will circle back then. Thank you.

Colin Jenest, 200 South Tryon Street said good evening, Madam Mayor and members of council. I'm actually going to turn this over to Frances Miramon who's also one of our speakers to give the presentation, but I'll be available to help answer any questions.

Mayor Lyles said alright who's going to be speaking?

Mr. Jenest said Frances Miramon. She's on the line right now.

Mayor Lyles said okay, go ahead Ms. Miramon.

Frances Miramon, 200 South Tryon Street, Suite 1400 said thank you, good evening, Madam Mayor and members of city council. We appreciate the opportunity to speak before you all this evening to present the West Tyvola multi-family rezoning petition. I'm Frances Miramon of Colejenest and Stone. We also have Cole and Jenest online as well as the petitioner Adrienne and Alberto with Housing Studio. As you all heard, staff and the petitioner are generally onboard with all the improvements and commitments noted in the prehearing analysis. These commitments include enhancement of the pedestrian ways in the immediate vicinity of this site specifically providing wide sidewalk connections between the existing neighborhood and West Tyvola Road, a new 12-foot shared use path along West Tyvola Road and a new mid-lot crossing at a location to be determined with C-DOT. We would also like to highlight the proposed pedestrian connection to the Yorkmont Park and the introduction of new left turn lanes into the site along West Tyvola Road to help mitigate traffic low impediments.

Additionally, the petitioner plans to work with CATS to enhance the existing bus stop. This project intends to preserve as much of the existing tree canopy as possible, specifically within the front setback along West Tyvola to emulate the character of the adjacent multi-family developments. A landscape buffer along the backside of the property is also planned against the abutting single-family residential. The petitioner has had multiple community meetings to discuss the project with adjacent property owners that were willing to meet as well as the West Boulevard Neighborhood Coalition. Generally, we believe these conversations have been productive and the majority of the adjacent community is onboard with this project. We understand that there still may be a few neighbors that oppose this petition, however we are hopeful that through further conversations we can find common ground to mitigate these concerns.

Finally, we acknowledge that staff does not support the requested density of 17 DUA. It is our opinion that this project fits within the context of the surrounding West Tyvola corridor and other apartment sites in this area. This 17 DUA will provide the petitioner the flexibility to include 10 workforce units within the development which may otherwise not be feasible if the density drops down to 12 DUA. Workforce housing is a need that was voiced by the community during our meetings, and we are optimistic we can make this commitment albeit at a density that the project performance can accommodate. Thank you for your time. We're happy to answer any questions.

Janette Hendershott, 707 Sycamore Centre Drive said good evening, everyone. I appreciate being able to speak on behalf of Switzenbaum and Associates. We are the owners of two apartment communities directly across the street from this proposed development. Sycamore at Tyvola and Tyvola Center Apartments, which are both fronting this. We oppose the development of this parcel for a couple of reasons. The first being that the density is just simply too high. Our developments across the street, Tyvola Center, is at 10 acres a unit and Sycamore at Tyvola is just over nine units per acre. So, we are developers who believe in the holistic growth of an area and conserving as much greenspace as possible and simply feel that the density of the project is just too high. We also oppose it because the 4/5 split building fronting West Tyvola despite the setback and the tree canopy, will be we feel a bit of an imposing presence through this corridor which is meant to still feel like home despite its rapid growth. So, we oppose this development of this parcel.

Marta Tataje, 3900 Waterford Drive said good evening, Madam Mayor Lyles and Mayor Pro Tem, council members and staff. My name is Marta Tataje and I live in District 6 here in Charlotte. I am a mortgage loan officer and I've worked in the City of Charlotte for about 20 years and represent a number of homebuyers that have been trying to buy homes here in the Charlotte metro region. I serve on the board of the National Association of Hispanic Real Estate Professionals and I'm a committee member of the Legislative Influencers of Government Affairs. Tonight, with me I have one of our past presidents, Caesar Escobar. NAHREP is the largest Latino organization

in the country with a mission to advance Latino homeownership as the primary strategy for closing the wealth gap. Our state of Hispanic homeownership reports shows that there are currently 8.3 million Latinos 45 and under who are mortgage ready but aren't homeowners. They do need a place to start such as in this development.

Mecklenburg shares with just one other county, 25 percent of North Carolina's Hispanic population with a median age of 25, the prime home buying years but there simply aren't enough affordable housing for them to either live in or to purchase. We recognize and appreciate all of the approvals of the petitions for multi-family development tonight. We need to build more homes and more affordable housing that the median income constituent can either purchase or rent. At the root of all the skyrocketing prices and bidding wars is the massive under production of affordable housing particularly entry level homes for owner occupants. We know that there is a housing shortage across the board. We need affordable housing and we need rentals. We need entry level housing for homeownership most of all. A failure to address this shortage would shortchange our local economy for generations. I'm here to commend our mayor and our city council for having passed the Comprehensive 2040 Plan to in part address the housing supply crisis to allow higher density housing options and for including millions of dollars toward homeownership assistance in the budget.

We urge our city leaders to continue implementing the Unified Development Ordinances to allow for more production, more density of housing for first time homebuyers and renters and to ensure that hardworking families, not just institutional investors are able to participate in the American dream of homeownership. There has to be a first step though and this project would be one of them. By revising our zoning and land use policies reposition, our city could potentially score higher than other communities to access more federal funds such as transportation funding as recently proposed via executive action by the current administration. Perhaps these funds would help alleviate the congestion issues due to our growth as previously discussed. We thank you for all the work you're doing and ask that you continually keep in mind our Hispanic population here in the City of Charlotte and their need for obtainable housing. Please let us know NAHREP Charlotte LIGA (Legislative Influencers of Government Affairs) can support your efforts. Thank you for your time.

Ms. Miramon said thank you Ms. Hendershott for your comments. We definitely understand your concern with the density, however although the R-12 is directly across from us, there is actually existing R-17 in this immediate surrounding area. Just want to be clear, we're talking about less than 150 units total. So, this would be 146 units. In our opinion, all of the advantages that come with this project like the ability to be able to include 10 workforce housing units we think is a really advantageous part of this project. So, that coupled with the pedestrian enhancements and the bus improvements, we think will be something that the whole community can enjoy in this area. The multi-modal transportation aspects are something that's kind of lacking in this area that we think members of your community would be able to utilize as well. So, just the workforce housing is really a component that we think is really key in our density request. So, thank you and thanks for your comments.

Councilmember Johnson said thank you so much. One of the speakers who was for the project, the last speaker mentioned homeownership numerous times. I wanted to clarify. Are these for sale units?

Mayor Lyles said Ms. Miramon, are these for sale?

Ms. Miramon said these are not for sale units. These are for rent units.

Keba Samuel, Zoning Chair said Ms. Miramon, I think I heard you make mention of an offer or the opportunity for neighboring communities to take advantage of some of the public infrastructure that you're adding here. Have you considered since these communities are on the opposite side of Tyvola Road, have you guys considered or will include any ped crossing infrastructure improvements?

Ms. Miramon said yes. So, at present there is currently a midblock crossing, but due to where the left turn lanes are going to be added, that midblock crossing will have to be relocated. So, that's definitely something we can consider, where that midblock crossing goes as we work with C-DOT on how to make that connectivity across the street work.

Ms. Samuel said thank you.

Jake Carpenter, CDOT said we've had initial discussions on the existing crossing and as we move into permitting down the road, we'll work on design and sort of what that looks like and the best location for that along Tyvola.

Councilmember Driggs said I'm curious to know what the policy map place type is at this location.

Mr. Pettine said for this particular location it is a Neighborhood 1 on this side of Tyvola. I think there is a Neighborhood 2 predominately around it on either side. I would imagine that's likely based off the existing land uses that were there as multi-family that were more supportive of a Neighborhood 2 type. This particular parcel is slated for Neighborhood 1.

Mr. Driggs said right. So, I have a general concern that if staff is telling us 12 looks like the right number for them and it's an N1 and if we were to go ahead and just agree to 17, it seems to me like all of our policy initiatives kind of go out the window. So, I'll study this further. I would need to know what the rationale is for agreeing to do 17 units here and not throwing the door open for everybody who wants to and come along and say, "Hey, I want 20, I want 30, I want this, I want that." I mean we have to have some discipline around these densities and there has to be a policy context in which we go to a 17 when the staff is telling us that it should be 12. So, I'm going to need some persuading on this one. Thank you.

Mr. Pettine said I had just a point of clarification. I know there had been some conversation on units committed for workforce housing or some level of affordability. I'm failing to see that in the conditional notes on the site plan. So, if the petitioner could point us to where those notes exist on the current set of plans just for clarification for those listening in and for council. Thank you.

Mayor Lyles said could I add to that? What is workforce to you for rent? It varies. So, if you could just define it a little bit more for us as well.

Ms. Miramon said sure. So, at present we don't have the commitment on the rezoning plan at present. So, that would be a revision we would make and resubmit with the commitment to the workforce housing. So, that's something that's kind of come along with discussions of neighbors. My understanding is that workforce housing I believe is 60 to 100 or 120 percent of AMI (Area Median Income), but I know Colin is online and I think Alberto, the architect who could just clarify if they want to speak.

Alberto Villa Cevallos, 333 West Trade Street said hey, this is Alberto. It will be between 80 to 110. That will be considered workforce housing.

Mayor Lyles said 110 percent of AMI?

Unknown said is that deed restricted?

Mayor Lyles said you know AMI for a family of four is almost 90,000 now in Mecklenburg. So, I don't know what the price point is.

Mr. Cevallos said right. If I may, this area in town the rentals are much less expensive, much more affordable than Uptown, South End and all around the Center City area. So, in comparison they'll be much less expensive which I think is what the city needs.

Mayor Lyles said would it be possible to get an idea of the rezoning? When you drive through there, there's a lot of construction of apartments going all the way from Woodlawn all the way down to Tyvola. I can't remember this, but we've look at this site a couple of different times and different ways if I recall recently in the last several years. If we could get something around how much development is going along in that area, what the average rental rate would be, that would be helpful.

Councilmember Winston said yes, I can give you just a little anecdotal evidence. I live about a mile way from this site. Actually, Tyvola Center Drive is a cut through. If you go to Tryon and you make a left here, you hit Shopton Road, then you hit Beam Road then you hit Arrowood Road. Down Tryon basically you have a bunch of single-family subdivisions and I can tell you as the speaker spoke, this is an area that is heavily populated with Latino families and overall immigrant and working class communities. These single-family neighborhoods really do act as multi-family units and neighborhoods. If you think that there are parking problems in places like Dilworth, you should turn right or left into some of these single-family zoned neighborhoods. The fact is that as the speaker said, there is an extreme need for multi-family units to provide the types of onramps to homeownership for working class people, especially Latino and other immigrant populations that are down here. So, I'll say I rent a four bedroom home here in one of those subdivisions and it's about \$2,000 a month for a four-bedroom multi-story home with a significant backyard and front yard. So, to that point this is a neighborhood where affordability is different than some of the other neighborhoods that are closer to the Uptown core, but there is still again that diversity of housing that is needed and is not present. You can see that when you do take that cut through off of North Tryon through Tyvola Center Drive and make that right onto Tyvola and 277, it is very very busy. So, I do have two questions. One for staff. What are the considerations at Tyvola Center Drive? Because I think that's an issue. Not something that I think should stop this from moving forward, but it's something that causes some concern from a safety point of view because there's curvature in the road which makes that more dangerous.

Then my question for the petitioner is to that end, it looks like that parcel has some interesting topography. Can you speak to that after staff talks about the traffic situation on Tyvola Center Drive?

Mr. Pettine said thank you Councilmember Winston. As far as any of the traffic questions or anything, I'll turn that over to Jake at C-DOT.

Mr. Carpenter said yes absolutely. So, we did not require any sort of traffic study for this as it's less than our normal threshold. We did have conversations about the turn lanes and things like that and we also took a look into this location to determine if it would warrant a traffic signal, sort of what the volumes were. At this time, it's not warranted for installation based on traffic volumes. We have not done an in depth safety analysis of this location, but they will be subject to our site distance policies at their driveway connection to ensure that they meet both the horizontal and vertical site distance needed. That will be taken care of during permitting.

Mr. Winston said thank you. Just before the petitioner goes to it, I'm not necessarily asking for a traffic study or asking for a traffic light or anything but I think it's something we need to consider the safety situation at that [INAUDIBLE], which is sounds like we're doing.

Mayor Lyles said alright, thank you Mr. Winston.

Mr. Winston said if the petitioner can speak to topography.

Ms. Miramon said yes. So, yes as you mentioned there is substantial topography on this site. So, dealing with that topography, part of what we're proposing are these split buildings and that kind of helps us utilize the architecture to basically transition the grade change in the buildings versus having to put a large retaining wall up that might not be as aesthetically pleasing. So, while it is a challenging site with the grade change,

I think we have been working alongside the architecture to think of creative ways to utilize this site to have really great building efficiency and really just an overall pleasing aesthetic. So, I know Collin is on if he wants to speak anything more to the actual grade change. I don't know if you want more elaborate answers than that, but that's the intent behind the split buildings.

Mr. Winston said I really want as much info as possible, yes.

Collin Brown, 1420 East 7th Stret, Suite 100 said sure Frances and Councilmember Winston. Thank you for bringing that up. Just to add to that, I think part of utilizing the existing topography with these split buildings will also give us an opportunity to try to save as many trees within the setback as well. There are some grade changes that occurs really towards the end of the setback before it really shoots up into the site. So, from a building efficiency standpoint, we also think there's some tree save opportunities there as well.

Mr. Winston said thank you very much.

Mr. Driggs said so, I'll just point out that if this is an affordability story that fuzzy information, we got is not going to be sufficient. I think I heard 10 units and 80 to 110 percent. We would need a lot of clarity. We don't have to have the conversation now about exactly what deed restriction we're talking about, for how many years, for how many units, at what levels. That would be in my mind the only basis on which we could start looking at extraordinary density. Given that this isn't a really high rent area anyway, the value of the deed restriction is not the same as it might be as say in my district. So, I'll be looking critically at that as well. Thank you.

Councilmember Johnson said thank you. This question is more for staff just based on what I heard during the discussion. Could we get a cumulative traffic report or could I get that report? I know you've given me that before Brandon and Dave. So, if you could give me the number of pending and approved petitions near this subject's petition over the last two years for two miles. That helps because I've shown you guys an example where there was 20,000 trips approved in District 4 yet, there had only been three traffic studies based on our current triggers. So, I'd like to see that. I'd also like to know, and we can talk offline Dave. This is the first out of all the petitions that we've heard tonight, I think we're on number 35 or 36, this is the first time I've heard the words affordable or workforce housing being proposed. So, unless I missed one, I'd like to know if we can start tracking. This is for my council colleagues. If we can get an idea of how many units we're approving every month and how many are designated as affordable or attainable. We talk about we can't build our way out, but we never will if we don't start. So, I'd like to know. We can talk offline Dave just so we have an idea how many units we're approving every month and how many of those have language in the plan about affordability. So, we can talk offline but I just think that's something we really need to consider and it's not for this developer. You know, we say this is not the time. We say that every month. So, I don't know Mayor if we can put this on the agenda sooner than later. Strategies about our zoning policies because it's a concern for many of us, but yet there's not time to address it. So, maybe the next council, if that's a priority as soon as we're seated, but again, how many units did we approve tonight? We're on item number 35 or 36 and we've had one petitioner talk about affordable housing. Thank you.

Mayor Lyles said Ms. Johnson I think we do track those. It's probably on the data from Neighborhood and Housing Services, but we can certainly do that. I think that's an excellent point.

Motion was made by Councilmember Winston, seconded by Councilmember Eiselt and carried unanimously to close the hearing.
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ITEM NO 36: HEARING ON PETITION NO. 2021-238 BY LENNAR CAROLINAS FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.12 ACRES ON THE SOUTH SIDE

pti: MT

OF NC MUSIC FACTORY BOULEVARD, ADJACENT TO ELMWOOD CEMETERY AND NEAR THE NC MUSIC FACTORY ENTERTAINMENT COMPLEX FROM I-2 (GENERAL INDUSTRIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said alright 2021-238 is approximately 5.12 acres. It's on the south side of NC Music Factory Boulevard, adjacent to Elmwood Cemetery near the NC Music Factory Entertainment Complex. Current zoning is I-2. Proposed zoning is for MUDD-optional. The adapted future land use is from the All In 2040 Center City Vision Plan that continues to implement the Charlotte Center City 2020 Vision Plan which was adopted in 2011. That essentially recommends this area be included as part of a larger applied innovation corridor from South End through Uptown and North End linking onward to the UNC Charlotte campus. This particular area which includes this site doesn't make specific parcel by parcel land use recommendations, but the Vision Plan does recommend that the area include opportunities for housing in order to offer more choices and provide additional residents and workers to support neighborhood centers within that Center City area.

This proposal is for up to 7,500 square feet of nonresidential uses as well as 82 single family attached dwelling units. The 7,500 square feet of nonresidential uses would be an adaptively reused building that's at the intersection of NC Music Factory Boulevard and Johnson Street. All MUDD uses would be allowed with the exception of the following prohibited uses like gas station, car wash, self-storage building or accessory vehicular drive-through window. That would pertain to that adaptive reuse building. They do have an option to deviate from the typical streetscape standards along NC Music Factory Boulevard due to some of the site constraints caused by the railroad right of way. It does limit building height to 55 feet. Johnson Street and Ninth Street rights of way would be proposed to be abandoned and then transitioned and limited to pedestrian and bike use. Vehicular access to the cemetery however would be maintained. It does limit the number of dwelling units per building to 6 and also is proposing a 6-foot-tall aluminum fence and 10-foot-wide landscape buffer along the southern property boundary. You can see that by that green line that says landscape screening on the screen there.

As mentioned, staff does recommend approval of this petition upon resolution of outstanding issues related to the transportation, environment and site building design. As mentioned, it is consistent with the 2040 Center City Vision Plan. Again, staff does recommend approval and would be happy to take any questions following presentations by petitioner and members that are in opposition. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said good evening, Madam Mayor, council members. Collin Brown on behalf of the petitioner. I have the Lennar Team as well as the design team on as well. As Dave mentioned, this is a really cool site. This is one that you guys have probably driven by for years and we've probably all thought, "Well, what's going to happen here?" So, very interesting. You can see here on the large map. We're talking about five acres essentially in Uptown. Probably anywhere else in Uptown for five acres, I'd be talking to you about 3,000 units but that's not the case. This is an interesting parcel as Dave has mentioned. To one side we have some quiet neighbors. We have the cemetery there. On the other side we have some noisy neighbors, the ADM (Archers-Daniels-Midland) folks who I think you'll hear from tonight. Then we have railroad on two sides, we have the Music Factory over here. So, this has always been a parcel I've heard about over the years and talked with different development teams and wondered what we'd end up with. I think Lennar has a pretty interesting approach to it. I certainly expected that we might have something more intense for those of you that haven't driven by it. Here is a look. If you're looking from the Music Factory back to Uptown, this is showing a historic building on the corner and as a part of this rezoning petition, this building would be maintained to be used for some sort of adaptive commercial reuse. So, I think that's something cool about it. Some other shots into the site. From Ninth Street which of course dead ends at the railroad dead end on one end, cemetery dead end on the other. Access to cemetery would be

maintained. Look at that incredible view of Uptown. So, certainly you can imagine why some folks would find this to be a very desirable and, in fact, a good place to live.

So, currently zoning on the site is that heavy industrial zoning that we've seen in the area. The 2040 Plan as they have mentioned sees this going to a regional activity center which accommodates all sorts of things that would include the types of residential uses that Lennar is mentioning. So, here's the site plan. I think it's so interesting to be talking about a site so urban at a kind of middle density. We just don't see this. I think the fact of the matter is there's some constraints to the site and that's what has led us to the site plan. Here's a look at 82 townhomes set up for fee simple ownership around the site as well as on the upper right-hand corner. That old brick building that I mentioned to you would be staying here. I've talked to the attorney for ADM, so I know that we're having some opposition. I certainly represent heavy users too and they prefer not to have neighbors, but I think land design has tried to be intentional with this site plan. If you can see, we are separated from the ADM site by rail corridor. So, there's 50 feet of rail right of way that will be left there. On the other side of the 50 feet, we have an additional 10-foot landscaping buffer and then still a little bit of separation between the units.

So, there's about 65 feet of separation. These are not set to be incredibly tall. We have a maximum height of 55 feet, and we continue working with the DOTs (Department of Transportation) and the railroads as we move through this process. Again, unique site. I think it checks a lot of boxes for the goals of the plan. I certainly would not imagine a for sale opportunity with a skyline view like this. It may not be my choice to live there, but I think some people will opt for it. I think what we're hear certainly going through this sales process, have to disclose to the neighbors, there is a presence of a cemetery, a railroad and an industrial facility. So, I think the buyers will know what they're getting in to and they can make a decision of whether this is an appropriate place for them to live. I think it's an exciting opportunity to provide some of this missing middle that we keep talking about in great proximity to all of the amenities that we have Uptown. So, happy to be here, happy to take questions. Since I have time, I guess I'll pause and see if Matt Pannell or anyone from Lennar has anything to add or correct.

Matt Pannell said thank you Collin. Matt Pannell with Lennar Homes. Good evening, Mayor and council members. No, I don't have anything to add at this time. Thank you, Collin.

Mr. Brown said okay. Well we're from the opposition and then we'll respond and be happy to take questions.

D. Marsh Prause, 380 Knollwood Street, Suite 700 said I'm just going to get things started. Good evening, Madam Mayor, Madam Mayor Pro Tem, council members. My name is Marsh Prause. I serve as outside legal counsel for Archer-Daniels-Midland which is now officially known as ADM after being unofficially known as ADM for years and years. You're probably familiar with this grain mill. You can't miss it when you're driving around on Brookshire Freeway. It's been a part of Charlotte for 107 years now. ADM is the largest agricultural products company in the world. You hear now about the world grain crisis with what's going on in Ukraine. So, ADM is right in the middle of that, but they have this issue here in their own backyard that is also of great concern to them. Their property, you can see it on the slide. It is across a railroad right of way, but it's still in very close proximity to the 107-year-old grain mill which is located at 620 West Tenth Street.

ADM is extremely concerned about the proposed rezoning, the proposed projects, not because they have any reservations whatsoever about Lennar Homes or the particular design here, but they're extremely concerned about putting approximately 80 relatively high-end time homes in close proximity to such a large and noisy and dusty industrial facility. I can only convey that to you so much myself. So, Mr. John West from the plant, I'm going to ask him to come up and talk to you a little bit about the plant and its operations and its history here in Charlotte. Thank you.

John West, 620 West 10th Street said good evening, John West. Plant Manager of the ADM facility in Charlotte here. Like Marsh said, we've been there since 1915. We produce about 1.3 million pounds of flour a day. It goes out to several local customers, plants, Krispy Kreme, Subway, Father Sam's, Kroger, Bimbo, Orange Bakery. So, a lot of local bakeries we ship flour to. We also make about 350,000 pounds of feed a day. So, that goes out to several local feed producers making animal feed. We employ about 70 plus full-time colleagues at the plant. Then over 2,000 or 3,000 employees at local bakeries. So, a large employee base and we also buy about 2 million bushels of soft wheat per year from local farmers. A little background on what we do here in Charlotte.

Mr. Prause said so, this is not a facility that can just be moved. It needs rail service; it needs truck service. It has a lot of traffic associated with it and ADM is unable to just take the operations that occur at this location and move them elsewhere in the southeast. The milling capacity in the southeast United States is at capacity. So, there will come a time, it's inevitable if we keep trading our heavy industrial land base for mixed use. As I see it, this is essentially a residential development. There is a token other use thrown in to get the mixed-use classification, but mainly this is about residential housing. As we continue to trade our heavy industrial property for uses like that, we are limiting the ability for these heavy industrial facilities to continue to operate in the future.

As an attorney who handles nuisance cases, I'm familiar with what's called the coming to the nuisance doctrine and what that means is if you choose to move and buy property next to an open and obvious loud industrial facility, your legal options down the road are limited. That's not going to stop folks from trying. It's not going to stop the Charlotte City Council and the city staff from receiving numerous complaints. Ultimately that friction is probably going to set up a scenario where this facility could be forced to relocate which the cost of doing that, the lengthening of the supply routes, the inability to serve local bakeries, all of this is feeding into the climate that we're in right now which features rising commodity prices and problems with inflation. So, no disrespect to Lennar and to their vision. It is an interesting site, and this is an interesting case, but it's too interesting for ADM's comfort given that it expects it's going to result in friction with neighbor which ADM wishes to avoid.

To help make that clear, ADM received a noise complaint from a neighbor near this facility and this was about a year and a half ago and he indicates that there was a loud electronic humming noise radiating all day and night that keeps everyone in our fourth ward neighborhood awake. So, that was Eighth Street, and these new units would be far closer to the ADM facility. So, this is really what zoning is about. It's about separating uses that are in conflict and sometimes creative things can be done to address those issues, but this is a case where the potential conflict with the noise and dust from this facility from my client's perspective is just too great to take a chance on. With that, I will conclude and just ask that you give serious consideration to denying this rezoning. Thank you.

Mr. Brown said we appreciate the comments from the folks at ADM. We certainly appreciate what they do and certainly don't want to do anything to inhibit their continued good service to our community and world. That said, we have a five-acre site. I would mention we've incorporated the commercial into our site also to an existing pretty cool building. So I think something will occur here. I think we found something that we think is a good fit. These would be for sale units so that people would know what they are getting in to when they purchase. I also mentioned certainly if I were in ADM's shoes, I would prefer no neighbors. I don't think that's an option in our Uptown area for a site like this to just take it off the table. I don't know that anyone would look kindly if we try to establish another heavy industrial use. I will say that the ADM facility, I think they probably have existing residential in closer proximity in fourth ward. I think the garrison development is here. They're also units right here on the other end of Tenth Street. So, I understand that while they made they prefer to have no neighbors, I think we've tried to build a plan that's as sensitive as possible. I will continue a dialogue with their representatives. We had a frank conversation and said, "Hey, if there's anything we can

do, let us know.” I don’t know if a fence or a wall is going to do it but we will continue to have that dialogue as well.

Councilmember Eiselt said thank you. This for staff. Didn’t we approve another housing development down this street where there was concern about the traffic on that street. Is this the same street?

Mr. Pettine said I think the last thing we did in close proximity was on North Smith and West Tenth Street. I’m trying to go back through and see what the rezoning history might show, but that’s the last one that I recall. That was one that went UMUDD optional. I have to go back through and see what some of the history of some of these cases are. That’s the last one I recall. That was 2019-092. So, that looks like the most recent one and we had a few I think a little bit further down on Seventh but not in such close proximity as this one or that one in 2019.

Ms. Eiselt said okay. I guess overall I hear both sides of this argument and it is tricky because on the one hand I hear what ADM is saying but it isn’t their land. So, therefore you just can’t say somebody can’t build on it or tell them what the build. The flip side of it is we’ve seen this before where we approve things like this and I’m thinking specifically of the facility in the South End. Mr. Horne’s manufacturing facility that he kind of got surrounded by new apartments at the South End and then people started complaining about the fans that were blowing to keep the manufacturing equipment cool. That really isn’t fair to him because he had been there and it’s industrial space that we are losing. So, it does present a conflict. I don’t know, I think I would look forward to staff talking a little bit more about how that could be mitigated if in fact this ends up having some residential use. I’m also curious as to what we determined this would be and I know we can’t. The UDO has not been approved but did we think this would be residential versus industrial?

Mr. Pettine said I will say the 2040 Policy Map that was adopted that will be in effect on July 1 does have this area around Johnson Street back down to North Smith all the way to North Graham primarily is a regional activity center. There’s some pockets of N2 between West Eighth and West Seventh where some of that area of fourth ward currently is, but primarily most of Uptown was mapped as a regional activity center included this particular area.

Ms. Eiselt said which does allow residential. So, I’m not sure where I land on this one, but I can definitely see the conflict that will come in the future if you load up on residential in there. Thank you.

Councilmember Egleston said for Mr. Prause, I just wonder how many issues you’ve had with the Cadence Apartments? I just looked at all their Google reviews and a lot of residents are very unhappy with the parking arrangement over there it seems and several complain about the noise of the train. I didn’t see a single complaint on there about the noise coming off of the ADM site. They might not know what to attribute that noise to, but I just wonder if that was something that you had found to be a problem. It’s obviously a little further and it’s on the other side of 277, but it seems like folks who move right underneath a beltway and right beside a train track would probably attribute more of the noise frustrations to those two things than to ADM. Have you had anecdotal examples even of Cadence residents complaining?

Mr. Prause said to be honest with you I haven’t done a real thorough search. The one anecdote I shared concerning the noise complaint from Eighth Street is the one that seemed to me to be most typical of what we have here. Of course, people are living in an urban environment. They’re going to have freeway noise, I guess someone has complained about blowers, but this facility it’s tall, it’s large. It operates 24 hours a day. It’s the kind of facility that is considered a textbook heavy industrial facility and you can do decibel studies. There’s lots of things you can do, but ADM’s position is putting these townhomes literally right next to it is just a little misguided.

Mr. Egleston said alright, thank you.

pti: MT

Councilmember Winston said Mayor Pro Tem I may you might have been thinking about some of the development that's happening in Greenville that we recently approved on the other side of the Music Factory.

Ms. Eiselt said thank you Mr. Winston.

Mr. Winston said yes. So, I think this is an interesting petition and interesting on both sides. My question for ADM, am I understanding this correctly that the concern is that this rezoning actually it being for sale properties, could create a future condition that is very litigious on behalf of future property owners that could put pressure on future city councils to do things that might favor these homeowners over ADM? Therefore, kind of pushing this industrial space out. Is that the concern here?

Mr. Prause said essentially that is exactly the concern. What I would say is of course ADM does not own the property, but it can take advantage of a regulatory procedure such as this to ask council to consider other alternatives such as light industrial zoning. A lot of times when you see heavy industry, there are buffers and that's really what's notable here. The total absence of any buffer between the textbook heavy industrial facility and new relatively high priced for sale residential units. I think it's great that the City of Charlotte has this problem. The attractiveness of living in Uptown has brought us to this point and I can see why some people like to live in this kind of location, but yes you encapsulated it very well. ADM is extremely concerned that there will be a number of complaints about noise and dust in particular from folks who ultimately reside in these units whether they're the actual purchasers or tenants down the road if some of them become rental housing.

Mr. Winston said yes, well this is interesting because obviously like you said we have competing priorities. I don't think they're necessarily competing. We need more housing, we need more housing types in different places. Whether this is going to be considered missing middle for the entire city or just missing middle for Uptown, I guess we'll cross that bridge if and when we get there. What it speaks to is again, we've spoken about this before, the need for residential and industrial. The constraints that you said on industry, it's not like a particular warehouse where we could just find some place in Steele Creek or around the airport perhaps because this is dependent on this fixed rail. That would be hard or probably impossible to reproduce. So, I wonder if there isn't a tool here. Again, I don't know if there will be a homeowner's association or anything like that, but we introduce this idea, this concept of a community benefit agreement. We didn't necessarily consider a situation like this when we were discussing this, but being that there are two interests here and there's concern that the introduction of one of those interests could push out another interest, is there not a possibility given that the concerns are less a land use issue and more of a future political situation, is there not an opportunity to come up with some type of agreement that indemnifies a strategy against that litigious state that could cause significant concerns moving forward. I guess I'll leave that to either ADM or Mr. Brown but I'd love to hear from both sides, I guess.

Mr. Prause said well as long as I'm still at the podium, I'll give you my side which is ADM is certainly receptive to ideas. It wants to be a good neighbor. It wants to keep producing. This isn't just any product. This isn't springs or bug spray, this is food going on people's plates basically. So, it wants to be able to continue to have its spot in the supply chain and if a way could be found to provide it with some guarantees that this scenario which seems very likely to occur. If there's some way to address that so that would not be a problem for ADM then absolutely ADM would be receptive to discussing that.

Mr. Brown said Mr. Winston and Mr. Marsh I actually talked about this last week and probably both scratched our heads about whether that is doable or not. It's certainly a discussion I'll have with my client and we can follow up on.

Councilmember Driggs said is there any precedent for an industrial facility like this just being driven out because of neighbors and particularly neighbors who establish themselves after the facility had been in existence for a long time?

Mayor Lyles said Mr. Driggs, I don't know that we have an answer for that or would have that ability to track that. Do you mind if I share an experience I had with ADM and complaints around this a while back?

Mr. Driggs said Mayor, I do want to resume though. So, we don't know the answer to that question. I ask it more or less rhetorically because I think particularly if this is established next to an existing facility, it seems to me and Mr. Prause if you're a lawyer, that their basis for trying to make a legal action against you stick is tenuous. So, I do appreciate your reluctance to see a situation established where you're on hostile terms with your neighbors or you might be, but I think the suggestion that you could be driven out by them is a little bit far-fetched. I'm also wondering for Mr. Pettine whether the adjacency concerns that come up in our conversations about the UDO and the 2040 Plan and building heights next to residential, things like that. Is this adjacency really what we have in mind?

Mr. Pettine said short term there's certainly some potential challenges that have to be worked through. I think staff is continuing to request some additional separation between the proposed units and the existing industrial uses next door. That's something that I believe we included in our latest staff analysis as one of the outstanding issues. Certainly, in a situation like this, I think long term division for the area is mapped on the policy map was for an activity center which would include a myriad of uses. I'm not necessarily sure the long term but it included that vision of industrial uses in this area, but certainly need to understand and respect that those uses exist and could exist for the foreseeable future.

So, when we have these types of situations, we do look to try to mitigate what some of those adjacencies could create in terms of challenges with a use like this next door. I don't think we're quite there yet with the separation that we had seen on the site plan and that we continued to ask for a little bit more. I think that's something as we continue to see new iterations of the site plan, that's why our recommendation is really upon resolution of outstanding issues. If those issues don't get resolved then certainly we can revisit what our recommendation is at that point. Usually when we have those adjacencies that's one of the things we try to do, is mitigate as best as we can. In some instances they may be less compatible. In this one, I think there's still some room for some improvement, but we'll just have to evaluate when they come back in with a revised plan later this week.

Mr. Driggs said last quick question. We do have a noise ordinance right now. I assume that the sound pressure levels along the property line would not exceed levels that would be permitted by our current noise ordinance? Mr. Prause, you mentioned decibels.

Mayor Lyles said do we have an answer to that?

Mr. Pettine said from a staff standpoint certainly we have the noise ordinance in place that would regulate what some of those decibel levels could be before they get to be considered a violation of the ordinance. Without having those measurements done recently by code enforcement, I wouldn't know what they would be. I'm not sure if the folks that spoke in opposition have any idea of what the decibel levels typically are from their operations. I wouldn't know them off hand unless we had some study done by fire code enforcement staff.

Mr. Driggs said right. I just think it would be a good idea to make that determination at least if the issue is about the noise from the factory. Obviously, they're also air quality issues, but I'd be interested if we could get the answer to that question since that's the basis for the objection. Thank you.

Councilmember Phipps said yes, I guess historically I think council has been concerned when industrial would encroach on residential communities, but here we have a situation that's opposite. Where the residential community is really encroaching on this established industrial plant here. I really don't understand why currently we don't

have any provisions for buffer or screening or whatever that they could get this close to such a facility. This sort of reminds me of NCDOT when they made plans years ago to develop and build out I-485 and then we had developers building subdivisions. When the road was built, the subdivision residents complained of the noise of the highway and they wanted noise walls built. NCDOT's response was they were there first and plans were well publicized of their intentions. So, they essentially said that they weren't going to put up any noise walls. So, this seems to me to be a similar type situation that it seems like we're just asking for problems. It would be one thing if this was a former industrial site, but this is an ongoing in production type facility. So, I'm surprised that we didn't require any kind of buffer similar to what we would require on buffering a certain residential single family abutting apartment buildings. Even then we would require some sort of buffering, but here we have nothing. So, it's just willy nilly just build it right next to me kind of thing. So, I'm surprised at that.

Councilmember Johnson said to go along with what Mr. Phipps said when he says that he's surprised that they didn't require, I think we could require some type of buffer. I'm thinking of the environmental issues, the noise. So, I'd like to see some type of noise test or decibel test that if it's even safe to build there. I'm trying to pull up the county because they do have some advisements according to the petition, but I can't pull that up electronically and it's not included in the book. So, it looks like the website's changed a little and I'm not able to pull up the comments. Mr. Pettine, do you have those comments from the county land use regarding this petition? The advisement? Mr. Pettine said I can try to pull them up while we're sitting here, yeah.

Mayor Lyles said so, for everyone Ms. Johnson is referencing the advisory comments that are on the website for the zoning at rezoning.org that weren't included in the book. I think Mr. Pettine is pulling the up.

Ms. Johnson said okay, good. So, I think that we should require that test since this is being brought to our attention in advance. We always talk about unintended consequences; well this is something we can avoid if we're proactive. So, I'd like to see some type of test to ensure that this existing business that's creating jobs is not going to be in violation of our ordinance as soon as someone lives there. Where I'm from, Columbus, there was a neighborhood that was gentrified and there was a high school that marched to the football field for over 50 or 60 years. My mom was on the drill team and she had done it. As soon as that area was changed, then the neighbors complained about the parade every Friday night. So, we have to be conscientious and protective over current residents during this change. It's our job to manage the present but also have the vision and lead for the future. So, there is a balance here.

So, I would like to see the decibel test done before we approve this and I don't know if there's any air quality. I don't think that this is the only industrial plant over there. So, I do think that this is something we need to be cautious about before we approve this. There are manufacturing plants or petitions that are being proposed for industrial uses that are close to residential that the residents don't want. So, is there a way that we can be strategic and maybe match those industrial petitions up with this gland and really just be intentional about this. I know they don't own the land and we can't require that, but I just think this is too close. When Mr. Phipps says that he's surprised that they don't require a buffer, it's we that are they that can require that. So, I think that we should really take a look at doing that. Thank you.

Mayor Lyles said have you found it?

Mr. Pettine said yep. The comments were primarily for maybe the requirement to submit an asbestos notification for possible demolition or relocation of the existing structure. The other comment was that it was proposed to serve multi-family community or office which could have parking, more than 20 spaces and they would like to see at least 10 percent of those spaces to be EV ready. The other main comment was about possible ground water and waste water contamination which would prohibit the installation of wells without additional testing. Typically, we see projects like this go on to public utilities so that well water isn't really something that we get into. If they were to propose

any kind of well water systems, they would have to go through additional testing and services. Those were the main comments that we received from Mecklenburg County Land Use and Environmental Services.

Mayor Lyles said thank you. So, I'm going to tell the story of my interaction with this site and ADM a while back. I think it is a concern. When people buy their new homes, generally just going and you're seeing all the new and everything, but this business operates all kinds of hours and you're not visiting your new home at four a.m. when the trains are coming in. I know that we can sometimes talk about how to alleviate things but some things like railroads are not as simple to alleviate and trains schedules and providing service to industrial areas. So, I think that this is an area where it would be different if we did a noise study and the seller had to post it on the site to say the noise level is this, but there's no requirement to do that. So, we might know that but the person that's flying in to get a place to live because they're job is starting next week in Center City, they may not know that. I just think it's a very difficult situation.

I've been down on that site and it is an industrial complex and I just wonder if any of us would go visit the site and take a look at what's going on. It's not a foundry but it's definitely a factory operation. So, I don't know how to alleviate that. So, the person that made the complaint to me basically ended up leaving and not being able to live there just because of the noise throughout the night. So, these are the kind of things I think when we talk about quality of life. There's no requirement that people have to disclose this. So, that to me is a concern. I think that this site has been there a long time. So, I would hope that the petitioner is either looking at ways to address this issue of noise and train traffic and factory operations as well if this is going to take place because I think it's going to be an issue that we will find people calling us and saying, "How did this happen? Why did I buy this house?" We are not going to be able to say we had anything the manager control about it. Again it's a choice and some people may like that kind of sound. They're people across urban areas that live right next to railroad tracks and they call it good access to transportation and it's good that way for some. It's definitely something that for me as I look at buyers, you have to have buyer's beware in this kind of situation.

Mr. Winston said yes. I think Mayor brings up an excellent point and I do think again we are growing into an urban city and housing needs to go places. In many dense cities it abuts to train tracks. That's just something is a choice that some people are willing to deal with. With that said, I do think we need to bring clarity any way we go because a couple of years ago we killed an affordable housing project that was much further away from light industrial because we said we didn't want to put residential near industrial. So, I warned against creating that precedent because it would limit housing types moving forward. It doesn't seem like we have very muddy waters when it comes to it right now, and while we might be able to clarify certain things during the small area planning process, I think again this is a policy we need to bring some clarity to.

One thing we haven't spoken about in this debate is that whoever lives here, honestly let's think about the type of people that might buy a place here because it's right adjacent to the Music Factory. On any given night at the Music Factory, NC Music Factory Boulevard might be backed up until three a.m. because of multiple concerts, clubs letting out. Again, as we develop, development is going to happen in these types of areas and people may choose to do that. So, again we don't want to be presumptuous and limit the types of housing products that can come into this city especially if we're kind of just doing it on an ad hoc basis and we don't have a defined process for analyzing conditions like this.

So, I think it's positive that both the petitioner and neighbors have said they would be willing to sit down and talk to see how both interests might be able to be protected long term. I think we should encourage them to do that and figure out if there's anything we can do as a government to facilitate any type of agreement that they may be able to come up with. Thank you.

Motion was made by Councilmember Winston, seconded by Councilmember Phipps and carried unanimously to close the hearing.

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ITEM NO. 37: HEARING ON PETITION 2021-241 BY JUNG YIM. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.85 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF SARDONY LANE AND EAST W.T. HARRIS BOULEVARD, NORTH OF ROCKY RIVER ROAD FROM O-1 (CD) (OFFICE, CONDITIONAL) TO R-17 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) WITH 4 YEAR VESTED RIGHTS.

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said thank you Madam Mayor. 2021-241 is approximately 1.85 acres located at the southeast intersection of Sardony Lane and East W.T. Harris Boulevard, just north of Rocky River Road. It's current zoned O-1 conditional. The proposed zoning is for R-17 MF, conditional with also a request for four-year vested rights. The Newell Small Area Plan recommends office and multi-family uses up to 12 DUA for the site. The proposal is for up to 27 multi-family residential units in two buildings. That would propose about 16.2 units per acre. It does limit building height to 40 feet. Proposes access via the existing private driveway on to East W.T. Harris Boulevard. Also provides architectural building materials such as brick, natural stones, stucco, or other durable material. It does prohibit vinyl siding except on handrails, windows or trim. Addresses design of building elevations via vertical bays or articulated features such as wall offsets, recesses, projections and a change of materials or colors. Also limits blank wall expanses to no more than 20 feet. It does propose a 50-foot rear yard landscaped resident passive open space and activity area as well as a 25-foot undisturbed Class C buffer.

As mentioned, staff does recommend approval of this petition. There are some outstanding issues related to site and building design to continue to work through. It's inconsistent with that recommendation for office and multi-family uses, but staff does feel it's generally consistent with the existing development pattern in the area and in context with the current use of the site. We do again recommend approval upon resolution of those issues and will be happy to take questions following presentations by both the petitioner and those in opposition. Thank you.

Walter Fields, 4667 Webbs Chapel Church Road, Denver said I couldn't help but sit there tonight and listen to the conversations about some of these cases going on before and I recall a time when the mayor and I both were employed by the city. We were wild dreamers when we suggested that the key to the city's growth in the future was to grow back towards the center instead of further out and that one day the Center City inside Route 277 would be a great spot for housing. Woe were we right, but there's other parts of the city. Mayor and Mayor Pro Tem, members of the council, members of the Zoning Committee, I'm Walter Fields representing Jung Yim. He's here with me tonight on another multi-family proposal. This one I think is a little bit different than some of the ones you've heard up to this point this evening. This is not a very large project. It is not focused around a transit station area. It is not a large suburban project on a major thoroughfare that has other large suburban projects on it. In fact it's kind of a transitional piece. Many will recall that this property and a lot of the property including the adjoining townhome community just to our north and then vacant office zoned land that adjoins us to the south was part of a large development that included a lot of land on the far side of Harris Boulevard. This was back in the days when Harris Boulevard was just being extended and improved through this part of town. This strip of land on this side of the road was sort of the remnants of the larger tract.

The Morrison Place Townhome Community was part of that tract. This parcel is part of that tract and the vacant parcel that's going back towards Rocky River were part of that tract. Hence it had a conditional zoning for office. That office zoning permitted by virtuous conditional site plan, office uses, medical office uses, daycare centers, the

sorts of things that were common in a suburban location and in fact continue to be. Interestingly enough that office zoning back in the day, this O-1 zoning also allowed multi-family up to 17 units an acre as a by right use in an office district. Because this conditional site plan didn't include multi-family as one of the possible uses, then we were instructed by the staff that it would be better to try to amend the office plan and to just zone it to a suburban multi-family classification which is what we're here proposing to do. We're asking for the R-17 MF. We're a little bit less than 17 units an acre. I think Dave said we were just over 16. As a separate freestanding application and not as an amendment to the previous plan, we're proposing 27 units on the property. There's a single access point to Harris Boulevard. That access point actually is on this site, the road that leads in to what we think of now as the Morrison Place Townhome Community is actually a road which is physically located on this property.

This site is constrained interestingly enough by a large commitment that was made when the original office zoning was done about a setback and buffer along the rear of the site, not just along our property, but on the other office zoned properties as well. We have maintained that in our application. This site is also a little bit challenged because on the front of the site on our property, not in the very large Harris Boulevard right of way, but on our property is a 25-foot drainage easement and a separate 20-foot sanitary sewer easement. So, a significant portion of the front of the site is not developable to us. So, it leaves us with a small piece, hence we're proposing a small project. This would be two buildings with nine units in one and 17 I think in the other. They are limited to 40 feet in height which is a little smaller than what you might traditionally find in suburban multi-family, but we think it fits better in this location. This is an opportunity and again as we've heard tonight, the need for providing different forms of housing, different scale of housing, different types of housing in different parts of the community.

So, rather than a large multi-family development of 200 plus units which I very often stand up here and talk to you about, this is a small development. More manageable, easier for people to move and live there and not have this very, very large community. As I said, the single access is to Harris Boulevard. There's no way out through the Morrison Place, there's no way to the rear to the single-family areas that adjoin us to the rear. There's a connection that will eventually be bayed back up to the signal to the south of us on Harris Boulevard behind the other office zoned properties that was in that original zoning. We did have a community meeting. Sent out 70 something invitations. We had one attendee along with the district rep for the area. There were lots of conversations about that edge. The Phillippi's live directly adjacent to us on the rear back here and Mr. Wilkerson owns property just to the north. You can see the property line off to the right there that separates those two tracts. Those are our only two physical neighbors. She spent a lot of time with us on the call. We talked a lot about the edges and the relationship along the edges. My client went and met with her on the property and walked along that property line and had conversations about what her concerns were and how they might be addressed.

The site had been previously graded many, many, many, many, many, years ago in anticipation of development and some of the soil was spoiled along the back side of the site creating a berm and we're going to try to leave a lot of that in place. We need to add some things to the plan based on those conversations with the jointed property owners including a commitment for a fence, a commitment for certain types of landscaping, a commitment to minimize the amount of grading which upsets the existing land form that's already there. We do have a few issues that the staff identified in their staff analysis. I've already communicated with the staff about those, and I think all can be easily resolved. We appreciate the staff's support in recommendation for approval of this case. Frankly I like to stay on top of things and I'm here to tell you that I was not aware that we had any opposition, that anyone was going to sign up and speak tonight in opposition of this request. So, we're as anxious as you are to hear what they have to say. I expect some of it may be just clarifications that we need to provide about some of the details of the development. Up to this point we believe we have put forward our best foot both in terms of resolving staff issues and in terms of tightening down the relationship along the property boundaries to the Phillippi's property and to the Wilkerson property. I'll stop at this point so we can hurry up and hear what those

comments might be. I'll be happy to answer any questions that you have either now or after the opposition presentation.

Elizabeth Phillippi, 8650 Getalong Road said my husband and I own and live on the property that directly backs up to this petition and I did attend the virtual meeting that was held by the developer and I expressed at that time a desire for a six-foot-tall brick fence to discourage wandering onto our property and to promote security that would be on the developer's land. Then as Mr. Fields said, I subsequently met with the developer and walked the property with a couple of my neighbors and that's when I got a chance to really see the site plan and understand the terrain as we were walking it. So, what happens back there is a bank at the back of the property that at the 25-foot undisturbed buffer, that's kind of at the top of the bank. So, in order to create that 50-foot rear yard setback and activity area, that whole bank would have to be cut out and there's a lovely stand of vegetation that is on that bank that protects against erosion, and it serves as a noise and privacy barrier for the property that we live on.

So, we would like to have the site plan amended so that the undisturbed buffer was expanded to 75 feet thus eliminating the need to disturb that bank. Then have the developer put up a fence that's at least six feet tall somewhere on their property. If that couldn't happen, then it seems like a retaining wall is going to need to be required because that whole bank is going to be disturbed and all the erosion controls will be gone. Then if they put up the retaining wall they can put the fence on top of the retaining wall. So, we mentioned those concerns to the developer when we walked it and didn't really get a resolution. The other thing I would note is if you look at the plan, the location for where the garbage dumpsters are located, it's in this area called the 23-foot access easement, which is I think how the property is supposed to be connected ultimately to the traffic light that's up Harris Boulevard a little farther.

So, it seems like that's a problem and it appears that the development goes into the easement on the other side closer to Sardony Lane. So, I didn't know if those easements, are those required to be maintained because parking lot and/or building may interfere with that. Then Scott, you can add on to what I just had to say.

Scott Wilkerson, 2108 McLean Road said thanks Elizabeth. I'm Scott Wilkerson. As Mr. Fields said I own the property that's at the northeast corner of the petitioner's property. I generally don't have a problem with the proposal for multi-family housing in this location, but I do have some specific concerns of my own and that have been expressed to me by other neighbors around here. I was present electronically during the onsite meeting and walking of the property but could not be there physically that day. I do want to thank the petition for verbally committing to install a minimum five foot and Elizabeth would like it to be 6-foot metal fencing. In our conversations we talked about putting it along the 50-foot rear yard setback line and Mr. Fields has expressed that they will make that commitment in some form as part of the plan here.

This site is currently zoned for office with an existing access easement that Mr. Fields talked about along the side here and I think it's intended to connect to the other uses. The property to the south on Harris also needs to connect through here because unless I'm mistaken, there is no other access point to Harris other than Sardony and I believe it's Back Creek something or another. It has the Back Creek name on it for quite a ways. So, this access is important. This proposal will effectively block the existing easement where the dumpsters are and along the back of the buildings where the decks stick out. One of my neighbors was quite concerned about that, about how that access would be done and the fact that as currently drawn, you would have to access Sardony and Harris Boulevard by winding through the parking lot of the multi-family community.

The current proposal includes 66 bedrooms and 66 bathrooms, but only 46 parking spaces. I have expressed this concern to the petitioner. I am in the multi-family industry and I have experienced significant parking problems before and this ratio seems to me to be very likely to create that problem. And Mayor I see you're looking at what I assume is the site plan. The front building is nine, four bedroom, four bath apartments,

which is where you get 36 of the bedrooms and 36 of the bathrooms. As you know, similar apartments are typically rented by the bedroom which are not well regulated. This council has delved into that a little bit in the past. The combination of by the bedroom apartments with no onsite management causes me some concern. Again, I'm not opposed to multi-family use here, but that does cause me some concern.

Finally listening to Item 35 while I've been sitting here and the discussion about why would you allow 17 units per acre along West Tyvola Road, that didn't cause me a problem but why 17 units per acre along Harris Boulevard if not West Tyvola Road. So, again those are my comments, and I can't express enough the appreciation to the petitioner talking to me on the phone, to virtually meeting me on site and to listening to my comments as I've developed them and given them some feedback on this proposal.

Mr. Fields said let me try to clarify one thing right away. The easement that shows up on the current zoning, the old zoning, on our site plan is simply carried forward for reference purposes. We're actually going to relocate the easement from the back of the site so we don't have to do additional grading back there. There's no requirement for us to meet a rear yard that we have to grade the rear yard. It can be the natural topography. We've looked at where a fence might go and based on the existing berm configuration where the spoil was put along the back property line many years ago, it appears it might be better to put the fence at the toe of that slope which would be along the rear property line but still leaves an open space for the residence of this small community to have a little place to throw the ball or throw a frisbee or do whatever they do.

We are committed to establishing a fence as was discussed. We are committed to adding landscaping to that area to beef up the separation both visually and physically. It is not our intent nor do we have any need to do any grading back where that berm is located like we would have if we left the old easement in place. So, we think we have tried to address some of these issues in terms of a relationship between the two by actually physically relocating the easement through our parking area. If you go back down to the signal on Harris Boulevard where there is an office building built on the other end of this strip of land, the easement actually is the driveway through their parking lot. So, it wouldn't be uncommon for us to do the same thing. We will actually do less grading here by relocating the easement then we would otherwise because we'd have to extend Sardony all the way to the back of our property to align with the old easement line. I think most of this stuff can be addressed. I will make one final comment. I think we're still sort of up in the air on the number of the unit mix in terms of how it's going to work. We'll work with the neighbors. Thank you. I'll take any questions if you have them.

Mayor Lyles said Ms. Johnson heard you say that you're going to work with him. So, I'm sure she's heard that. It's in her district.

Councilmember Phipps said yes, Mr. Fields, I am interested in what you were going to say about the unit mix. Exactly what is the unit mix. Is this a complex similar to so called student housing?

Mr. Fields said no, it's not intended to be student housing. I think what we have in mind here, first of all it's market rate. There will be different unit mixes. We haven't settled on what that will be yet. We contemplate that some of our tenants might very well be corporate tenants who are in town while they're looking for a place to live as was discussed previously or on a short-term assignment and they would stay here and go to work and do what the rest of us do every day. In fact, I've addressed that question directly to my client and said, "Is this going to be student housing?" The answer has always been no. We think it might be small family housing. We think it might be some corporate facilities where people would have people coming into town and staying there while they're training or doing whatever they're doing.

We're still up in the air. No final decision has been made. I think what Mr. Wilkerson was referring to is sort of a worst case scenario. I don't think we're there. I think we can pin that down before we get to the bottom line on this and it comes back to you.

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

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Keith Wassum, knwassum@bellsouth.net

Sandra Perry, sjp0003@aol.com

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ITEM NO. 38: HEARING ON PETITION NO. 2021-244 BY JUAREZ SILVA FOR A CHANGE IN ZONING FOR APPROXIMATELY 1 ACRE LOCATED ON THE SOUTH SIDE OF CINDY LANE NEAR THE INTERSECTION WITH BOWLINE DRIVE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO I-1 (LIGHT INDUSTRIAL).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said 2021-244. It's just an acre located on the south side of Cindy Lane near the intersection with Bowline Drive. It's currently zoned R-4. The proposed zoning is for I-1, conventional. Adopt a future land use from the northeast district plan does recommend this area for industrial land uses for this area and the surrounding area. You can see all of the area there in brown is industrial land use recommendation is part of that plan. As mentioned, staff does recommend approval of this petition. It is conventional so there are no outstanding issues or site plan conditions to consider at this point. It is consistent as mentioned with the land use recommendation for the site per the northeast district plan. With that, will be happy to take any questions. I believe we do have the petitioner on virtual with us. So, will be happy to take any questions following any information he'd like to share. Thank you.

Emilio Silva, 448 Crompton Street said Madam Mayor and ladies and gentlemen of the community. I apologize for not having a formal and nice presentation like the ones I have seen tonight in this meeting. My petition is to rezone this property, R-4 to I-1 to build a warehouse/office space. A combination of office space with warehouse, approximately 150 feet by 80 feet. A total of six units. I will be occupying one of the units as my office space. Maybe one or two. I'm not sure at this point, but that would be my request about this property. I will be happy to answer any questions you guys may have. Thank you.

Councilmember Phipps said Mr. Silva, did I understand you to say that this is going to be like six units, one of which you're going to occupy or will be an office and the other uses would be what now?

Mr. Silva said I'm going to try to lease the rest of those office spaces. It's going to be office warehouse space. I currently have a commercial drywall business on Westinghouse Boulevard and I'm planning to relocate into this building. So, it would be six units. I'm going to occupy one or two units depending on the growth of my business. At this point I think I need two units and then I will be leasing the other four units to four small businesses like mine.

Mr. Phipps said I noticed this is currently zoned for R-4 and you're going to go to I-1. The thing that gives me pause is right across the street you have residential development going on. A new subdivision is going on over there. I think Dillon Heights or something like that. Then there's a single-family residence right adjacent to the property. So, I was just concerned with an I-1 zoning encroaching on a predominantly residential area. I know that I read in the staff analysis that a 19-year-old small area

plan says that the site is conducive to light industrial zoning. Well, I think it might be a 26-year-old plan, that a lot has changed in Charlotte since then and I just have concerns with this particular rezoning petition, but that's just me. So, I don't know how others feel about it. Thank you.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2021-245 BY CC FUND 3, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.44 ACRES BOUND BY THE SOUTH SIDE OF CARTER AVENUE AND NORTH SIDE OF WOODWARD AVENUE, WEST OF VANDERBILT ROAD, AND EAST OF STATESVILLE AVENUE FROM I-2 (GENERAL INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT DISTRICT).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said 2021-245. It's just under an acre and a half off of Woodward Ave. And Carter Ave., just north of Camp North End. Current zoning is I-2 and the proposed zoning is for MUDD, conditional. The adopt a future land use from the Statesville Ave. Corridor Area Plan does call for industrial land uses for this site. You can see residential office retail use is recommended on either side of Woodward Ave. on the left side of this site and then southside on Woodward for Camp North End. The proposal is for up to 36 townhome dwelling units. That would limit building height to 46 feet. Access would be from Woodward Avenue. Visitor overflow parking would be provided within the site. It does commit to an 8-foot planting strip and eight-foot sidewalk along both Woodward and Carter Avenue. Internal sidewalks and pedestrian connections through this site would get you back to either of those frontages. Also provides a garage for each unit, architectural standards for exterior building materials, pitched roofs, raised residential entrances and usable porches and stoops that would be at least five feet deep to create a predominant building design feature along those frontages. Staff does recommend approval upon resolution of outstanding issues related to transportation and site design. It is inconsistent with that Corridor Area Plan for Statesville Avenue which recommends industrial uses, but certainly is in context with some of the ongoing redevelopment that we've seen as a result of the development of Camp North End and other residential developments around it. So, staff certainly felt it was an appropriate transition from that industrial land use to something more residential and will be happy to take questions following the petitioner's presentation. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 3300 said good evening, Mayor, Mayor Pro Tem, members of council and members of the Zoning Committee. Keith MacVean with Moore and Van Allen assisting CC Fund 3, LLC, the petitioner. As you mentioned, Todd Harrison with Carolina Capital Real Estate Partners is online and is available to answer questions. Dave has done a good job identifying the location site, just under an acre and a half on Woodward Avenue next to Heist Brewery across from the revitalized area of Camp North End. This is a zoomed in shot. The request is to zone the property to mixed use development district, conditional to allow development of the site with a 36-unit townhome community. Units are proposed to be for sale. We do believe this rezoning does compliment Camp North End and the Camp North End compliments this request. We did meet with Melissa Gaston, and she liked the idea of new housing especially for sale housing in this location to help with the revitalization goals of the Statesville corridor and Graham Street area.

Dave covered the land use plan recommendations. The place type plan does recommend innovative mixed use which would support residential uses. Dave mentioned the site plan access off Woodward. There would be streetscape improvements. There's limits on height. There is overflow parking on the interior as well as on-street parking. We will be working with Dave and his staff to address the remaining site plan issues. I'd be glad to answer any questions.

Councilmember Eiselt said this is more for staff. What are the revitalization goals in that area of the North End? Four or five years ago, that was a hot area that we called the North End Smart District and we had all sorts of plans for CF (Community Foundation) pilot projects, pilot plans and things like that. It feels like it's gone away. So, when Mr. MacVean referred to our goals, I'm just questioning what those actually are and where those came from.

Mr. Pettine said I think some of those goals and efforts predate my tenure with the city so far. I do know that the area slated for an activity center and innovative mixed-use place type designations which would further some of those adaptive reuse options and residential in fill to support the activity center around Camp North End. As far as some of the other goals you had mentioned, I certainly would have to confer with some other staff that may have been here during the time and discussions on some of this to see where they are and how they materialized or how they maybe have changed or been adapted since the original discussions. So, certainly can follow up with you but just to let you know, like I said, from a policy map standpoint, it's an activity center with some innovative mixed-use place type surrounding it.

Ms. Eiselt said okay. Yes, I would like to follow up on that. Again maybe it's not germane to this specific rezoning but if we're telling people this is going to be an activity center, yet we seem to have backed away from that by taking it out of the Strategic Mobility Plan for example. Then I'm curious as to what we think the future is for this particular area. So, I'll follow up with you on that Dave.

Mr. Pettine said okay, thank you.

Ms. Eiselt said thank you.

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

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ITEM NO. 40: HEARING ON PETITION 2021-253 BY FLYWHEEL GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.58 ACRES LOCATED ON THE SOUTHEAST SIDE OF NORTH TRYON STREET AND EAST SIDE OF MATHESON AVENUE, NORTH OF CULLMAN AVENUE FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said okay, 2021-253. About 15 and a half acres, large area along North Tryon Street at the intersection of Matheson Avenue, just in that area across Charlotte Trail and within close proximity to 36th Street Station. The current zoning is I-2. The proposed zoning is for TOD-NC, which is conventional TOD district. The North Tryon Area Plan recommends mixed uses for non-residential, office and retail uses for this site. So, staff does recommend approval. As mentioned, it is consistent with that. It's within a one mile walk of the 36th Street Station. That walk distance likely shortened with some additional infrastructure related to the Cross Charlotte Trail to be put in. So, we may see some opportunities for getting that walk distance shorter to the 36th Street Station from this site long term, but currently it's applicable to that TOD-NC district. Again, staff does recommend approval and will be happy to take any questions that you may have on this one. Thank you.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2021-255 BY BOB SHELTON FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.75 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD NEAR THE INTERSECTION OF SPECTOR DRIVE FROM I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO I-2 (GENERAL INDUSTRIAL).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said 2021-255. It's 1.75 acres located on the west side of Statesville Road just south of that intersection with Spector Drive, north of the intersection with Sunset Road. Current zoning is I-2 conditional. Proposed zoning is for I-2 just to go conventional I-2 on this parcel. Adopt a future land use, as you can see industrial for a wide swath of this general area. Also recommended for manufacturing and logistics which is a comparable place type on the pending effective date on the 2040 Plan just to give you some context. This is a conventional petition as well. The conditional plan is one from back in 1979. I'm not sure if there were many conditions associated with it, but just to give you a date of reference for that last CD plan on this property. Again, this is conventional. Staff does recommend approval. It is consistent with the industrial land use recommendation from the district plan and in a pretty heavy industrial area. So, will be happy to take any questions following any comments that the Sheltons would like to provide. Thank you.

Bob Shelton, 1257 US Highway 64 West, Mocksville said hi. So, we have a client there, Atlantic Emergency Solutions. They are a servicer of emergency vehicles, primarily fire engines, ambulances and they are a very large sales force of those particular vehicles. They just have a need to grow their business and with that conditional clause on their I-2 zoning, it's prohibiting them to grow the 9,400 square feet they are needing to have additional bays in for their business.

Motion was made by Councilmember Winston, seconded by Councilmember Phipps and carried unanimously to close the hearing.
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ITEM NO. 42: HEARING ON PETITION NO. 2022-001 BY STARMOUNT HEALTHCARE FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.34 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF NORTH TRYON STREET AND WEST SUGAR CREEK ROAD, EAST OF WEST CRAIGHEAD ROAD FROM R-17 MF (MULTI-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said thank you. 2022-011 is approximately 8.3 acres on West Sugar Creek and North Tryon. The site is currently zoned R-17, multi-family, and the proposed zoning is just for an institutional conventional district. The adopt a future land use does recommend institutional land uses at this site. So, the request would be consistent with that. It would be open to all institutional uses. The petitioner obviously is Starmount Healthcare. I know there was some conversation about locating some temporary facilities as they transition and revamp some of their existing office space. So, just to give you some context. Again, it would be open to all institutional uses that would be permitted on the site but also does help to remedy what was really not a nonconformity, but does provide some more flexibility with the existing institutional use of the church on the site long term. So, not an unreasonable outcome for that general area and that site. Again, staff does recommend approval of this petition. It is conventional. It is consistent with the area plan recommendation and will be happy to take any questions you may have following any additional comments from the petitioner. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said Madam Mayor, council members, Collin Brown on behalf of the petitioner Starmount Healthcare, their subsidiary StarMed who we all enjoy on Twitter. Want to be clear on this site. This is a conventional

rezoning. So, I said I won't get into the details about it, but if you have our slides I'll just kind of walk through. I did have representatives from the church on. I think we lost them at the four-hour mark. There is no intention for the church to go away. This is not a rezoning to accommodate redevelopment on this site. As you can see they have a large site there to work with folks in the community and accommodate other institutional uses on the site. The church has been there as an institution for probably longer than the City of Charlotte but for some reason, we have a multi-family zoning on the site. A conventional institutional district would allow them to accommodate a variety of other things including cultural, educational, medical, governmental, religious and other athletic institutions to enhance the community. So, by giving them a conventional district with that flexibility, they can work with partners like StarMed to provide other institutional uses onsite.

Mayor Lyles said okay. Thank you, Mr. Brown.

Mr. Brown said I'm happy to answer any questions.

Councilmember Egleston said Madam Mayor I had a conversation with the petitioner today and I think this is a temporary but beneficial move.

Councilmember Winston said I think Mr. Brown might have answered part of my question. I think I can read between the lines of a large parking lot with the continued pandemic and vicinity to rapidly changing communities. I can read between the lines. My question was going to be about, like you said, the age of this church. I know that there are historic cemeteries there, some that have been disturbed over time. My question was going to be about any type of redevelopment there, but I think he answered that question and any encroachment on any particular graves that might be [INAUDIBLE].

Mr. Egleston said also Mr. Winston I believe the building closest to the corner which is I think the oldest structure on this site is landmark protected which of course is not entire foolproof but it's helpful. It's my understanding there's no move here to make any structural changes, just to have some different use options in the structures that exist.

Mr. Winston said thank you very much.

Councilmember Phipps said although a meeting is not required by this petition, I did have conversations with members of the Hidden Valley Community who express a favorable opinion of this petition.

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

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ITEM NO. 43: HEARING ON PETITION NO. 2022-019 BY CHRIS OGUNRINDE FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.74 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET AND NORTHEAST SIDE OF PRESSLEY ROAD, EAST OF INTERSTATE 77. FROM B-2 (GENERAL BUSINESS) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said 2022-019 as mentioned, about 3.75 acres on Pressley Road and South Tryon Street right there along I-77. The existing zoning is B-2. The proposed zoning is for TOD-NC, conventional. Adopt a future land use from the Scaleybark Transit Station Area Plan. It does recommend office industrial warehouse and distribution, but certainly the TOD conventional does provide some opportunities for some transition and some redevelopment and reinvestment to this site. It is within that one mile distance for that TOD-NC application. So, staff does recommend approval of this petition. While it is inconsistent with that area plan, staff does believe that TOD-NC

is applicable and appropriate in this location within that one mile walk to both Woodlawn Station and Scaleybark Station. So, with that will be happy to take any questions following any additional comments from the petitioner. Thank you.

Chris Ogunrinde, 227 West 4th Street, Suite 100 said good evening, Madam Mayor, members of the city council and staff. Thank you very much for having me tonight. This is a conventional rezoning. So, I'm not going to go too much in to detail and thanks Dave for giving us the introduction to this. We saw an opportunity to introduce housing in the lower South End utilizing an existing commercial use that this county utilized. We are currently analyzing a way to keep the existing use in the hotel, but looking at the numbers, it's looking more and more like this might be an opportunity to redevelop this site. So, with the construction market and the influx in the real estate market, we're still not arriving at a solution. Ultimately, it's going to be a residential play for this site and without commenting, I'll answer any questions that you all might have.

Councilmember Johnson said without seeing a slide show or presentation or anything, did you say that this was currently a hotel or a motel?

Mr. Ogunrinde said it's currently a hotel.

Ms. Johnson said so, is it currently occupied?

Mr. Ogunrinde said it's currently occupied, usually the fair transient traffic. Some are weekly rentals and it's not performing well so to speak and that's why we saw the opportunities to figure out a way to improve housing along that corridor.

Ms. Johnson said so, one of the challenges we have in this city is the lack of affordable housing. The hotels and the motels are used by individuals in the 30 percent area wage income. We had a hotel in this area when it was changed to residential, there were people that were displaced. So, that's a concern to me. I just want to put that on the record. We know that there's challenge with affordable housing and yet we continue to approve development and displace folks. So, I would want the number of individuals who are there who are long term occupants/tenants. I don't know if you're able or willing to make any concessions or any promises to let us know what the plan would be. Just what is the plan for individuals who've been long term occupants of that hotel? Would the plan be to if they would have leave during construction or what would the rent be? Would they be given first right of refusal? I would just want to know what the plan is and if it's approved, it's certainly you're building to do what you do, however we need to know if people are going to be displaced. So, again I'd like to know the number of long-term residents in the facility and what the plan is for them.

Terrie Hagler-Gray, Senior Assistant City Attorney said because this is a conventional plan, you cannot get into the details of what will happen on this site because any use allowed on the site is under consideration now. So, you don't have any specifics about what will happen at this point.

Ms. Johnson said okay. So, we know as council members we hear from the media when our residents are displaced because of property sales or like when there was a hearing tonight. I don't know if that was conventional or how that was done, but we know that our residents are being displaced. So, this is a hotel on South Tryon and Pressley, it's just for the record. So, you're saying with the conventional rezoning, we know it's a hotel, but we cannot get information, any details about the folks that are currently there, right?

Ms. Hagler-Gray said I'm saying that because it's conventional, it's not allowed to talk about any details related to the particular site because we don't know yet what's going to happen.

Ms. Johnson said okay, thank you.

Mr. Ogunrinde said if I may, just to defend our records at Urban Trends Real Estate, Inc., over the past five years, we've been involved with probably close to 600 units of affordable housing whether we are currently developing ourselves, or we're partnering with folks that are doing it. Ashley Road, Connelly Circle, Eastway, Lake View. Thanks to council for the support that you all have provided over the years. So, our heart is in the right place, and we want to do the right thing. Any other questions?

Ms. Johnson said I understand. Thank you. Again, these are our policies. It's not necessarily your responsibility. So, thank you so much.

Mr. Ogunrinde said thank you ma'am.

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

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ITEM NO. 44: HEARING ON PETITION 2022-021 BY CROSSROADS CORPORATION FOR AFFORDABLE HOUSING & COMMUNITY DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRE LOCATED AT THE NORTHWEST INTERSECTION OF MARNEY AVENUE AND ALPHA STREET, EAST OF SKYLAND AVENUE, AND SOUTHWEST OF MONROE ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-1 (URBAN RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Rezoning Manager said thank you. Our final petition this evening, 2022-021. It's 0.23 acres on Alpha Street and Marney Street. It's currently zoned to R-5. The adopted future land use from the Central District Plan does recommend single-family, multi-family residential uses up to eight DUA for this site. This is a conventional petition going to a UR-1 district. So, all uses in a UR-1 which is a primarily urban residential district would be permitted. Staff does recommend approval of this petition. It is consistent with that Central District Plan recommendation. Again, it's a conventional petition and staff does recommend approval and will be happy to take any questions following any additional comments by the petitioner. Thank you.

Kathleen Bambrick Meier, 3623 Latrobe Drive said hi, thank you Madam Mayor, Mayor Pro Tem, members of the council and of the Zoning Board. Thank you to staff for your encouragement on this petition. I will say that this a petition for two units of affordable housing that will be sold to people at 80 percent AMI or below. The construction will be consistent with the other construction that we have built in the neighborhood up to this point. So, I'll be happy to answer any questions. Thank you for your consideration of this petition.


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

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ADJOURNMENT

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to adjourn.

The meeting was adjourned at 9:43 p.m.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 4 Hours, 43 Minutes
Minutes completed: November 13, 2023