

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, May 15, 2023, at 5:05 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Braxton Winston II presiding. Councilmembers present were Danté Anderson, Tariq Bokhari, Ed Driggs, Renee Johnson, Lawana Mayfield, and James Mitchell.

ABSENT: Councilmember Malcolm Graham and Mayor Vi Lyles.

ABSENT UNTIL NOTED: Councilmembers Dimple Ajmera, Marjorie Molina, and Victoria Watlington.

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Mayor Pro Tem Winston said I will call this evening's Zoning Meeting to order. We will start by introducing ourselves, those at the dais. We will begin our meeting with an invocation. Our invocation is an expression and inspiration followed then by our Pledge of Allegiance. The invocation by the Council member is intended to solemnize our proceedings. We celebrate the religious diversity of our community, including those without religious faith.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING PROCESS

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

Councilmember Watlington arrived at 5:09 p.m.

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INTRODUCTION OF THE ZONING COMMITTEE

Phil Gussman, Zoning Committee Chairman said thank you Mayor Pro Tem and City Council. I'm Phillip Gussman, Chairman of the Zoning Committee and of the Charlotte Mecklenburg Planning Commission. Allow me to introduce my fellow Commissioners both present and not. Douglas Welton, Terry Lansdell, Ronnie Harvey, Melissa Gaston, Courtney Rhodes, and Will Russell. The Zoning Committee will meet Wednesday, May 31, 2023, at 5:30 p.m. here at the Governmental Center in conference room 280. At that meeting, the Zoning Committee will discuss and make recommendations on the petitions that are heard tonight. The public is welcome at that meeting, but please note it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you're welcome to contact us and provide input. You can reach all of our contact information and information on each petition on the City's website at charlotteplanning.org. Thank you.

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DEFERRALS/WITHDRAWALS

Mayor Pro Tem Winston said with that we will move on to our first action of the night where we will consider our deferrals and withdrawals. We will consider all of the deferrals and withdrawals in one motion. Since our agenda was published last week, there have been a few changes that have been made to that agenda. I am going to ask our staff member, Mr. Pettine, to go over the petitions that have either been submitted

for deferral or withdrawal. After he goes over those changes, we'll make a motion to accept the deferrals and withdrawals.

Motion was made by Councilmember Bokhari and seconded by Councilmember Driggs to defer: a decision on Item No. 18, Petition No. 2021-209 by Coastal Acquisition Entity, LLC to June 20, 2023; a decision on Item No. 19, Petition No. 2021-213 by Goldberg Companies Inc. to June 20, 2023; a decision on Item No. 20, Petition No. 2022-048 by Tribute Companies, Inc. to June 20, 2023; a decision on Item No. 21, Petition No. 2022-060 by Providence Group Capital to June 20, 2023; a decision on Item No. 22, Petition No. 2022-099 by Levine Properties to June 20, 2023; a decision on Item No. 23, Petition No. 2022-109 by Urban Trends Real Estate, Inc. to June 20, 2023; a decision on Item No. 24, Petition No. 2022-134 by Muhsin Muhammad II to June 20, 2023; a decision on Item No. 25, Petition No. 2022-147 by SouthPark Towers PropCo, LLC to June 20, 2023; a decision on Item No. 26, Petition No. 2022-160 by Penler Development, LLC to June 20, 2023; a deferral on Item No. 27, Petition No. 2021-198 by Nest Home Communities, LLC to June 20, 2023; a decision on Item No. 30, Petition No. 2022-084 by Mission Properties to June 20, 2023; a decision on Item No. 41, Petition No. 2022-119 by Blackburn Communities, LLC to June 20, 2023; a decision on Item No. 42, Petition No. 2022-191 by Red Cedar Capital Partners to June 20, 2023; a decision on Item No. 44, Petition No. 2022-066 by Wood Partners to July 17, 2023; withdrawal of Item No. 39, Petition No. 2022-182 by Fourstore, LLC; and withdrawal of Item No. 40, Petition No. 2022-195 by South Oak Partners, LLC.

Councilmember Mayfield said Mayor Pro Tem, I need for Mr. Pettine to repeat after number 39 because I did not hear any of those additional deferral petitions as he went through them.

Mayor Pro Tem Winston said Mr. Pettine, can you please respond to Ms. Mayfield?

Ms. Mayfield said thank you Mayor Pro Tem.

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

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CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 17 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.

David Pettine, Planning, Design & Development said Items 4 and 14 will be pulled.

Mayor Pro Tem Winston are there any consent agenda items that Council would like to pull for a question, comment, or a separate vote? We have number 4 and number 14 already.

Councilmember Watlington said 13.

Mayor Pro Tem Winston said 13? We'll pull Item No. 13 Ms. Watlington.

Councilmember Mayfield said 6, 8, 9, 10, 11, 16.

Mayor Pro Tem Winston said 6, 8, 9, 10, 11, 16. Alright. So, the consent agenda now is Rezoning Petition items, I'll just read the ones that are going to be on the consent agenda. Rezoning items number 3, 5, 7, 12, 15, and 17 may be considered in one motion.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to approve the consent agenda as presented with the exception of Item No. 4 and Item No. 14 which were pulled by staff, and Item No. 6, Item No. 8, Item No. 9, Item No. 10, Item No. 11, Item No. 13, Item No. 14, and Item No. 16 which were pulled for a separate vote.

The following items were approved.

Item No. 3: Ordinance No. 519-Z, Petition No. 2022-078 by Sere Ventures, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 7.41 acres located on the northeast side of West Trade Street, west of Brookshire Freeway, and east of Rozzelles Ferry Road from I-2 (general industrial) to MUDD(CD) (mixed use development district, conditional) and UR-2(CD) (urban residential, conditional).

The Zoning Committee voted 5-0 (motion by Rhodes, 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 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Innovation Mixed Use place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed single family attached dwellings and adaptive reuse of the existing building on site are consistent with the character of the recommended place type. There have been several recently approved rezonings in this segment of the Rozzelles Ferry Road corridor to allow single family attached residential dwellings. Paired with new office and commercial development in the area, the medium density housing proposed will complement a burgeoning urban neighborhood. The site is located $\frac{3}{4}$ mile from a Lynx Gold Line transit stop, Johnson C. Smith University and the Five Points Plaza. The site is also less than $\frac{1}{4}$ mile from CATS bus stops along Rozzelles Ferry Road. The petition will contribute to pedestrian and bicycle mobility in the vicinity through implementation of eight-foot planting strip and eight-foot sidewalk along the site's West Trade Street frontage and dedication of an easement along Stewart Creek for future greenway extension. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 521-522.

Item No. 5: Ordinance No. 521-Z, Petition No. 2022-090 by Harris and Rocky LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 4.2 acres located on the east side of West W.T. Harris Boulevard, north of Interstate 485, and south of Mt. Holly-Huntersville Road from R-17MF (CD) (multi-family residential, conditional) to R-22MF (CD) (multi-family residential, conditional).

The Zoning Committee voted 7-0 (motion by Gaston, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 2 place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes multi-family residential uses at approximately 22 units per acre, which is consistent with the Neighborhood 2 place type. The petition adds to the variety of housing options in the area. The petition is compatible with the existing Neighborhood and the Commercial place type uses adjacent to the site. The petition's commitment to a 12-foot multi-use path and an eight-foot planting strip along West W.T. Harris Boulevard helps to create a more pedestrian friendly environment, which is envisioned as a characteristic of the Neighborhood 2

place type. The typical building height within the Neighborhood 2 place type is no more than five stories. The petition limits building height to 50 feet. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 525-526.

Item No. 7: Ordinance No. 523-Z, Petition No. 2022-130 by Thomas Elrod amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.04 acres located at the northwest intersection of Carmel Road and Little Avenue, north of Pineville-Matthews Road, and east of Johnston Road from B-1 (CD) (general business, conditional) to O-1 (CD) (office, conditional).

The Zoning Committee voted 7-0 (motion by Lansdell, 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 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends Community Activity Center place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is located along Carmel Road in an area with office and other non-residential uses. The site was previously zoned O-1 for office use. Office uses are appropriate in the Community Activity Center place type. The petition works to improve multi-modal mobility along Carmel Rd. and Little Av. by upgrading the sidewalk facility to a multi-use path along Carmel Rd, eliminating curb cuts on Little Av. and reducing curb cuts on Carmel Rd. The proposed site design supports the pedestrian environment by locating the building at the intersection of Little Av. and Carmel Rd. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 529-530.

Item No. 12: Ordinance No. 528-Z, Petition No. 2022-170 by Canvas Residential, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 11.23 acres located at the southeast intersection of Oakdale Road and Mt. Holly-Huntersville Road, north of Interstate 485 from R-3 LWPA (single family residential, Lake Wylie Protected Area) to R-8MF (CD) LWPA (multi-family residential, conditional, Lake Wylie Protected Area).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends Neighborhood 2 place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is located along Oakdale Road between I-485 interchange and Mt. Holly-Huntersville Rd. The proposal is a second phase of a residential community under construction to the east also between I-485 and Mt. Holly-Huntersville Rd. The areas to the west and east are also recommended for Neighborhood 2 place type. The proposal adds to the mix of housing options in the area. The petition provides a transition from the Interstate to low density residential on the north side of Mt. Holly-Huntersville Rd. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 539-540.

Item No. 15: Ordinance No. 531-Z, Petition No. 2022-178 by Dikilson Almonte Abreu amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.39 acres located on the northeast side of Brookshire Boulevard, west of Old Plank Road from I-1 (light industrial) to I-2 (CD) (general industrial, conditional).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be Consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing & Logistics place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed use is aligned with the recommended Manufacturing & Logistics place type. The petition proposes similar industrial uses found along the Brookshire corridor. This petition could help to fulfill the Comprehensive Plan's goal of contributing "to Charlotte's economic viability by accommodating places of employment for a range of uses related to manufacturing, logistics, production and distribution." The parcel abutting the petition's site to the southeast, recommended for Neighborhood 1, is a compatible alignment, given its utility uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 545-546.

Item No. 17: Ordinance No. 533-Z, Petition No. 2023-055 by Charlotte Fire Department amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 7 acres located on the east side of Dixie River Road, west of Garrison Road from MUDD-O AIR LLWCA (mixed use development, optional, airport noise overlay, Lower Lake Wylie - Critical Area) to MUDD-O SPA AIR LLWCA (mixed use development, optional, site plan amendment, airport noise overlay, Lower Lake Wylie - Critical Area).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Community Activity Center place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed civic/institutional use is consistent with the character of the Community Activity Center place type. The development standards modifications are appropriate for the proposed use and will not impact the urban design standards that apply to remainder of the previous rezoning site. The proposed fire station will provide services to the future River District, other recent rezonings for residential and industrial development, as well as to existing properties in the vicinity of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 6: Healthy, Safe & Active Communities, 10: Fiscally Responsible.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 549-550.

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ITEM NO. 4: ORDINANCE NO. 520-Z, PETITION NO. 2022-089 BY TAYLOR MORRISON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 43.72 ACRES LOCATED ON THE SOUTH SIDE OF MT. HOLLY-HUNTERSVILLE ROAD AND NORTH SIDE OF INTERSTATE 485, WEST OF OAKDALE ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO MX-2 INNOV LWPA (MIXED USE, INNOVATIVE, LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 5-2 (motion by Gaston, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type 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: The proposed plan would add to the variety of housing options in the area. The proposed building forms of single family, duplexes and triplexes are consistent with the Neighborhood 1 Place Type. The petition proposes streetscape improvements of an eight-foot planting strip and 12-foot multi-use path on Mount Holly-Huntersville Road. The proposed plan includes a 50-foot Class C landscape buffer around the whole site, except along the north parcels where it's reduced with a screening fence. The proposed site plan includes an amenity corridor totaling about 1.6 acres to include a minimum of three of the following elements: covered pavilion/shelter, benches, picnic tables, leasing office, maintenance buildings, fitness facility/yoga room, gathering room, pool, butterfly garden, and/or dog park. The proposed plan includes additional amenities including a pedestrian trail and a dog park. The site plan includes proposed future street connections with stubs on the north, east and west sides of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Mayor Pro Tem Winston said there are some items with changes after the Zoning Committee recommendation. So, there have been changes after they have been heard by the Zoning Committee. Prior to the vote on each of these petitions, we must state that the changes after the Zoning Committee have occurred and that Council is required to send this petition back to the Zoning Committee for further review, unless Council, by a three-quarters vote of all members present determines that the nature of the modification is such that future review is not necessary.

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. Removed the perpendicular parking from public streets. Parking along public roadways shall be parallel parking as shown in previous submissions. Public streets should be constructed to CLDSM standards including design of on-street parking and sidewalk.
2. Show turn lane improvements. The site plan shall label and dimension the components of the turn lane. Add a conditional note committing to the turn lane improvements. Coordinate with NC-DOT (North Carolina Department of Transportation) on turn lane storage length requirements.
3. Label and dimension the curb and gutter from the centerline for each road on the site plan.

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

Motion was made by Councilmember Johnson and seconded by Councilmember Bokhari to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed plan would add to the variety of housing options in the area. The proposed building forms of

single family, duplexes and triplexes are consistent with the Neighborhood 1 Place Type. The petition proposes streetscape improvements of an eight-foot planting strip and 12-foot multi-use path on Mount Holly-Huntersville Road. The proposed plan includes a 50-foot Class C landscape buffer around the whole site, except along the north parcels where it's reduced with a screening fence. The proposed site plan includes an amenity corridor totaling about 1.6 acres to include a minimum of three of the following elements: covered pavilion/shelter, benches, picnic tables, leasing office, maintenance buildings, fitness facility/yoga room, gathering room, pool, butterfly garden, and/or dog park. The proposed plan includes additional amenities including a pedestrian trail and a dog park. The site plan includes proposed future street connections with stubs on the north, east and west sides of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site as modified.

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

YEAS: Councilmembers Anderson, Bokhari, Driggs, Johnson, Mitchell, Watlington, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 523-524.

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ITEM NO. 6: ORDINANCE NO. 522-Z, PETITION NO. 2022-126 BY TRIBUTE COMPANIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 48.09 ACRES LOCATED SOUTH OF NORTH TRYON STREET, EAST OF TREVI VILLAGE BOULEVARD, AND NORTH OF UNIVERSITY CITY BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-2 (motion by Gaston, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 place type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes single family attached (townhome) units at approximately 6 units per acre, which is an appropriate transition from the lower density residential uses in the south to the 380 multi-family residential development approved directly to the north. The site is located in area with recent development activity of similar type and density. The petition adds to the variety of housing options in the area. Neighborhood 2 places include larger scale residential uses and typically include shared community amenities, such as open spaces and recreational facilities. The petition commits to dedication of land to Mecklenburg County Park and Recreation for a public park. The petition commits to an internal network of public streets, roads stubbed for future potential connections, and pedestrian amenities & enhancements. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Anderson to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 place type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes single family attached (townhome) units at approximately 6 units per acre, which is an appropriate transition from the lower density residential uses in the south to the 380 multi-family residential development approved directly to the north. The site is located in area with recent development activity of similar type and density. The petition adds to the variety of housing options in the area. Neighborhood 2 places include larger scale residential uses and typically include shared community amenities, such as open spaces and recreational facilities. The petition commits to dedication of land to Mecklenburg County Park and Recreation for a public park. The petition commits to an internal network of public streets, roads stubbed for future potential connections, and pedestrian amenities & enhancements. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

Councilmember Mayfield said so for this item, 8, 9, 10, 11, 13 and 16, it is for my consistent opposition of inconsistent. These items have been identified as being inconsistent. So, therefore I will be a no.

Councilmember Ajmera arrived at 5:25 p.m.

Mayor Pro Tem Winston said thank you very much.

Councilmember Ajmera said I'm not sure what we are voting on. So, I will vote on the next one.

Councilmember Bokhari said record Ajmera as a, yes?

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Johnson, Mitchell, Watlington, and Winston

NAYS: Councilmembers Mayfield

Mr. Bokhari said question.

Mayor Pro Tem Winston said yes Mr. Bokhari?

Mr. Bokhari said given that she made the statement for all of them, is there a way that we could batch them up?

Unknown said no.

Mayor Pro Tem Winston said there is not anymore.

Unknown said there is not.

Mayor Pro Tem Winston said we have to do it individually.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 527-528.

ITEM NO 8: ORDINANCE NO. 524-Z, PETITION NO. 2022-140 BY THE F.A. BARTLETT TREE EXPERT COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.07 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF ZOAR ROAD AND THOMAS ROAD, SOUTH OF YOUNGBLOOD ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO O-1 (CD) (OFFICE, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1. 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 site is located outside of City Limits near the South Carolina border along the west side of Zoar Road. Just along the east side of Zoar Road and bound by Youngblood and Hamilton Roads is the expansive F.A. Bartlett Research Laboratories and Arboretum. Aside from the open space and research uses, this area is largely populated with single family residential development. The site itself has operated with institutional and residential uses. The petition would allow for the reuse of the existing structures to support the F.A. Bartlett's research, educational, dormitory, and office uses. No new structures would be built on the site, maintaining the current contextual sensitivity to the adjacent residential neighborhoods. The single family detached home on the site would operate as dormitory for visiting professors, interns, and other guests as specified in the conditional notes. Subsequently, this portion of the site would continue with uses that are compatible with the abutting single family homes. The proposal includes a buffer along the site's southern and western boundaries against residential development. The current recommended Neighborhood 1 Place Type is reflective of the R-3 zoning although a majority of the site has historically hosted institutional uses. The application of the Campus Place Type here is appropriate given the uses outlined in the proposal itself as well as the neighboring uses at the F.A. Bartlett Research Laboratories and Arboretum. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Campus for the site.

Motion was made by Councilmember Bokhari and seconded by Councilmember Ajmera to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition site is located outside of City Limits near the South Carolina border along the west side of Zoar Road. Just along the east side of Zoar Road and bound by Youngblood and Hamilton Roads is the expansive F.A. Bartlett Research Laboratories and Arboretum. Aside from the open space and research uses, this area is largely populated with single family residential development. The site itself has operated with institutional and residential uses. The petition would allow for the reuse of the existing structures to support the F.A. Bartlett's research, educational, dormitory, and office uses. No new structures would be built on the site, maintaining the current contextual sensitivity to the adjacent residential neighborhoods. The single family detached home on the site would operate as dormitory for visiting professors, interns, and other guests as specified in the conditional notes. Subsequently, this portion of the site would continue with uses that are compatible with the abutting single family homes. The proposal includes a buffer along the site's southern and western boundaries against residential development. The current recommended Neighborhood 1 Place Type is reflective of the R-3 zoning although a majority of the site has historically hosted institutional uses. The application of the Campus Place Type here is

appropriate given the uses outlined in the proposal itself as well as the neighboring uses at the F.A. Bartlett Research Laboratories and Arboretum. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Campus for the site.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Johnson, Mitchell, Watlington, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 531-532.

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ITEM NO 9: ORDINANCE NO. 525-Z, PETITION NO. 2022-149 BY FLYWHEEL GROUP/TONY KUHN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.91 ACRES LOCATED ON THE NORTH SIDE OF NORTH TRYON STREET AND EAST SIDE OF ATANDO AVENUE, WEST OF WEST CRAIGHEAD ROAD FROM I-1 (LIGHT INDUSTRIAL), I-2 (GENERAL INDUSTRIAL) TO TOD-UC (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER), TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 7-0 (motion by Rhodes, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommendation for the Manufacturing & Logistics Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is within a 1/2-mile of the 36th Street Lynx Blue Line Station. The TOD-UC district may be applied to parcels within a 1/2-mile walking distance of an existing rapid transit station and the TOD-NC district may be applied to parcels within a 1-mile walking distance. Several parcels near the site, including two directly across North Tryon Street, have recently been zoned TOD-UC, TOD-CC, and TOD-NC as well as other urban districts like MUDD(CD) and MUDD-O. Representing an ongoing shift in this area to more transit-supportive, mixed-use developments. TOD standards include requirements for enhanced streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The requested district is complimentary in nature to the developing and recently entitled mixed-use and transit-oriented uses within a convenient walking distance of the existing Blue Line station. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Bokhari and seconded by Councilmember Anderson to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommendation for the Manufacturing & Logistics Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is within a 1/2-mile of the 36th Street Lynx Blue Line Station. The TOD-UC district may be applied to parcels within a 1/2-mile walking distance of an existing rapid transit station and the TOD-NC district may be applied to parcels within a 1-mile walking distance. Several parcels near the site, including two directly across North Tryon Street, have

recently been zoned TOD-UC, TOD-CC, and TOD-NC as well as other urban districts like MUDD(CD) and MUDD-O. Representing an ongoing shift in this area to more transit-supportive, mixed-use developments. TOD standards include requirements for enhanced streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The requested district is complimentary in nature to the developing and recently entitled mixed-use and transit-oriented uses within a convenient walking distance of the existing Blue Line station. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Johnson, Mitchell, Watlington, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 533-534.

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ITEM NO. 10: ORDINANCE NO. 526-Z, PETITION NO. 2022-169 BY KENNEDY PROPERTIES LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.89 ACRES LOCATED ON THE EAST SIDE OF LAMBETH DRIVE, NORTH OF NORTH TRYON STREET, AND WEST OF WEST EASTWAY DRIVE FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 4-2 (motion by Welton, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends Neighborhood 1 place type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is adjacent to multifamily residential, mobile home park, a daycare, a pre-K and commercial uses. The parcel's current B-2(CD) zoning would allow a range of commercial uses including some auto oriented uses that would not provide appropriate transition to adjacent educational and residential uses. The site is adjacent to areas recommended for Neighborhood Center. The site is within 100 ft of the proposed alignment of the Cross Charlotte Trail (Segment 8, North Tryon St to Orr Rd). The TOD-NC district may be applied to parcels within 1 mile of a rapid transit station. The site is within a ½ mile walk of the Old Concord Rd. station on the Lynx Blue Line. The site is located a block off N. Tryon St. in an area with recent rezonings to TOD designations. The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing development and recent redevelopment occurring in the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Neighborhood Center Place Type for the site.

Motion was made by Councilmember Anderson and seconded by Councilmember Bokhari to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The map recommends Neighborhood 1 place type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff

analysis and the public hearing, and because: The site is adjacent to multifamily residential, mobile home park, a daycare, a pre-K and commercial uses. The parcel's current B-2(CD) zoning would allow a range of commercial uses including some auto oriented uses that would not provide appropriate transition to adjacent educational and residential uses. The site is adjacent to areas recommended for Neighborhood Center. The site is within 100 ft of the proposed alignment of the Cross Charlotte Trail (Segment 8, North Tryon St to Orr Rd). The TOD-NC district may be applied to parcels within 1 mile of a rapid transit station. The site is within a ½ mile walk of the Old Concord Rd. station on the Lynx Blue Line. The site is located a block off N. Tryon St. in an area with recent rezonings to TOD designations. The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing development and recent redevelopment occurring in the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Neighborhood Center Place Type for the site.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Johnson, Mitchell, Watlington, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 535-536.

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ITEM NO. 11: ORDINANCE NO. 527-Z, PETITION NO. 2022-166 BY BOULEVARD REAL ESTATE ADVISORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRES LOCATED ON THE SOUTH SIDE OF WEST PETERSON DRIVE, WEST OF SOUTH TRYON STREET, AND EAST OF INTERSTATE 77 FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 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 site is within a 1-mile walk of the Scaleybark Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The site is immediately adjacent to other parcels recently rezoned to TOD-NC by the same petitioner, Boulevard Real Estate Advisors, LLC. The TOD-NC zoning district has required height transitions built into the regulations that provide protections to neighboring single family uses. As a result, although this site is adjacent to other R-5 parcels, it will be subject to the prescribed TOD-NC height caps which ensure a contextually sensitive transition into lower density uses. If approved, the site's designated Place Type would be Neighborhood Center. The application of Neighborhood Center is appropriate when adjacent to Neighborhood 1, and this rezoning would add to the existing swath of Neighborhood Center that it shares boundaries with. The use of conventional TOD-NC zoning applies standards and regulations to create the 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 petition could facilitate the following 2040

Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood Center for the site.

Motion was made by Councilmember Watlington and seconded by Councilmember Anderson to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is within a 1-mile walk of the Scaleybark Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The site is immediately adjacent to other parcels recently rezoned to TOD-NC by the same petitioner, Boulevard Real Estate Advisors, LLC. The TOD-NC zoning district has required height transitions built into the regulations that provide protections to neighboring single family uses. As a result, although this site is adjacent to other R-5 parcels, it will be subject to the prescribed TOD-NC height caps which ensure a contextually sensitive transition into lower density uses. If approved, the site's designated Place Type would be Neighborhood Center. The application of Neighborhood Center is appropriate when adjacent to Neighborhood 1, and this rezoning would add to the existing swath of Neighborhood Center that it shares boundaries with. The use of conventional TOD-NC zoning applies standards and regulations to create the 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 petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood Center for the site.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Johnson, Mitchell, Watlington, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 537-538.

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ITEM NO. 13: ORDINANCE NO. 529-Z, PETITION 2022-171 BY PROVIDENCE GROUP CAPITAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.26 ACRES 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 6-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood Center. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is within a ½-mile

walk of the proposed Rampart Station and has close proximity to the New Bern Station. The TOD-UC 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 site is adjacent to numerous parcels zoned TOD-UC to its north, south, and east. Although inconsistent with the recommended Neighborhood Center Place Type, the rezoning of this site would bring the remainder of the east side of the S. Tryon Street block between Remount Road and Dunavant Street all under the TOD-UC zoning district, allowing for a more consistent development pattern. If approved, the site would change the adopted Place Type to Regional Activity Center. The application of the RAC Place Type is appropriate for sites within a ½-mile walk of a high-capacity transit station or transportation corridor. RAC would be compatible with the surrounding Neighborhood Center, Neighborhood 2, and Commercial Place Types. 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. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood Center to Regional Activity Center for the site.

Motion was made by Councilmember Anderson and seconded by Councilmember Bokhari to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood Center. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is within a ½-mile walk of the proposed Rampart Station and has close proximity to the New Bern Station. The TOD-UC 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 site is adjacent to numerous parcels zoned TOD-UC to its north, south, and east. Although inconsistent with the recommended Neighborhood Center Place Type, the rezoning of this site would bring the remainder of the east side of the S. Tryon Street block between Remount Road and Dunavant Street all under the TOD-UC zoning district, allowing for a more consistent development pattern. If approved, the site would change the adopted Place Type to Regional Activity Center. The application of the RAC Place Type is appropriate for sites within a ½-mile walk of a high-capacity transit station or transportation corridor. RAC would be compatible with the surrounding Neighborhood Center, Neighborhood 2, and Commercial Place Types. 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. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood Center to Regional Activity Center for the site.

Councilmember Watlington said thank you. I had a question to staff about if approved, the site would change the adopted Place Type to Regional Activity Center. I see here that along Distribution Street, there's still TOD-NC there. So, I'm wanting to understand what exactly that means.

David Pettine, Planning, Design & Development said so this parcel only will change to that Regional Activity Center, the rest will stay Neighborhood Center, it'll stay TOD-

NC unless somebody comes in for rezoning which we'll evaluate at that point. So, it just affects this parcel and this parcel only.

Ms. Watlington said so, practically speaking what does that mean in terms of allowable uses on this parcel?

Mr. Pettine said allowable uses are primarily the same, just building height and intensity is a little bit different from the UC District to the Neighborhood Center District. I think the height difference is fairly significant. It's about 100 feet or so, but we've seen a lot of those TOD-NC Districts transition. This is one of the last. There's probably about three or four left because of the addition of that new station that will be I believe at Rampart. I think that's the new station that's being proposed there by the Publix. Because that's been adopted and is in process, we've seen a lot of the NC Districts that were there, transition to UC because they have a closer proximity now to a station. So, it's just part of that trend that we've seen with that new station coming online.

Ms. Watlington said okay, but it just applies to this one parcel not the rest of them?

Mr. Pettine said correct.

Ms. Watlington said okay. Thank you.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Johnson, Mitchell, Watlington, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 541-542.

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ITEM NO. 14: ORDINANCE NO. 530-Z, PETITION NO. 2022-174 BY ANDERSON PEARSON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.34 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF SEIGLE AVENUE AND BELMONT AVENUE, NORTH OF HARRILL STREET FROM B-1 (NEIGHBORHOOD BUSINESS) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) WITH 3-YEAR VESTED RIGHTS.

The Zoning Committee voted 6-0 (motion by Russell, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistency based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood Center place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Neighborhood Centers are small, walkable mixed-use areas, typically embedded within neighborhoods, that provide convenient access to goods, services, dining, and residential for nearby residents. The petition's proposed uses are compatible with the surrounding residential and non-residential uses. The recommended building height within the Neighborhood Center place type is no more than five stories. The petition limits building height to 50 feet. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 9: Retain Our Identity & Charm.

Mayor Pro Tem Winston said Mr. Pettine, this item does have changes after the Zoning hearing. So, Mr. Pettine can you please tell us about those changes?

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. Modified optional provision language by inserting wording "SELECT WALL SECTION REMOVAL OR" to allow modification of retaining wall to accommodate potential requests/requirements during permitting.
2. Removed optional provision per Urban Forestry direction.
3. Added optional provision to reduce parking requirements and permit 5 compact spaces to better accommodate project design.
4. Changed wording "Proposed" to "Potential" for Public Open Space / Amenitized Tree Areas, as this will be evaluated during permitting. Commitment remains for 500 SF of overall area to be provided.
5. Removed "Potential location of transformer" note, as this will be evaluated during permitting.
6. Removed "Proposed Tree Save" from Site Plan, Tree Save Data & Legend, as this will be evaluated during permitting.
7. Changed "Proposed" to "Potential" for Additional Trees (Internal) at Legend, as this will be evaluated during permitting.
8. Notes parking count shall not fall below ~~45~~ 14 spaces, as listed on the site development table.

David Pettine, Planning, Design & Development said No real concerns from us.

Councilmember Molina arrived at 5:32 p.m.

I understand the petitioner also reached out to the Belmont Community about the changes, didn't receive any feedback or concerns from that group as well. So, staff doesn't believe they need to go back for any review. It doesn't really change the outcome of the project, just gets us in a better position for when it goes into permitting for staff to work with the developer to get this project completed.

Mayor Pro Tem Winston said thank you very much.

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

Motion was made by Councilmember Anderson, seconded by Councilmember Bokhari, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be consistency based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood Center place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Neighborhood Centers are small, walkable mixed-use areas, typically embedded within neighborhoods, that provide convenient access to goods, services, dining, and residential for nearby residents. The petition's proposed uses are compatible with the surrounding residential and non-residential uses. The recommended building height within the Neighborhood Center place type is no more than five stories. The petition limits building height to 50 feet. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 9: Retain Our Identity & Charm as modified.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 543-544.

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ITEM NO. 16: ORDINANCE NO. 532-Z, PETITION 2022-194 BY RC VENTURES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.512 ACRES LOCATED

AT THE NORTHEAST INTERSECTION OF BEATTIES FORD ROAD AND GILBERT STREET, WEST OF NEWLAND ROAD, AND SOUTH OF INTERSTATE 85 FROM B-1 (NEIGHBORHOOD BUSINESS) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 6-0 (motion by Lansdell, 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 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommendation for the Neighborhood 2 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition is appropriate and compatible with the adjacent commercial development along Beatties Ford Road and the adjacent residential neighborhoods to the east due to the small size of the site and the potential for providing additional housing types, neighborhood scale commercial space, access to goods and services, dining, entertainment designed in a walkable manner prescribed by the TOD-NC district. The site is located within 1/8-mile walking distance of the planned Montana Drive City Lynx Gold Line Streetcar Station and within a 1/2-mile of the planned Rosa Parks Place City Lynx Gold Line Streetcar Station. The TOD-NC district may be applied to parcels within a 1/4-mile walking distance of an adopted and funded streetcar stop. However, the Gold Line phase 3 extension is not yet funded. TOD standards include requirements for enhanced streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The site is served by the number 7 and 26 CATS local buses and is located within 1/2-mile of the Rosa Parks Community Transit Center offering additional service to the number 18 crosstown bus. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Bokhari and seconded by Councilmember Anderson to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommendation for the Neighborhood 2 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible with the adjacent commercial development along Beatties Ford Road and the adjacent residential neighborhoods to the east due to the small size of the site and the potential for providing additional housing types, neighborhood scale commercial space, access to goods and services, dining, entertainment designed in a walkable manner prescribed by the TOD-NC district. The site is located within 1/8-mile walking distance of the planned Montana Drive City Lynx Gold Line Streetcar Station and within a 1/2-mile of the planned Rosa Parks Place City Lynx Gold Line Streetcar Station. The TOD-NC district may be applied to parcels within a 1/4-mile walking distance of an adopted and funded streetcar stop. However, the Gold Line phase 3 extension is not yet funded. TOD standards include requirements for enhanced streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The site is served by the number 7 and 26 CATS local buses and is located within 1/2-mile of the Rosa Parks Community Transit Center offering additional service to the number 18 crosstown bus. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 547-548.

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DECISIONS

ITEM NO. 28: ORDINANCE NO. 534-Z, PETITION NO. 2022-037 BY SUNCAP PROPERTY GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.28 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF EAST BOULEVARD AND SCOTT AVENUE, WEST OF KENILWORTH AVENUE FROM NS PED (NEIGHBORHOOD SERVICES, PEDESTRIAN OVERLAY) TO B-1 PED (NEIGHBORHOOD BUSINESS, PEDESTRIAN OVERLAY).

The Zoning Committee voted 6-1 (motion by Welton, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood Center for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Located within the Dilworth community with a majority of the corridor in the pedestrian overlay, the area in which the site is located houses a variety of low to middle density mixed-uses along East Boulevard with residential uses extending out from the major thoroughfares. Commercial uses at the street-level, pedestrian connections, and consciously integrated transitions into the surrounding neighborhoods are predominant features of the existing development in the area. The subject site is adjacent to a number of other conventionally zoned B-1 and O-2 parcels. Conventionally zoned parcels in the pedestrian overlay will automatically translate under the Unified Development Ordinance (UDO) to the Neighborhood Center (NC) zoning district on June 1, 2023. Rezoning this corner parcel to B-1 would allow for a consistent development pattern under the NC zoning district given that the surrounding lots will be translating to NC on June 1, 2023. If the site is not rezoned, the existing conditional NS zoning district will remain in place after the UDO goes into effect. The NC zoning district is the complimentary zoning district for the Neighborhood Center Place Type recommended for the area. This Place Type is defined by walkable mixed-use areas embedded within neighborhoods that provide a range of services for nearby residents. Rezoning the site to B-1 so that it sequentially translates to the NC zoning district and allows for pedestrian-friendly redevelopment helps to further goals of the Neighborhood Center Place Type on a critical corner lot in the East Boulevard corridor. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Anderson, 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 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood Center 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: Located within the Dilworth community with a majority of the corridor in the pedestrian overlay, the area in which the site is located houses a variety of low to middle density mixed-uses along East Boulevard with residential uses extending out from the major thoroughfares. Commercial uses at the street-level, pedestrian connections, and consciously integrated transitions into the surrounding neighborhoods are predominant features of the existing development in the area. The subject site is adjacent to a number of other conventionally zoned B-1 and O-2 parcels. Conventionally zoned parcels in the pedestrian overlay will automatically translate under the Unified

Development Ordinance (UDO) to the Neighborhood Center (NC) zoning district on June 1, 2023. Rezoning this corner parcel to B-1 would allow for a consistent development pattern under the NC zoning district given that the surrounding lots will be translating to NC on June 1, 2023. If the site is not rezoned, the existing conditional NS zoning district will remain in place after the UDO goes into effect. The NC zoning district is the complimentary zoning district for the Neighborhood Center Place Type recommended for the area. This Place Type is defined by walkable mixed-use areas embedded within neighborhoods that provide a range of services for nearby residents. Rezoning the site to B-1 so that it sequentially translates to the NC zoning district and allows for pedestrian-friendly redevelopment helps to further goals of the Neighborhood Center Place Type on a critical corner lot in the East Boulevard corridor. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 551-552.

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ITEM NO. 29: ORDINANCE NO. 535-Z, PETITION NO. 2022-087 BY APPALOOSA REAL ESTATE PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 11.65 ACRES LOCATED ON THE EAST SIDE OF MALLARD CREEK ROAD, NORTH OF GOVERNOR HUNT ROAD, AND WEST OF DAVID TAYLOR DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-1 (motion by Rhodes, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be Inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type 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: The petition would add to the variety of housing options in the area. The proposed building forms of triplexes and quadraplexes are consistent with the Neighborhood 1 Place Type. This petition proposes a minimum of 5000 square feet of improved open space at a location central and convenient to future residents to include the following: walking paths, landscaping, and seating areas. The petition commits to providing an eight-foot planting strip and 12-foot shared use path along the site's frontage along Mallard Creek Road. The increased density proposed by this petition could be supported by the existing bus service along Mallard Creek Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Johnson and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be Inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition would add to the variety of housing options in the area. The proposed building forms of triplexes and quadraplexes are consistent with the Neighborhood 1 Place Type. This petition proposes a minimum of 5000 square feet of improved open space at a location central and convenient to future residents to include the following: walking paths, landscaping, and seating areas. The petition commits to providing an eight-foot planting strip and 12-

foot shared use path along the site's frontage along Mallard Creek Road. The increased density proposed by this petition could be supported by the existing bus service along Mallard Creek Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Councilmember Johnson said I want to lift up the residents of Colbert Park in District 4 who worked so hard with the developer to reduce this petition. Initially if you notice in your book, it was for 283 rental units and now it's for 132 for sale units. Also there's a 20 percent rental cap and the last issue that the residents had a concern with was the place of the bus stop. I did work with City staff and received some information back today, that will be addressed during permitting. So, for my colleagues, this is a way that the standard has been raised. When the residents speak out, you all have heard me talk about the concern about all of the multi-family in the Mallard Creek area. So, I am again honored to represent the engaged citizens and I look forward to supporting this petition.

Councilmember Mayfield said although this item is an item that is inconsistent, I will be supporting my colleague because of the work that she has been able to do with the community and the developer in creating more for sale product for our community. Thank you.

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

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 553-554.

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ITEM NO. 31: ORDINANCE NO. 536-Z, PETITION NO. 2022-091 BY TIM PRATT – COPPER BUILDERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.53 ACRES LOCATED ON THE SOUTH SIDE OF LYNNWOOD DRIVE, WEST OF STERLING ROAD, AND NORTH OF RIDGEWOOD AVENUE FROM R-17MF (MULTI-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-2 (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 consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 2 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: Nestled in the canopied roads of the Myers Park neighborhood, this site helps provide a mixture of housing types in the area which is characterized by single family and low-rise multi-family building forms among significant stands of mature trees. Both the current development and the proposed townhome-style development are consistent with the Neighborhood 2 Place Type. The petition commits to provide landscape screening and a six-foot wooden fence along all adjacent property boundaries. The proposal for 21 units over the existing 18 units is a modest increase in unit density on the site from 11.39 dwelling units per acre (DUA) to 13.29 DUA. The general site and building design has been modified to meander around existing canopy where possible and preserve some of the site's more mature trees. The petitioner has also provided conditional notes reflecting best management practices and guidelines for canopy preservation. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Bokhari, seconded by Councilmember Anderson, and carried unanimously to approve this petition and adopt the following statement of

consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 2 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: Nestled in the canopied roads of the Myers Park neighborhood, this site helps provide a mixture of housing types in the area which is characterized by single family and low-rise multi-family building forms among significant stands of mature trees. Both the current development and the proposed townhome-style development are consistent with the Neighborhood 2 Place Type. The petition commits to provide landscape screening and a six-foot wooden fence along all adjacent property boundaries. The proposal for 21 units over the existing 18 units is a modest increase in unit density on the site from 11.39 dwelling units per acre (DUA) to 13.29 DUA. The general site and building design has been modified to meander around existing canopy where possible and preserve some of the site's more mature trees. The petitioner has also provided conditional notes reflecting best management practices and guidelines for canopy preservation. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 555-556.

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ITEM NO. 32: ORDINANCE NO. 537-Z, PETITION NO. 2022-133 BY PARAMOUNT DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.4 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF NORTHLAKE MALL DRIVE, WEST OF INTERSTATE 77, AND EAST OF NORTHLAKE CENTRE PARKWAY FROM CC (COMMUNITY CENTER) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL).

The Zoning Committee voted 5-2 (motion by Rhodes, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Regional Activity Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed plan would add to the variety of housing options in the area by providing mid-rise residential buildings. The proposed plan provides a high level of non-auto mode trips due to the proximity of the Mall. The Petitioner will provide a publicly accessible pocket park along the boundary of Development Area A. Petitioner will construct a 12-foot sidewalk through Development Area A that will provide a connection between the perimeter retail area and the main Mall building. The Petitioner will provide an eight-foot planting strip and an eight-foot sidewalk along Northlake Mall Drive. The Petitioner will provide an internal network of sidewalks within each Development area connecting the proposed buildings to the Northlake Mall Drive. Gated multifamily inside of a regional activity center however does not promote walkability or integrate well with surrounding entitlements, particularly those north of the mall property. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

Motion was made by Councilmember Johnson and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Regional Activity Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed plan

would add to the variety of housing options in the area by providing mid-rise residential buildings. The proposed plan provides a high level of non-auto mode trips due to the proximity of the Mall. The Petitioner will provide a publicly accessible pocket park along the boundary of Development Area A. Petitioner will construct a 12-foot sidewalk through Development Area A that will provide a connection between the perimeter retail area and the main Mall building. The Petitioner will provide an eight-foot planting strip and an eight-foot sidewalk along Northlake Mall Drive. The Petitioner will provide an internal network of sidewalks within each Development area connecting the proposed buildings to the Northlake Mall Drive. Gated multifamily inside of a regional activity center however does not promote walkability or integrate well with surrounding entitlements, particularly those north of the mall property. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

David Pettine, Planning, Design & Development said I did want to clarify one thing before we start. So, the transportation items were cleared up. We got a plan in after the agenda was printed and your notebooks were printed. So, the site plan issues with transportation have been resolved. It's still just the items with the perimeter fence and pedestrian gate that still would be an outstanding issue but wouldn't affect the petition being able to be approved if that's the Council's discretion. Thank you.

Councilmember Johnson said this is a residential development in the parking lot of Northlake Mall and they're upper scale units if you will. I think this is a dose of what the Northlake area needs. I've said for a while we need to be intentional about the revitalization and the protecting of Northlake Mall. There's a lot of discussion about Eastland Mall we've been having for years. We want to do everything we can, and I've said this, all hands-on deck. I worked with Senator Marcus in discussion, I've talked to the mall staff, worked with the developer. So, a couple of months ago we approved a dealership for a Porsche dealership, and I think Maserati. So, we're really being intentional about the development and the reimagining if you will of Northlake Mall. So, I look forward to supporting this petition. There were some concerns about connectivity. The developer has come back and would be building or designing sidewalk around the perimeter of the development. So, I think this is a healthy balance of connectivity while allowing the developer to help us to revitalize this area. Thank you.

Mayor Pro Tem Winston said thank you very much. I'll ask a couple of questions of staff. Number one, just so we're clear Mr. Pettine, these changes that were made, they came into conformity. It's not something that we have to vote not to send back to the Zoning Committee, correct?

Mr. Pettine said yes, these were presented out with the Zoning Committee. So, they added an additional perimeter sidewalk around, but that's something we had been asking for and was an outstanding issue that they're continuing to address. So, not a significant change that we would have reconsideration of.

Mayor Pro Tem Winston said I don't think it's every month that we still have outstanding issues. So, can you speak to what those outstanding issues are?

Mr. Pettine said sure. Yes, we typically like to have those resolved. I think this is just a situation where staff would like to see that perimeter fencing and gated area for the pedestrian access through the middle of the site removed. Understandable that the petitioner said they're unable to do that just for their own purposes for where they are located around the mall. They will have that pedestrian gate open between I think 8:00 a.m. and 6:00 p.m. So, it would be open for the majority of the day. Just after business hours, they would close that walkway that goes through the center of the site there on the left of the screen. You know, we'd like to see that open all the time and removed, but certainly understand that they have concerns about not having that measure in place. So, we're just kind of at an impasse. So, if it gets constructed with the fence, I think that's why we asked for the perimeter sidewalk around it as well. So, if somebody comes up to that gate at 7:00 p.m. they can continue to make their way around the site. There weren't sidewalks originally when we reviewed this before. So, I think that helps

but that's really our only issue. We would like to see that removed, but understand the petitioner is in a different place with what their needs are.

Mayor Pro Tem Winston said was the concern about the access to that road or sidewalks regarding going from the mall to the shops on the other side?

Mr. Pettine said I think that's from the petitioner's standpoint. From what I understand, they have concerns about having that open after hours, evening, nighttime, just for the folks that live in the community to have that access, but during the day, it would be open for anybody to the public. So, that's where they are with it. They need it shut down for hours in the evening and nighttime, but it's something that as part of an Activity Center, that's what we would like to see, that pedestrian access is always open and available, but a decent middle ground is to have that sidewalk around the perimeter, but we think we still have that ask.

Mayor Pro Tem Winston said thank you very much. Any further questions, discussions? Hearing none, all in favor of the petition please raise your hand. Any opposed? I'll be opposed to that one.

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

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

NAYS: Councilmember Winston

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 557-558.

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ITEM NO. 33: ORDINANCE 538-Z, PETITION NO. 2022-164 BY CAROLINA HOLDINGS THREE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.18 ACRES LOCATED ALONG THE NORTH SIDE OF HART ROAD, EAST OF SUSANNA DRIVE, AND WEST OF ROZZELLES FERRY ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-6 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: Plan Consistency The petition is consistent with the 2040 Policy Map recommendation for Neighborhood 1 place type. Rationale for Recommendation The petition's proposal for the R-6 zoning district, which translates to N1-D, is consistent with Neighborhood 1 Place Type and would help facilitate the goal of providing areas for neighborhoods with a variety of housing types, where single family housing is the primary use. The Neighborhood 1 Place Type may consist of smaller lot single family detached and attached dwellings. Additionally, this place type can allow for parks, religious institutions and neighborhood scaled schools. The character of this place type would align with the overall character design of the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

Motion was made by Councilmember Bokhari, seconded by Councilmember Anderson, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: Plan Consistency The petition is consistent with the 2040 Policy Map recommendation for Neighborhood 1 place type. Rationale for Recommendation The petition's proposal for the R-6 zoning district, which translates to N1-D, is consistent with Neighborhood 1 Place Type and would help facilitate the goal of providing areas for neighborhoods with a variety of housing types, where single family housing is the primary use. The Neighborhood 1 Place Type may consist of smaller lot single family detached and attached dwellings. Additionally, this place type can allow for parks, religious institutions and neighborhood scaled schools. The character of this place type would align with the overall character design of the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 559-560.

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ITEM NO. 34: ORDINANCE NO. 539-Z, PETITION NO. 2022-163 BY CAROLINA HOLDINGS THREE, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.55 ACRES LOCATED ON THE NORTH SIDE OF HART ROAD AND EAST SIDE OF SUSANNA DRIVE, WEST OF ROZZELLES FERRY ROAD FROM R-3 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA) TO R-6 LWPA (SINGLE FAMILY RESIDENTIAL, LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: Plan Consistency: The petition is consistent with the 2040 Policy Map recommendation for Neighborhood 1 place type. Rationale for Recommendation: The petition's proposal for the R-6 zoning district, which translates to N-1D, is consistent with Neighborhood 1 Place Type and would help facilitate the goal of providing areas for neighborhoods with a variety of housing types, where single family housing is the primary use. The Neighborhood 1 Place Type may consist of smaller lot single family detached and attached dwellings. Additionally, this place type can allow for parks, religious institutions and neighborhood scaled schools. The character of this place type would align with the overall character design of the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

Motion was made by Councilmember Bokhari and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: Plan Consistency: The petition is consistent with the 2040 Policy Map recommendation for Neighborhood 1 place type. Rationale for Recommendation: The petition's proposal for the R-6 zoning district, which translates to N-1D, is consistent with Neighborhood 1 Place Type and would help facilitate the goal of providing areas for neighborhoods with a variety of housing types, where single family housing is the primary use. The Neighborhood 1 Place Type may consist of smaller lot single family detached and attached dwellings. Additionally, this place type can allow for parks, religious institutions and neighborhood scaled schools. The character of this place type would align with the overall character design of the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

Councilmember Bokhari said yes, I'd just mention that Mr. Graham couldn't be here today. He's reached out to all of us about his items, that he supported them and just wanted everyone to know that with this and the other two we approved.

Mayor Pro Tem Winston said thank you very much.

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

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 561-562.

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ITEM NO. 35: ORDINANCE NO. 540, PETITION NO. 2023-058 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT FOR A TEXT AMENDMENT TO MAKE MINOR CHANGES THAT WILL RESULT IN BETTER FUNCTIONALITY OF THE UDO PRIOR TO THE EFFECTIVE DATE OF JUNE 1, 2023. THERE ARE PROPOSED CHANGES IN MOST ARTICLES OF THE ADOPTED UDO. THESE CHANGES INCLUDE UPDATED LANGUAGE TO PROVIDE GREATER CLARITY, NEW AND UPDATED GRAPHICS, LANGUAGE ADJUSTMENTS TO PROVIDE BETTER CONSISTENCY WITH 160D, UPDATED TERMINOLOGY AND DEFINITIONS, REFERENCE CORRECTIONS, SCRIVENER'S ERROR CORRECTIONS, ADJUSTMENTS TO SOME USE PERMISSIONS AND PRESCRIBED CONDITIONS, AND MINOR CHANGES TO STANDARDS.

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan (2021) based on the information from the post-hearing staff analysis and the public hearing, and because: The petition could facilitate the goals of the 2040 Comprehensive Plan. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions; and The proposed text amendment will make the UDO a more user-friendly ordinance and result in better functionality.

Motion was made by Councilmember Driggs and seconded by Councilmember Winston to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan (2021) based on the information from the final staff analysis and the public hearing, and because: The petition could facilitate the goals of the 2040 Comprehensive Plan. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, add

clarity, and adjust use permissions and prescribed conditions; and The proposed text amendment will make the UDO a more user-friendly ordinance and result in better functionality.

Councilmember Mayfield said you mentioned earlier that staff had an update for us because all of Council received an email regarding the UDO impact on future affordable single family detached and attached home construction, but there may be some confusion into what is written and how it's interpreted. Part of that being around the ground concrete for rear yard patios as well as clarifying the language on the two to four unit attached homes and driveways. So, since these next two items, I'm not sure if it would be in this one or the next one that staff will be able to give some clarification on those.

David Pettine, Planning, Design & Development said yes, we had a few items that came up and I'm aware of them but had a lot of other items there. So, I'll let Ms. Craig come up.

Ms. Mayfield said my apologies on not getting this to the staff earlier. Unfortunately, I didn't have access to everything via online since I did not receive the book until late mid-day today. So, I didn't have it over the weekend to review it.

Alyson Craig, Planning, Design and Development Director said sure. So, both of the concerns that he raised were I think misunderstandings. So, the first one was about the patio. He thought that because it was being removed from the table that it would be subject to the same architectural requirements. Things like roof lines and things like that. Actually, by removing it, it makes it so that it's not subject to that. So, I think it actually addresses the concern that he raised for that particular one.

Ms. Mayfield said so, for clarification for those who may be listening. The language around if you have a new build construction and right now, we have anywhere from that little 5x5 patio or if you choose to purchase in a new construction, you can have an extended patio, are we saying that that's being eliminated or that's not being addressed in the UDO?

Ms. Craig said we're silent on it. It's not subject to that same setback requirement. So, you could build it just like a driveway to the property line. So, I believe it addresses the concern that he had that that would increase cost by having the same types of setbacks like a roofline for a patio. So, that is not what we intended to do. So, patios are allowed to be built to the property line.

Ms. Mayfield said thank you.

Ms. Craig said then the second one was related to driveways?

Ms. Mayfield said yes.

Ms. Craig said so, I think that's also a misunderstanding too. Those requirements were not changed as part of this particular text amendment. Again, this is a cleanup text amendment. There are no policy changes that are being proposed as part of this. So, what I think the misunderstanding would be that the sublots would be held to those same driveway restrictions, and that's not true, it's just the master lot. So, I may need some help from staff if you need more technical information about that, but really that section was just a clarification. So, we reorganized texts. There is no change in what the driveway widths are proposed from when the UDO was adopted by Council to what is being proposed in the text amendment. It's really just reorganizing the text to make it more clear, but I think the question has come up as to whether or not those restrictions are for sublots of the lot and that's not the case.

Ms. Mayfield said so, in laymen's terms, if someone was watching this and they do not have a development background, if you're attempting to build a house whether it's a duplex or a triplex, the lots for the driveway are 10 feet. So, I think if I was

understanding the question correctly, say it's a triplex and it's three units attached. Each one would have their 10-foot-wide driveway, but there was a misunderstanding thinking that the driveway would be shortened or that one of them would be eliminated?

Ms. Craig said so, I may call on a technical staff member to help clarify this, but what I want to make sure you understand is that in this clean-up text amendment, there is no change to what we proposed for the driveway width. So, that whole section is just a reorganization of text, but that is something that was important to clarify for the developers out there that are trying to understand what the difference is between the lot and the subplot and what you can do.

Ms. Mayfield said okay. So, before you pass it over, if it was just for clarification, you have now clarified what for developers?

Ms. Craig said so, we have clarified in that particular section which types of units have to have those certain restrictions because it was in two different locations within the document, and we put it all in one place. So, it looks like a lot of redlining, but it's really just a reorganization of the same text.

Ms. Mayfield said thank you. That's all I needed.

Ms. Craig said okay. Got it.

Councilmember Watlington said thank you. I had a question about the amendments and development approvals portion where it says clarify a set of recommendations by the Planning Commission is considered favorable if no recommendation is made within 30 days after a petition is referred. Can you explain exactly what that means because upon first reading, it may look as though that means an inaction is an automatic approval? So, I just want to understand exactly what that means.

Mr. Pettine said I think I misunderstood your question from earlier. So, that's in our current ordinance as well. So, essentially if a petition goes to Zoning Committee and it has 30 days where they haven't taken action on it, then it comes back to y'all for a decision with a favorable recommendation. Essentially inaction by the Zoning Committee to make a recommendation in that 30 days then results in affirmative recommendation from them, and that's in our current ordinance also.

Ms. Watlington said what would cause that?

Mr. Pettine said it could be just an inability to vote on it. There are some caveats to it. So, if it comes up and it gets deferred or there's a vote that doesn't get the full requisite four votes whether to approve or deny, then that provision doesn't necessarily kick in. So, there are some nuances to it, but if it goes to Zoning Committee and they just don't take any action on it at all, whether to defer, something else, then the petitioner could say, "Hey, look I want to move forward," and then it would just go forward with that affirmative recommendation. It doesn't happen often, it's something that's fairly common in most ordinances and jurisdictions that I've worked in in the past also. It just doesn't allow Zoning Committee or Planning Commission at some point in the process to just hold up a petition by not taking action on it. So, it's very rare that it would ever happen. I don't think I've seen it in my career happen thus, but it's just an inability for them to basically hold it hostage if that makes sense.

Ms. Watlington said oh I got you. If it did come forward, then given that it didn't have a vote, would it be indicated to Council that it actually had not been reviewed?

Mr. Pettine said yes. If that ever came up, and that 30 Provision was exercised and used, we would then communicate to y'all that the recommendation is coming from Zoning Committee in a favorable way through that inaction versus an actual vote so that we would make sure that that was clarified to y'all.

Ms. Watlington said thank you.

Mr. Pettine said yes.

Councilmember Johnson said I want to piggyback off what Councilmember Mayfield was asking about the question that we received from the member of the public. He also indicated that these amendments have a cumulative impact on the ability to construct affordable homes. So, I know that they're being presented as minor changes, but just the text amendment, this is just number 35. This is one of them. So, that's not minor. So, I wanted to know if that's something that we should allow more time or to hear from the public on these changes. Again, this seems quite significant.

Then secondly, I want to understand the process of this UDO text amendment and UDO change. What would be the process for us to look at the UDO language specific provisions? Because what I'm hearing from the public, they're starting to recognize the impact of the UDO on development and starting to recognize that the elimination of the single-family exclusivity is problematic. So, what would be the process of Council to look at text amendments and when is that initiated?

Ms. Craig said so I'll start with your first question. Yes, that is quite a lengthy amount of paper for the text amendment and it's because it is a redline. So, every single change even if like what I was saying earlier, even if we move the entire section and moved it somewhere else, it shows up as a redline. So, everything that's in this particular text amendment is intended to make things easier to understand, easier to administer and provide clarification that we've gotten over the last few months since the UDO was adopted. So, it's all there intended to make it function better. There are no policy changes that are a part of that. In fact, the two were policy related. Things that have come up recently are the two other text amendments that are before you tonight for decision because we wanted those to be separate because they do have something broader than just a clean-up function.

So, while it is large, it is something that we talked about from the very beginning, that we would be coming before you for this, but it is intended to be just administrative in functionality improvements, related to other items in terms of just some of the affordable housing questions that were brought up. We've had a lot of those discussions about just what does the UDO do for affordability and for improving that. A lot of those conversations occurred and some of those even the same things that were brought up, were brought up in terms of the economic impact analysis that we did. We specifically had an affordable housing workgroup that worked through some of those and we made some changes and we reached a place in which I think we were comfortable.

Then your last question about bringing forward future items. We are continuing to discuss amendments that come before us and if there are things that we think are important, we'll bring those to the UDO Advisory Committee. We certainly have committed to bringing text amendments that we are considering before Council Committee, and so we'll continue to do that over the next months and years.

Ms. Johnson said so, if there was a specific provision that the public wanted to see changes to and brought them to the Council, their representative's attention or to the City's staff's attention, what would be the process to make a significant change to the UDO?

Ms. Craig said that would be something that the Council could advise staff to do. We have always said that this is a living document and wanting to improve that, but keep in mind too that the UDO is an implementation tool for the Comprehensive Plan. So, it is not intended to change policy. It is intended to implement the policy that the Council has acted on and the community has stated that they want to see as their vision for the community. So, I would keep that in mind that this is not intended to change direction. The UDO is intended to implement what the vision of the community is and was.

Ms. Johnson said thank you.

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

pti:mt

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Mayfield, Mitchell, Molina, and Winston

NAYS: Councilmembers Johnson and Watlington

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 563-1172.

* * * * *

ITEM NO. 36: ORDINANCE NO. 54, PETITION NO. 2023-056 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT FOR A TEXT AMENDMENT TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE FOR THE USE LANDFILL, LAND CLEARING AND INERT DEBRIS (LCID) BY 1) DELETING IT AS A USE PERMITTED WITH PRESCRIBED CONDITIONS IN ALL ZONING DISTRICTS EXCEPT ML-2; 2) MODIFYING THE USE IN THE ML-2 ZONING DISTRICT AS A USE REQUIRING A CONDITIONAL ZONING THAT COMPLIES WITH THE PRESCRIBED CONDITIONS; 3) INCREASING THE DISTANCE BETWEEN AN OPERATIONAL PORTION OF AN LCID LANDFILL TO 50 FEET FROM ANY PROPERTY LINE; 4) ADDING A REQUIREMENT THAT THE ACTUAL FILL AREA SHALL BE LOCATED AT LEAST 300 FEET FROM ANY NEIGHBORHOOD 1 OR NEIGHBORHOOD 2 PLACE TYPE OR AN EXISTING RESIDENTIAL STRUCTURE IN ANY OTHER PLACE TYPE; 5) DELETING COLLECTOR STREETS AS A PERMITTED PRIMARY VEHICULAR ACCESS; 6) ADDING LIMITED HOURS AND DAYS OF OPERATION FOR THE USE; 7) ADDING A REQUIREMENT FOR A GEOMEMBRANE LINER AND LEACHATE COLLECTION SYSTEM SUBJECT TO STATE STANDARDS THAT IS EQUAL TO OR EXCEEDS THE STATE CRITERIA FOR MUNICIPAL SOLID WASTE LANDFILL UNITS; 8) ADDING A REQUIREMENT THAT THE USE SHALL COMPLY WITH THE STATE GROUNDWATER WELL AND SURFACE WATER REQUIREMENTS FOR A MUNICIPAL SOLID WASTE LANDFILL; AND 9) DELETING THE REQUIREMENT FOR A ZONING PERMIT FOR THE USE.

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan (2021) based on the information from the post-hearing staff analysis and the public hearing, and because: The petition could facilitate the 2040 Comprehensive Plan goal of an integrated natural and built environment. 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 text amendment directly addresses community concerns about environmental and land use impacts of LCID landfills by limiting the areas where this use is allowed; and the text amendment enhances the required environmental protection standards for LCID landfills.

Motion was made by Councilmember Mitchell and seconded by Councilmember Mayfield to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan (2021) based on the information from the final staff analysis and the public hearing, and because: The petition could facilitate the 2040 Comprehensive Plan goal of an integrated natural and built environment. 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 text amendment directly addresses community concerns about environmental and land use impacts of LCID landfills by limiting the areas where this use is allowed; and the text amendment enhances the required environmental protection standards for LCID landfills.

Councilmember Mitchell said this one, I just have to pause and make sure the citizens of Charlotte understand what this text amendment is about. This is about not allowing a landfill to be built beside your home. This goes back to December 2022. Councilmember Mayfield and I joined a neighborhood group. Over 200 citizens who were fighting a landfill proposed to be built beside their community. Planning staff, thank

you so much for listening to Council members, but more importantly listening to the citizens who say this should not be allowed. I think this has been on our books since 1959. So, here we are today thanks to Dan Campbell who's here and I have to recognize a lot of the other communities who worked with us to make sure we could get here today. Pleasant Oak Circle, Sutton Farms, West End Woods, Stonegate, Lonnie Pond and all the neighborhoods along Pleasant Grove and Oakdale Road. Thank you so much, for your voice was heard. Thank you for allowing Council and staff to act, but more importantly this is a big win for all the neighborhoods in the City of Charlotte.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 1-55.

ITEM NO. 37: PETITION NO. 2023-057 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT FOR A TEXT AMENDMENT TO AMEND THE UNIFIED DEVELOPMENT ORDINANCE TO ALLOW MULTI-FAMILY ATTACHED AND MULTI-FAMILY STACKED DEVELOPMENT IN THE CG AND CR ZONING DISTRICTS UNDER CERTAIN CONDITIONS, AND TO MODIFY THE PRESCRIBED CONDITIONS FOR THE PRINCIPAL USE DRIVE-THROUGH ESTABLISHMENT AND THE ACCESSORY USE ACCESSORY DRIVE-THROUGH (FORMERLY DRIVE-THROUGH FACILITY) TO LIMIT THEIR USE IN CENTERS PLACE TYPES.

The Zoning Committee voted 7-0 (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 consistent with the 2040 Comprehensive Plan (2021) based on the information from the post-hearing staff analysis and the public hearing, and because: The petition could facilitate the 2040 Comprehensive Plan goals of 10-minute neighborhoods, and neighborhood diversity and inclusion. 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: Some Centers Place Types have parcels with zoning that will translate to the CG (General Commercial) zoning district when the UDO goes into effect on June 1; The goals of the Centers Place Types include a desirable pedestrian environment and mix of uses; and the text amendment will align the uses permitted in Commercial zoning districts when located in a Centers Place Type with the Centers Place Type goal of supporting a mixed-use, pedestrian-friendly environment.

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

1. Section 15.6.6

For a site zoned CG or CR and located in a Neighborhood Center, Community Activity Center, or Regional Activity Center Place Type, the dimensional and design standards and open space requirements of the NC Zoning District apply to the principal building to which the accessory drive-through is attached.

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

Motion was made by Councilmember Driggs and seconded by Councilmember Anderson to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan (2021) based on the information from the final staff analysis and the public hearing, and because: The petition could facilitate the 2040 Comprehensive Plan goals of 10-minute neighborhoods, and neighborhood diversity and inclusion. 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: Some Centers Place Types have parcels with zoning that will translate to the CG (General Commercial) zoning district when the UDO goes into effect on June 1; The goals of the Centers Place Types include a desirable pedestrian environment and mix of uses; and the text amendment will align the uses permitted in Commercial zoning districts when located in a Centers Place Type with the Centers Place Type goal of supporting a mixed-use, pedestrian-friendly environment as modified.

Councilmember Bokhari said can you just very quickly tell me exactly, because I know we've already made changes to what's allowed from an accessory drive thru and drive thru establishment. Is this just a technical adjustment or is this also moving the goal post further from people being able to actually have drive thru capabilities in parts of town?

David Pettine, Planning, Design & Development said so, we've noticed as we've reviewed translation zoning and what districts will go to what, that we had a lot of B-1 and B-2 which would go to that CG and commercial district that were in our Activity Centers which don't necessarily promote new accessory drive thru uses. So, rather than have that happen by-right when that translation occurs, this essentially takes it a little bit further and says that they will have to go through a conditional zoning to go through that process to be considered in that scenario because the Activity Centers aren't intended for those auto-oriented uses, but the CG District really facilitates that outcome. So, we tried to find a common ground between allowing those transitions in that district to convert to a CG, but recognize that they're in an Activity Center and provide some restrictions on drive thru uses while also on the flip side allowing multi-family which wasn't allowed in CG in those Activity Centers because you want residential where some of those activities are going to be occurring. So, it's really just kind of a stop gap measure until we can do alignment rezoning in the next couple of years that will better facilitate the outcomes of our Activity Centers regardless if they have this CG zoning which is heavily auto oriented.

Mr. Bokhari said just double check me. So, let me say it back to you. If you're in that district today and then the June 1, 2023, translation occurs, and you had a drive thru, does this mean that you're not by-right get grandfathered in?

Mr. Pettine said no, you can still be grandfathered in. Drive thrus that are existing would not be affected. They would still have to go through and meet design standards, but they could be replaced on that site. So, it doesn't affect existing.

Mr. Bokhari said who has to go through this permitting or semi rezoning process in that scenario?

Mr. Pettine said new drive thru establishments.

Mr. Bokhari said somebody comes in post June 1, 2023, with a new drive thru?

Mr. Pettine said has nothing on the site, either it's vacant or it doesn't have any existing drive thru.

Mr. Bokhari said they might've had site plans that allowed for it?

Mr. Pettine said no. Site plans would be vested.

Mr. Bokhari said what changed then?

Mr. Pettine said so, what changed is vacant properties or properties that don't currently have an existing drive thru, after June 1, 2023, if they're in an Activity Center but they have that commercial zoning which would allow it in all other places, if they're in an Activity Center there's an extra step and process to go through to have a drive thru considered there.

Mr. Bokhari said so, if we are more advocates of having more flexibility for people to have drive thrus in these areas if the things allow for it, this would be a restriction on that and you should vote against it?

Mr. Pettine said I would say this would provide us a better outcome of the goals of the Activity Center. Would it allow some additional constraints on new drive thrus in those Activity Centers? Yes, it would because that's the purpose of those Activity Centers is to have less auto-oriented uses.

Mr. Bokhari said thank you. I just don't fully understand everything yet, but I'll have to vote against this one my friend. Thank you.

Councilmember Driggs said I encourage [INAUDIBLE] your advice.

Mr. Bokhari said yes, thank you for the advice.

Mr. Pettine said just my information. Advice not given. Thank you.

Councilmember Watlington said just to provide a little color on this, the areas that are existing Activity Centers, where are they just in general?

Mr. Pettine said so, I'll give a couple examples. So, on 7th Street in Elizabeth and also in Cotswald, those are both designated as Activity Centers, Neighborhood Center Activity Centers. They have a predominant zoning district of B-1 and B-2 right now today. So, on June 1, 2023, they'll go to CG which is an Auto Oriented Place Type or Auto Oriented Zoning District. The intent again of those Activity Centers is to move away from those and promote more pedestrian oriented activities. So, this text amendment would then take those CG Districts and say, "If they're in those Activity Centers then they would go through that extra step for consideration of a drive thru use." If we have CG anywhere else in the City that's not in an Activity Center, this has no impact on that whatsoever. So, CG that's in a Commercial Place Type or another Place Type, no impact whatsoever. It's only those CG Districts that are in Activity Centers that are mapped on the Policy Map.

Ms. Watlington said those typically fall where?

Mr. Pettine said those typically fall in some of our major [INAUDIBLE] and intersections, Park Road Shopping Center, SouthPark, Elizabeth, Cotswald, places around NoDa (North Davidson), Commonwealth, Plaza Midwood. So, those areas that are continually beginning to urbanize and what we'd like to see them move away from some of those auto oriented uses and more pedestrian oriented uses.

Ms. Watlington said thank you.

Councilmember Mayfield said so, help me understand David, because if I live on the other side of town and I want to come visit these areas, as we continue to make these Place Types and we make these 10-minute neighborhoods, one, it's encouraging residents to just stay in their bubble, but if I'm coming from Freedom Drive and going over to Plaza Midwood or one of these areas and if the goal is to try to reduce vehicle traffic, are we considering what a decade from now, this language could potentially do to neighborhoods as far as not having connectivity when we look at east, south, west and north with people visiting their City versus just parts of their City or just staying in their immediate neighborhood or community?

Mr. Pettine said I'm not sure I'm understanding.

Ms. Mayfield said so, I'm thinking if I'm driving over, I don't have public transportation. So, where I'm coming from there's not a bus and there's not a route that's convenient outside of maybe two hours if I manage to maneuver through the CATS (Charlotte Area Transit System) System and catch the buses to get over to the area, I'm trying to understand how these Place Types and how this language plays out in real time for if

I'm going to visit a friend or someone that lives in that area and we want to go out to eat. Not just drive thrus, the whole conversation of how we're trying to create these 10 neighborhoods because what you just said just made me think about what does that look like if I want to go visit a friend that lives over there and say I want to pick up something quick. I won't have access to a drive thru if it's currently not one there because a lot of development is happening throughout Plaza Midwood in certain little pockets. So, that means if it's a new building, then it won't be able to have a drive thru? So, I wouldn't be able to pick up something if I'm on the way to come visit you or on the way leaving visiting you? Are we thinking about the impact of trying to get people out of individual cars?

Mr. Pettine said so, you could still drive to those Activity Centers, the point would be potentially go to those Activity Centers, park once and be able to walk around and get things that you need out of those Activity Centers without taking multiple car trips within that Activity Center. So, that's really what the goals of those are long term. So, can you still go and visit those places? Yes, and if they are still existing, they will be there. New ones will have some additional steps to go through to be part of some of those Activity Centers, but this is really again trying to make sure that we've got Activity Centers mapped out, but we recognize that there was a big disconnect between the zoning that's on the ground and the goal of the Place Type. So, this again is just a stop gap measure to try to get a better outcome for those Activity Centers, but you can still drive to an Activity Center, but the point would be to limit car trips within that Activity Center.

Ms. Mayfield said thank you.

Mr. Pettine said if we could go back to the third or fourth slide on the deck. Thank you.

Mayor Pro Tem Winston said Mr. Pettine, are you trying to say something about this slide?

Mr. Pettine said no, I just wanted to go back to that because it highlighted Neighborhood Centers and Place Types and had some of the texts we just talked about. So, just for a reference.

Mr. Driggs said so, I think I understand that staff is just trying to implement the policy that we adopted and to that extent I support it, on the other hand, I was always opposed to the drive thru thing because until we have alternatives to cars, all we're doing is punishing people that have to drive and don't have a choice. So, I would like to see us move in tandem with the new bus routes and the other modes of mobility before we start squeezing the cars, and therefore I'm a no on this. Thank you.

Mayor Pro Tem Winston said I'm just going to say something. This does not disallow people from putting drive thrus in places, this does not disallow restaurants from existing at all. I just want that to be clear. If you drive cross town to meet your friend, you guys can meet at their house and drive to the Activity Center and still go get something to eat, potentially through a drive thru still. This also allows for more housing to be built in more places. Just to clarify.

Mr. Bokhari said thank you Mr. Winston. I think the simplest way to say it is this. There are two sides of kind of a chasm on this Council and how we view cars and car centric stuff. Some folks believe it is needed and that's reality, some folks are driving towards a world where in certain parts of town they want to de-incentivize that. I think regardless of what side you're on, I think we would all agree we have yet to have a robust conversation from a policy perspective, not just how we're going to do that, but how we're going to invest in the infrastructure that makes that work. We haven't done that yet. So, to come out here, even if it's something minor and staff, I know this is kind of minor, but it has the slight twinge to it of well now there's another step of bureaucracy that someone needs to go through if these criteria are met in this spot which means they can't have that. I'm going to be a no, not because that is such a big thing, but because we haven't gone and had this conversation, both how are we going to treat this around town and more importantly, how are we going to invest in the infrastructure to

support this kind of dream that people have in certain parts of town that there are no cars. So, until we get serious about that, we have to just kind of send staff a message. Don't piece meal us with stuff. Let's come together and come up with a strategy as a Council and then we'll do a sweeping thing.

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

YEAS: Councilmembers Ajmera and Winston

NAYS: Councilmembers Anderson, Bokhari, Driggs, Johnson, Mayfield, Mitchell, Molina, and Watlington

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ITEM NO. 38: ORDINANCE NO. 542, BY CHARLOTTE PLANNING, DEVELOPMENT, AND DESIGN TO ADOPT A TEXT AMENDMENT TO CHAPTER 21, "CHARLOTTE TREE ORDINANCE" OF THE CITY CODE, WHICH HAS AN EFFECTIVE DATE OF JUNE 1, 2023.

Motion was made by Councilmember Winston and seconded by Councilmember Anderson to adopt a text amendment to Chapter 21 "Charlotte Tree Ordinance" of the City Code which has an effective date of June 1, 2023.

Councilmember Johnson said if this is approved, could the policy be retroactive? This is a legal question. If they were pending application or something to do with this petition and we approved it tonight, how would that affect a pending item?

Terrie Hagler-Gray, Senior Assistant City Attorney said if there's an application already in place, the ordinance in place at the time the application was received would apply.

Ms. Johnson said so, can Council make an approval for something to be retroactive?

Ms. Hagler-Gray said no ma'am.

Ms. Johnson said okay. Thank you.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Mayfield, Mitchell, Molina, Watlington, and Winston

NAYS: Councilmember Johnson

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 56-71.

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HEARINGS

ITEM NO. 43: HEARING ON PETITION NO. 2021-120 BY MARIA MERGIANOS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.45 ACRES LOCATED ON THE EAST SIDE OF THE PLAZA, NORTH OF MIMOSA AVENUE, AND SOUTH OF MECKLENBURG AVENUE FROM B-1 (NEIGHBORHOOD BUSINESS), O-2 (OFFICE) TO NS (NEIGHBORHOOD SERVICES).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2021-120. That's just short of a half-acre on The Plaza. It's currently zoned O-2 and B-1, really split kind of right down the middle there. Proposed zoning is for Neighborhood Services. The Adopted Place Type is Neighborhood 2 on the 2040 Policy Map. The proposal would allow all uses in the NS District in that existing 2,280 square foot building. Would limit building height to 40 feet. Prohibits things like fuel sales, drive thru uses and arcades. Does propose vehicular access via one of the current driveways and would close the northern driveway. Commits to a 10-foot multi-use path and eight-foot planting strip along The Plaza. Commits to remarking current bike lane pavement markings to a dedicated right turn lane, a bike ramp near the south property line to help transition bicyclists from separated bike lanes to the multi-use path and then extend that 10-foot multi-use path to the southern property line. Also commits to striping and dedicated right turn arrow per C-DOT (Charlotte Department of Transportation) pavement marking standards, and would commit to dedicating 50-feet of right of way if does currently not exist on The Plaza.

Staff does recommend approval of this petition upon resolution of issues related to transportation, environment, and site and building design. It is inconsistent with that Neighborhood 2 Place Type. NS does allow for some residential uses if they wanted to convert that, but our understanding is primarily the use would be an adaptive reuse of that existing building. While inconsistent, staff doesn't have any significant concerns with the historic use of that building being nonresidential to maintain at that permitted use and some other options for uses in the long-term. So, with that we'll take any questions following the petitioner's presentation. Thank you.

Mayor Pro Tem Winston said thank you very much.

Brooks Whiteside, 1227 W Morehead Street, Suite 200 said hello Council members. Thank you for your time to review this rezoning petition. I'm Brooks Whiteside with Whiteside Properties and I represent the owner of 2212 The Plaza. We are seeking to rezone this half-acre property because at some point in time, the property owner ended up with a parcel and building that has two different zoning designations. One half the building has B-1 zoning and the other half has O-2 zoning. We're rezoning to Neighborhood Services to incorporate businesses that will be complimentary to the neighborhood. I believe this is pretty straightforward. So, I don't want to take up excess time for other petitions, but if you have any questions, please let me know.

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

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ITEM NO. 45: HEARING ON PETITION NO. 2022-136 BY VISION VENTURES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.64 ACRES LOCATED ALONG THE EAST SIDE OF CATALINA AVENUE, SOUTH OF WEST 28TH STREET, AND NORTH OF WEST 26TH STREET FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-136, it's about 1.6 acres located on Catalina Avenue. It's currently zoned to R-5. The proposed zoning is for UR-2 conditional. You can see you've got lots of UR-2 there just to the rear of this site. So, the Adopted Place Type for this particular stretch of Catalina Avenue is Neighborhood 1. There is Neighborhood 2 directly adjacent to the rear and also there's some Neighborhood 2. We can't quite see it just off the map, just south of Catalina Avenue at the intersection with Catalina and West 27th Street.

This proposal is for up to 26 single family attached units. The buildings with frontage along Catalina Avenue would be no more than four units per building. They would have

a max height of 38 feet, they're also generally in line with the existing structures along Catalina Avenue. Buildings in the rear of this site would be no more than 150 in length and 46 feet in height. They would commit to install a 12-foot Class C buffer with six-foot screening fence on the northern and southern property boundaries. You can see that both on either side of the plan in green. It does provide internally located visitor spaces and then there is proposed on-street parking spaces, 10 of those on Catalina Avenue. Access would be provided from two driveways along Catalina Ave. Would also provide an eight-foot planting strip and eight-foot sidewalk along that road frontage, and then 5-foot sidewalks along the internal private alleyways. A 33-foot setback again would be provided along with a 10-foot rear yard. Also commits to capping and shielding all new lighting to 15 feet and propose a minimum of 400 square feet of open space, private for each unit as well as architectural standards for each of those units.

Again, staff does recommend approval of this petition. We do have some outstanding issues for site and building design to work through. This is a project that does have adjacencies with multi-family that's currently under construction just to the rear. We're less than about a mile from Camp North End. So, staff did feel like that it was a reasonable spot for some minor infill. No homes are being removed or replaced for this project. All the lots I believe are vacant. So, again we do recommend approval upon resolution of those issues and we will take any questions following the petitioner's presentation. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 4700 said good evening Mayor Pro Tem, members of the Council, members of the Zoning Committee. Keith MacVean with Moore and Van Allen assisting Vision Venture, the petitioner of the site. With me tonight representing the petitioner is Greg McAllister; he's available to answer questions. We want to thank Dave and his staff for their assistance with this petition and their support. As Dave mentioned, it's just under 2 acres located on Catalina between 28th and 26th. Currently vacant. Is abutting existing multi-family communities that are currently under development in the North Tryon Hills area. Just a little bit closer view of the same site. The formerly approved plan for the area of North Tryon Hills plan did recommend this sort of transition between the higher density area of Tryon Hills here and the lower density area here. Talked about plans of this type, smaller infill plans could be supported if there's a reduction in scale and density which is what we're proposing. That's also consistent with the Neighborhood 1 Place Type which does support a small infill community like this as a transition along collector streets like Catalina as Dave has mentioned. Here's a proposed plan. Catalina is at the top. We are doing streetscape improvements including on-street parking. There's buffers, 12-foot buffer planted to a 16-foot Class C standard that also includes a fence. There's additional tree save areas and landscaping here. There's additional separation beyond the buffer on both sides and then we do have multi-family to the rear, which there will be a landscaped area here on the property as well as on the adjacent multi-family. The units are all served by an internal alley, though each unit will have a garage and they will front on Catalina and then they'll front a landscape area on the back.

We will work with Dave to address the remaining outstanding issues. We have limited the height of the townhomes along Catalina to two stories effectively, and no more, and a combination of triplexes. Three triplexes and one quadraplex, and have limited the size of the units at the rear as well. Again, same view of the site plan here. Be happy to answer any questions.

Councilmember Anderson said I would just like to thank the developer for going through the revisions. We have reviewed multiple revisions here and this one is better suited for this location, has additional access points and additional tree save green space as well. So, thank you for working with us to get to a better solution.

Mr. MacVean said you're welcome, Councilmember Anderson. Thank you.

Councilmember Mayfield said Mr. Pettine, question for you. Do we have bike lanes or do we have proposed bike lanes along Catalina?

Mr. Pettine said no we do not.

Ms. Mayfield said so, I just wanted to make sure. Thank you for working with the Council representation as well as the community. I'm thinking about the setbacks and the parking that is noted on here on the street and want to make sure that as we have conversations about mobility, if there are going to be bike lanes that eventually are going to come along this area, if we're being forward thinking on developments now to make sure that we leave space when we're looking at a new development. So, you're saying on record that we do not have any bike lanes that will be proposed for Catalina?

Mr. Pettine said no, we don't have any existing bike lanes. I'm not aware of any proposed bike lanes on Catalina.

Ms. Mayfield said thank you.

Motion was made by Councilmember Anderson, seconded by Councilmember Ajmera, and carried unanimously to close the hearing.
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ITEM NO. 46: HEARING ON PETITION NO. 2022-152 BY VINROY REID FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.87 ACRES LOCATED ON THE SOUTHEAST SIDE OF CHAR-MECK LANE, NORTH OF MONROE ROAD, AND EAST OF NORTH WENDOVER ROAD FROM R-5 (SINGLE FAMILY RESIDENTIAL) AND O-2 (OFFICE) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-152. It's 0.87 acres at the end of Char-Meck Lane just off of Monroe Road. As mentioned, currently zoned to O-2 for the predominant part of the site, R-5 just on the back end of the site as well. Adopted Place Type is Neighborhood Center. The proposal, we've had this petition come through earlier as a conventional petition. It was lots of conversation about adding some conditions to that B-2 District. The conditions that have been worked on are really a limitation of uses. You can see there's quite a lot of uses that would be restricted as a result should this petition be approved. Things like jails, prisons, drive thru facilities, hotels, motels, automotive sales and repairs, gas stations, etc., have all been prohibited again, should this petition be approved with these conditions.

Also, there's some conditions around outdoor uses of this site and restrictions on the hours of operation. Things like outdoor uses being restricted between 7:00 a.m. and 10:00 p.m., music and entertainment limited between 11:00 a.m. and 8:30 p.m. during the week, and then 11:00 a.m. to 10:00 p.m. Friday to Saturday. Also, conditions on live amplified outdoor performances, also a restriction that would state, "If onsite alcohol is provided then the use must also include food service," and then any ventilation or fan associated with any food and beverage use would be located either on the roof or on the Char-Meck lane frontage. So, not adjacent to some of those single-family residential uses back there to the rear.

Again, staff does recommend approval of this petition. There are quite a few conditions that again restrict some of those uses and adds some conditions for similar scenarios that we've seen with proposals like this where you've got potential EDEEs (eating/drinking/ entertainment establishment) with some outdoor activity against single-family residential. We're certainly aware of some of the concerns. I believe we'll hear it from some of the community members about some of that which we'll get through from both sides of this hearing. Again, staff is currently recommending approval. We'll be happy to take questions following the petitioner's presentation and presentations from the public. Thank you.

Vinroy Reid, 626 Char Meck Lane said yes. Hello ladies and gentleman. It's been my great pleasure and honor to come before you to today to make a presentation that is going to be a great addition to the East side. I think that it's a lot of times we own some properties in the East side and you get approached all the time by developers to develop them. Sometimes it's out of our means to do so, but this what I'm trying to do is within my means. I'm a general contractor, I'm a small business owner in this district. I purchased this property some 10 years ago to develop a very unique space. It's called a destination restaurant with a bakery and a space to do outside dining and also to share my culture through music and stuff, but also taking into consideration the community that I am also doing it in.

So, my first approach was to get it zoned B-2, but we had some push back. So, prior to that we had community meetings which I went to and we discussed that with the community. I brought some food to let the folks know this is what I'm about to do here. We went back to do a conditional B-2 where I had another community meeting in order to meet my community where they're at and decide where this is going to be at. So, again I pulled out my grill, cooked some food, sent a lot of letters out to the community for all the community to come out and you know, let's have a conversation on what it is I propose to bring to this neighborhood. I think we had at least five or six people to come. I mailed out at least 80 letters. So, I put in the work. So, if anyone had some opposition, I think that was then, and I think this is what neighborhoods should be about. If someone is going to do something in your neighborhood and go through all of that work to bring the community together and if you're going to have something to say, that's the place to do it. What I'm planning to do hear is going to bring jobs, it's going to bring opportunity to this community, just like I did 22 years ago with my restaurant located in Plaza Midwood. It took me one year working with the City to get it approved because it was no parking in that area. Twenty-two years later, I paid in revenue hundreds of thousands back to this City. So, I'm a dreamer but I'm one that wakes up and willing to implement what my dream is in this community. So, I'm asking you for your consideration to give me that opportunity to install something that will help our young people see that if you dream and you wake up, you can live it.

Mayor Pro Tem Winston said thank you very much.

Theo Theriault, 700 Crater Street said thank you Mayor Pro Tem Winston and all of Council. I figured since I peppered most of you with copies of emails, I should at least show up tonight. I live at 700 Crater Street. Bought my house in 2013. I'm an East side guy. I love the East side. I think the Oakhurst neighborhood and things that are happening are on the East side are great. Unfortunately, this north side of Monroe Road close to the Wendover Road area is not really getting the attention I think it deserves. I hope that we get more and first off I want to applaud Vinroy for trying to do something good with this property because the same can't be said for a lot of the property owners on that corner.

As far as his cooking and his restaurant idea, top notch. He saw me chow down on momma's stuff at his first community meeting. I let him know that I could not make it to his last one, but I shared the same concerns I'm going to give you tonight. Restaurant idea, awesome. The idea of outdoor events with live music, with amplified live music is very concerning and I don't think appropriate for its proximity to the homeowners in the area and the future homeowners that will be on the backside of his property in the context at Oakhurst Townhome Development. That's pretty much my main concern. If he does open this restaurant, it looks like there will be a parking lot that I have concerns about safety possibilities, lights, shining in my backyard. I guess you don't have the PowerPoint that had pictures.

This is the view from my backyard. It shows where if you go to the next one, it shows where past events have been held in what I assume will be the parking lot area. This was the stage setup. You can see my fence there. That's on my fence line. The sound and the noise from this music was really intense inside and outside. Inside, windows shaking, lungs thumping with the bass. It's really tough to take. It's close. If we keep going through, you've also heard I think in writing from my immediate neighbors who are

even closer than me if we keep going through at 636 Crater Street and the next one, that's the stage set up. Keep going. I don't want to bore people with all these photos, but I just want to give you an idea of what this looks like. This is his neighbor at 632. If that is not going to be a part of the outdoor festival, concerts, big wedding events that kind of thing, maybe this isn't a concern, but from what was detailed in his notes that asked for live music for potentially every day of the week for many hours a day, and then on the weekends when homeowners want to be outside and enjoying their property not listening to the wedding and things dancing. We already have problems with the Bacardi Lounge up on Monroe Road, which is indoor music, and Vinroy can attest that that bothers him. So, those are my main concerns. I know that my neighbors have sent emails to Council and Planning and Zoning and Stuart Fligel a business owner has mentioned concerns with just the area being developed. So, I hope if nothing else, we'll get Planning, Zoning, Council to look more at what's going on on the commercial side, the business side and help out this area of Monroe Road. I applaud Vinroy for trying to do something good, I just don't think that outdoor events and loud music, amplified music is a good thing for the neighborhood. Thank you very much.

Mayor Pro Tem Winston said thank you very much.

Mr. Reid said yes. So, if we're talking about cheering for your neighbor, this is a space that I've been using since 2013. We have the Jerk Festival there once a year. So, there was some conversation with my neighbor about noise and how we could control that, and again, I think we have a noise ordinance within this City anyway that people have, but I am a considerate neighbor. So, I do take what he's saying into consideration. That's why we sat down with staff and came up with a plan to make certain that whatever we do, it's about making certain that neighborhood is benefiting from what we do. So, I do understand my neighbor saying the noise, but sometime, we live in a multicultural society where you get people to celebrate and do business differently. So, I'm bringing a change to our community and I'm hoping that working with my neighbors and the surrounding area. We won't be playing the music that loud to where he can't enjoy it. So, that was one of the concerns he had. So, that's my feedback to that.

Mayor Pro Tem Winston said thank you very much.

Councilmember Ajmera said if you could stay there Mr. Reid. Just a couple of questions. So, speaker Leo raised some concerns around late events like late night events and I was looking at B-2 rezoning, and it says that outdoor music and entertainment shall be limited to the hours of Sunday through Thursday until 8:30 p.m. So, Mr. Leo if you could come up here. Are you aware of the limitation under B-2 that outdoor uses will have some restrictions to the hours of 7:00 a.m. to 10:00 p.m.? Are you aware of it?

Mr. Theriault said yes.

Ms. Ajmera said okay. So, what would you like the hours to be?

Mr. Theriault said it depends.

Ms. Ajmera said Mr. Reid, if you could just step aside.

Mr. Theriault said yes, I think that just the idea of going through more events like I've gone through is very scary.

Ms. Ajmera said okay. So, from what I hear you say, you're not concerned about the hours, but you would not like to see any outdoor events.

Mr. Theriault said I don't think it's appropriate.

Ms. Ajmera said okay. The other question I have. So, under B-2 rezoning there are multiple uses that are allowed, especially recycling centers and I would be concerned about that if I was your neighbor. Adult establishments. So, are we limiting when you

talk about rezoning under B-2, is there a specific language where you're saying this will only be limited to restaurants?

Mr. Pettine said I can answer that one. So, what's on the screen here, all those uses listed would be prohibited. So, you couldn't do a recycling center, you couldn't do a temporary building, you couldn't do tire recapping or retreading or any kind of adult establishment or hotel or motel. So, all those uses listed there actually are prohibited.

Ms. Ajmera said prohibited?

Mr. Pettine said yes.

Mr. Theriault said to Councilwoman Ajmera's point, I think it would be clearer if the conditions would be to what Vinroy wants to do and then eliminate everything else instead of all these exceptions.

Ms. Ajmera said so, I guess then Mr. Reid would you be open to have a specific language where use will be limited to only restaurant?

Mr. Reid said no because what I'm trying to bring is a celebration of culture. Again, I worked with staff to come up with these different exceptions to the B-2 and that's where we reached this juncture of saying, "Okay, these are the things that you're not going to be able to do here." So, I agreed to those lists that staff recommended. So, I already devalue what my property is in order to make necessary adjustments that would not create those issues like landfill and all that.

Ms. Ajmera said okay, well I think I have the answers that I was looking for. I think Mr. Leo raises some valid concerns. If you have kids that are young and if there is a festival going on right behind in your backyard literally, I would be concerned. So, I don't know if you all can take it offline and talk about maybe additional buffers that might help, but I'm hoping some of these concerns can be addressed because he's right. I have two little ones because I would be worried because they may not be able to take a nap in the afternoon.

Mr. Theriault said there's elderly people who've had to leave their house.

Mayor Pro Tem Winston said Ms. Ajmera didn't form a question. So, that wasn't a response.

Ms. Ajmera said yes, I don't have any questions for Mr. Reid or Leo, but I think this is something offline that you could work through. I'm sure Ms. Molina has a lot on her plate, but I know she's been very diligent about addressing concerns and questions. So, I hope to see some sort of resolution on this issue because those are valid concerns. Thank you.

Councilmember Johnson said I want to piggyback off what Councilmember Ajmera said, that I hope you can work together. This reminds me of a petition in NoDa last year, two of them that this Council approved, and I want to ask Mr. Pettine perhaps there was something in that petition the neighbors were concerned. I remember that petition, that was like feet away from a resident. So, I don't know if the City offered something or if there was some solution that was offered to that developer so that the petitioner could have the petition approved.

Mr. Pettine said yes. So, a lot of the conditions that came forward and show up here this evening were really almost a straight borrowing of those conditions that were conducive to those petitions in NoDa. I think there were two or three around the same time. Two in NoDa one in Belmont and had a lot of the same types of conditions that seemed to address some of those neighborhood concerns, but of course every neighborhood is different, every concern and proximity is a little bit different. So, these were kind of presented as a starting point. So, now that we've started to have this conversation and know what some of the community concerns are, we'll continue to work with both

parties as well to kind of try to facilitate some of those solutions that get this in a place where everybody can be a little bit more comfortable at the end of the day. The starting point was based on those petitions that you had mentioned.

Ms. Johnson said good. Okay. Thank you.

Mr. Pettine said yes.

Councilmember Mayfield said so follow up. My colleague was going down the same path that I was thinking. So, Mr. Pettine can you help me understand. Is this request different than what we currently have in NoDa area as well as Belmont area and even in Southend regarding outdoor entertainment that is close to residential when we talk about place making and the other goals that we have? Is this petition outside of that norm?

Mr. Pettine said no. These conditions are almost exact as what we've seen approved in other petitions where we have a restaurant that might have outdoor seating, might have music in the evenings. They were essentially taken as an example and built into this petition. Again, it's just a starting point. They can always be tweaked and modified, but that's where we got the basis for some of these conditions.

Ms. Mayfield said where we have our language in here as far as outdoor uses shall be restricted between the hours of 7 a.m. to 10 p.m. as well as limitations on the music time from Sunday through Thursday, that's based on our current language that is being utilized for other venues that are similar to this venue that are in or near residential?

Mr. Pettine said that's correct, yes.

Ms. Mayfield said thank you.

Councilmember Molina said first off I'd like to acknowledge and agree with the community member who took the time to come. In District 5, it's important that we have community members, all community members with hands on deck because we are a community of 128,000 people. So, it's a big community, very diverse. The geographic area is enormous, and the diversity is not just race, it's more economic than it is racial. So, I think when we even say that word, we have to make sure that we place the context where it belongs. We're talking about some conditions and I'm a huge proponent of when someone from the community and someone from the development community can work together and find a happy medium, but right now we don't look like we have that. So, if this was a petition that was in front of me as the representative, I wouldn't be in support simply because of the discomfort that it creates for the existing residents. I've gotten about five emails I believe from different residents that are surrounding this area and they echo those same concerns. I don't know if the conditions are something that are malleable, but I think it would be the same for anybody, actually not based on the precedent because a lot of what we do as people who have the opportunity to inform policy, we do that based on prior decisions. So, anytime we've set a precedent, we can say yes based on that precedent.

So, that argument stands, but I think what we set sometimes in that precedent is where community members feel left out and where development actually pushes past them where it feels like as a community member, development is happening to you instead of happening for you. So, the best way to make sure that you mitigate that, where you create an environment for the community member as well as the development community is where you can meet in the middle. So, I'm happy that this is just at the hearing stage. I'm encouraged that there will be some additional conversations. Mr. Pettine, I just want to make sure that I'm clear because we're back at a second petition. Am I correct?

Mr. Pettine said yes.

Ms. Molina said so, what was the first request and what is now?

Mr. Pettine said so, the first request was just straight B-2 conventional, no conditions, no restrictions, every use allowed under B-2. Hours of operation would be per B-2. So, none of these conditions were part of the original proposal. So, this now becomes a conditional petition. The conditions as you kind of mentioned earlier are malleable. They are able to be tweaked and modified based on conversation with the community and the petitioner and staff. So, again this is just a starting point. We can continue to tweak these and modify these as needed to try and address some of these concerns and hopefully get to that spot where everybody is a little bit more comfortable with it, and hopefully that will continue to happen.

Ms. Molina said just to be clear, Mr. Reid, you're saying that you are not in favor of any type of condition? This is a B-2 conditional petition, but you don't want conditions?

Mr. Reid said okay. I had conversations with staff, with Council members and staff and Council members put together this condition. I agree with the condition and that's why we're here today. That's why staff supports what's on the board because that is conducive with what they've been doing in other neighborhoods around Charlotte. So, I went with what staff's recommendation is. I went ahead and did a second neighborhood meeting where I went in and I did everything that staff asked me to do to get to this point so I could get on with my business.

The folks that are calling you and writing you did not come to the meeting. So, that is why I'm saying if the community is going to work with you, they're going to show up to these meetings because this is a part of the whole reason why we have community meetings. You can't have someone don't come to your meeting to talk about the issues that they have and then show up at a hearing voicing all these concerns and saying everybody else is saying the same thing because that's not what I hear at this meeting. I am here. I fill out the agenda of the meeting, I sent it into staff. The folks that were there, they signed their name, they put their number down and they show up. I planned for many people and six people showed up there. He didn't show up.

Mr. Thedault said I sent an email.

Mr. Reid said right. So, he's right there. He's like two houses down from my property and that's what I'm saying. I am not considered a developer. I am a neighbor. Someone that lives in the community who wants to do business in their community, and it seems like I've been getting nothing but pushback.

Ms. Molina said well Mr. Reid, I want to make sure that I tell you that I don't want you to feel discouraged. You are a business owner. You have a business on [INAUDIBLE] Avenue that plenty of people have patronized. So, when we talk about our community members however, because you understand this process, you've been in this process quite a few times. Our community members don't know how this process works. Most of the time, if they contact us, that's what they know to do. They don't understand the nine steps because they don't have to. The civic process as their leaders, it's our responsibility to interpret that for them and try to plug them in where they can actually have their voices heard too. So, I doubt that it's intentional that the community members with concerns are not showing up. I would be willing to wager that they don't understand the process in the same way that you or I do. So, most of the time what they'll do is contact us and say these are the concerns we have and this is why.

So, that may be what the disconnect is and when you're trying to make that open opportunity available for them to come and say to you this is what we feel and this is why, that may be why they don't show up or even what they fear as confrontation, right? Because you're a development person and I know you. I've known you for many years. It's not that you're being confrontational, it's that they may view it as that. They come and they stand in front of you, and you want to make this change and you're saying this but they don't agree with you. So, they're coming to this intimate space that is made by you to tell you that they don't agree. That takes a lot of courage. That takes a lot of courage for a community member to do that. So, a lot of the times the community member won't engaged directly. They'll contact their Council members or City staff. So,

I want to make sure that I illustrate that part to you to make sure that there's not a disconnect in what I receive or what any other member of Council may receive that it seems to be or appears to be directly in opposition of what you would like to do with your property.

Mr. Reid said well I understand and like I said, this recommendation came from the staff. I think you also were on the line when we spoke about making the different changes to this petition. So, you're there to represent not only the neighbors, but also the folks that's doing business within that community.

Ms. Molina said absolutely.

Mr. Reid said if there was that concern, this is not the place for us to have it tonight. I think this is something that we should have had prior meetings with yourself and the community meeting.

Ms. Molina said well you changed the petition. So, now we have a new hearing. This is a new process. So, it's not a failure on my part Mr. Reid, this is a changed petition and now you're agreeing to certain conditions and so you're back in front of Council because your petition has changed. It's not that you're working in continuity, the process is when you start your petition, you go through your petition process. So, this is now a new opportunity for you to visit your petition which you're now recommending versus what you initially recommended. Am I correct Mr. Pettine?

Mr. Pettine said yes, and just to be clear on the conditions. We again have examples of when we've had this context of an EDEE or restaurant next to residential, that's where the conditions were started from. We never intend those to be the end all be all set of conditions. They are conditions to start with, they are conditions to start that community conversation. Community meeting is one step in that. The public hearing is really an extension of that opportunity for the community to provide input. They don't have to go necessarily just to the community meeting. This is just as much of a community meeting for them on this petition as it was a week or two ago when that was held in a location that was closer to this site. So, again these were taken as context from existing examples. We fully intended those to be part of the conversation with the community. If we need to change and tweak those, I think then that's where the conversation between the petitioner and the community starts to develop those and hone those conditions in a little bit better, but that's where those conditions came from. They were never intended to be these are exactly what staff would want to see. This is really just a starting point. Thank you.

Ms. Molina said okay. Thank you, Mr. Pettine.

Councilmember Bokhari said yes, at a macro level after having listened to everything and looking at the uniqueness of this site, I think that using the precedent that has been set a couple times tonight in different parts of town may not feel exactly right on its own to warrant just a carte blanche approval of this. Places like NoDa and others that have been cited, they feel different, and again I'm just looking at the map. It looks like when you look north from this property, it looks like you're just in somebody's backyard and when you look south, it looks like you're looking at a commercial center. So, I would just say given that while there is precedent that this kind of thing might seem standard based on what we heard, what we heard from the District Rep and just looking at these pictures, I would suggest that next month if the community and the petitioner don't come together, it feels like it's going to be probably not that good. So, my strong recommendation to you would be regardless of what happened to get to this point, you guys really see what you can do and at the end of the day, that might mean less of a speculative rezoning that you can do stuff or can't do in this case, and more negotiating with them to say, "Does this make you comfortable?" I have a gut feeling it isn't going to go well for you in a month if that doesn't happen.

Mayor Pro Tem Winston said I have a question for Mr. Pettine. Does anything change from the allowed uses on June 1, 2023, once the UDO goes live and this gets translated?

Mr. Pettine said yes. So, it is O-2 I think and R-5. So, this would go to like an OFC District and a Neighborhood 1 District. So, OFC is a fairly limited zoning district. So, a lot of the uses that are in B-2 don't exist in OFC in the UDO and of course they don't exist in Neighborhood 1 retail establishments or really only allowed in Neighborhood 1 as either an existing kind of neighborhood serving commercial site that was already in place, but it wouldn't allow a new use like this on that R-5 portion either.

Mayor Pro Tem Winston said on the O-2 portion?

Mr. Pettine said right. Correct. It would not be an allowed use in the O-2. That would translate to OFC. Now that's really just Office District and that's about it.

Mayor Pro Tem Winston said alright. Thank you.

Mr. Pettine said yes.

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

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ITEM NO. 47: HEARING ON PETITION NO. 2022-156 BY GREYSTAR DEVELOPMENT EAST, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.82 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF SOUTH TRYON STREET AND NATIONS FORD ROAD, SOUTH OF WEST WOODLAWN ROAD, AND WEST OF INTERSTATE 77 FROM B-1 (NEIGHBORHOOD BUSINESS), B-2 (GENERAL BUSINESS), AND I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO MUDD (CD) (MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-156. It's just shy of 11 acres on Nations Ford and South Tryon, just right there at the interchange of I77 North with Exit 6B. It is currently zoned B-1, B-2 and I-1 conditional, and the proposed zoning is for MUDD conditional. Adopted Place Type on the Policy Map does call for commercial. You can see this is a fairly heavily Commercial Place Type recommended area along Yorkmont, South Tryon, Nations Ford extending even on to the north side of West Woodlawn Road.

This proposal is for up to 350 multi-family dwelling units and then one building, you can see that's highlighted there in red, up to 5,000 square feet for nonresidential use. Nonresidential uses would allow things like restaurant, educational uses, indoor recreation, professional business, general office, retail sales and personal service and studios. Would prohibit accessory drive thru lanes and windows. Max building height would be 50 feet and minimum floor height would be 10 feet 6 inches. Does depict gated entries into the parking area for those multi-family buildings. Also provides vehicular access through a right in/right out on South Tryon and then a full movement intersection on Nations Ford Road, and then a new public street would extend along the southern edge of the site. It also would construct a right turn lane on South Tryon at the site's driveway as well as remove existing curb cuts and establish a continuous curb and gutter along that site frontage. Would also restripe Nations Ford Road, add a new public street to provide a full width left turn lane on to that new street there that provides access along the southern property line. Would also construct a CATS bus pad on National Ford Road near the intersection with South Tryon, and construct an eight-foot planting strip and 12-foot multi-use path along South Tryon, and then eight-foot

sidewalk and eight-foot planting strip along Nations Ford Road. Architectural standards have been built into the petition as well.

Again, staff does not recommend approval of this petition in its current form. It is inconsistent with the Policy Map recommendation for commercial. I think our general sentiment is that we'd like to see some additional square footage for that commercial outcome. Not saying that residential is completely a non-starter in this area, but I believe that if we did see some residential, the predominant Place Type being commercial, we'd like to see a better balance between some of those uses. This is an existing commercial center for this general area of the community. We'd like to see some of that reincorporated into the site and we're just not quite there yet at a staff level. So, that's staff's recommendation and we'll take any questions following the petitioner's presentation. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael and here on behalf of the petitioner, Greystar Development, LLC. With me tonight are Josh Glover and Andrew Phelan of the petitioner and Thomas Haapapuro of Design Resource Group. As Mr. Pettine stated, the site contains about 10.82 acres. It's located on the east side of the intersection of South Tryon Street and Nations Ford Road. It's just to the south of the Billy Graham South Tryon Street Woodlawn Road intersection, and I-77 is to the east of this site. This is an aerial photograph of the site. The site is outlined in green on the photograph. The site currently contains approximately 62,687 square feet of retail uses, 1,485 square feet of general office uses and 1,878 square feet of warehouse uses. Those numbers were derived from C-DOT's memo in connection with this petition.

This is a series of photographs of the site as viewed from South Tryon Street and Nations Ford Road. The picture starts at the northern edge of the site on South Tryon Street and then progress in a southerly direction to the southern edge of the site on Nations Ford Road. One thing you may notice from the pictures is that there are a lot of existing curb cuts into the site from the streets and we'll discuss the curb cuts in a little while. Once again, this is the northern edge of the site looking into the site from South Tryon and then we're progressing to the south as I mentioned. This is looking into the site from South Tryon as is this view. Then this is after you turn the corner on to Nations Ford looking into the site, and then this is another view into the site from Nations Ford. You can see the curb cuts once again, and then finally this is the southern edge of the site from Nations Ford at once again the southern boundary of the site.

So, the site is currently zoned B-2, B-1, and I-1 CD. Parcels to the west and east of the site are zoned B-1, B-1 CD, B-2, and B-2 CD. The parcels to the south of the site are zoned R-4, O-1, and I-1. The petitioner is requesting that the site be rezoned to the MUDD CD zoning district to accommodate a multi-use development on the site that would contain up to 350 multi-family dwelling units, 5,000 square feet of gross floor area devoted to non-residential uses and live-work units on the ground floors of the three buildings that front Nations Ford Road. The commercial building in the live-work units are very recent additions in an effort and desire to make the requests more compatible with the 2040 Policy Map. Now, a live-work unit is a multi-family unit in which the front third of the unit is commercial space and the rear two-thirds of the unit is a dwelling unit that's occupied by the owner or the operator of the commercial space. The unit would have a commercial appearance along the street and the sidewalk and there'd be an access from the sidewalk into the commercial portion of that unit. The live-work unit would support small businesses that conserve the area as well as entrepreneurs and the 5,000 square feet could also support services that serve the area as well.

I previously mentioned the curb cuts and this is a curb cut exhibit that shows the existing curb cuts into the site. There are currently nine curb cuts into the site. The proposed development would reduce the number of curb cuts to two. We believe this would benefit the flow of traffic on South Tryon Street and Nations Ford Road and create a safer pedestrian and vehicular environment. This is the site plan. The site plan is bifurcated here by an intermittent stream as you can see. Access into the site would

be from a right in/right out only movement here. This plane is turned. So, this is the north this is the south. So, there'd be one access point from South Tryon Street here. It'd be right in and right out. There'd be a second access point into the site from Nations Ford Road here along the southern edge. This would be a new public street as an access point and there'd be on street parking here on the new public street. Eleven multi-family buildings are proposed and an amenity building here. This would be a 5,000 square foot non-residential building adjacent to the new public street. Once again, the live-work units here would be on the ground floors of these three buildings that front Nations Ford Road. The petitioner would install an eight-foot planting strip and an eight-foot sidewalk along the site's frontage on Nations Ford Road, then an eight-foot planting strip and a 12-foot sidewalk along the site's frontage on South Tryon Street. So, the combination of the reduction of curb cuts, the planting strips, the sidewalks and the multi-use path once again would improve pedestrian mobility along the site's public street frontages.

Architectural standards for the multi-family units are a part of the proposal. As Mr. Pettine stated, the maximum building height for the multi-family buildings would be 50 feet. The petitioner would install a right turn lane of South Tryon Street into this access point, the northern most access point and would provide a full width left turn lane on Nations Ford Road into the southern most access point. In terms of traffic and pedestrian considerations, I've mentioned the reduction in curb cuts, I've mentioned the pedestrian improvements and the streetscape improvements that would be installed on Nations Ford Road and South Tryon Street. According to the C-DOT memo, the proposed use would generate less trips than the current use of the site and a potential redevelopment of the site under the existing zoning. We understand and respect staff's position on this that they're not recommending approval due to the inconsistency with the 2040 Policy Map. We respectfully submit that the site is a good location for the proposed uses from a land use standpoint and a transportation standpoint. We appreciate your consideration, and our team is here to answer any questions that you may have. Thank you.

Mayor Pro Tem Winston said thank you very much. Before I introduce the speakers against, I did not recognize the Honorable County Commission Vilma Leake from District 2 who is in the building tonight. Thank you for joining us Ms. Leake. I know you're here to participate in this zoning petition. So, thank you for joining us.

Councilmember Watlington said I wanted to ask the City Attorney. We have a total of about 30 speakers combined with these two petitions tonight. As a technicality, I wanted to know if they were advised that they would have to limit their time among the whole group to 10 minutes? I can't imagine that they were advised, especially when you have folks like our County Commissioner and a former City employee, retired City employee Stanley Watkins from our Zoning Department. So, I would ask first of all if they were advised and if they were not advised from that technicality, could we make perhaps a motion to suspend those rules today because we do have members of our public that have taken the time to come out and if 10 minutes is okay, then that's fine. Alright, well if you're okay with that, then I'm okay. Thank you. Okay. You sure? You'd have two minutes a piece. Okay, good. Thank you. I withdraw my concern.

Mayor Pro Tem Winston said thank you very much.

Shirley Allen, 524 Wilbrow Circle said good evening, Councilwoman Watlington. That's our Council lady. My name is Shirley Allen. I'm here representing the Yorkmont Community. We're gravely concerned regarding Greystar Development East LLC's Petition 2022-156 and the request to have zoning changed from a commercial development to multi-family units which encompass approximately 10.82 acres located at the southeast intersection of South Tryon Street and Nations Ford Road, south of West Woodlawn Road and west of Interstate 77. If approved, these units would become one of many currently being constructed in the vicinity of Pressley Road, South Boulevard, Woodlawn Road, Tyvola Road and a proposed housing unit to be located near the same intersection on South Tryon. Due to the fact there was no infrastructure plan to accommodate this unprecedented traffic, residents of the Yorkmont Community

are being boxed in. Traffic comes to a stand still during morning and evening rush hour traffic. The intersection of Nations Ford and Yorkmont is blocked to the point drivers run red lights, block intersections and pedestrians are being dodged as if they are in a volleyball match. Prior to any new construction, the intersection of Yorkmont Road, Nations Ford Road and South Tryon Street were already heavily congested. When there is an accident on 77 North or South, traffic diverts to Woodlawn Road, Nations Ford Road, Tyvola Road, South Tryon creating unimaginable traffic jams for Yorkmont residents. In addition to units under development and being proposed, the Norfolk Southern Railroad Bridge, although pending is also due for replacement soon. This construction alone will cause massive traffic diversions for everyone traveling in this corridor.

If you approve 2022-156 Yorkmont residents will be deprived of access to a barber shop, beauty shop, Potts Hardware, a tax center, automobile dealership, Chicken King Restaurant, Lynn's Speakeasy, insurance agency, churches, two social event planners, a dry cleaners and a myriad of other locally owned and operated minority businesses within walking distance that would otherwise need to be accessed by car, bus or train. We as a community understand and appreciate Charlotte's growth, however, we feel replacement of the strip mall is a great injustice, not only to Yorkmont but the many minority business owners located in the center.

Approval of this petition would take food out of their mouths at a time when the government is cutting back on or cancelling family assistance programs made in place during COVID. As a community, we hold you accountable and ask that on behalf of the people, your constituents, that the City Council deny Greystar Development East LLC's petition 2022-156 in favor of the Yorkmont Community and not allow rezoning from a commercial development site to a multi-family unit compound. It is so much easier to grant permission than to experience the consequences. Thank you.

Francis McCree, 600 Wilbrow Circle said it won't take me but a minute. Council and to everybody that's sitting on the Board there, I would like to also emphasize that there's one more thing that everybody seems to be leaving out in this situation. If you look up on that board, there and look at South 77 and look at exactly where 77 actually is sitting. We're like in a little triangle there and not only that, all that traffic up through there, Nations Ford is a two-lane road, not a four lane. South Tryon is four lanes and I have sit and got out of my car walked home, went home, ate, took a shower, got back, come back to my car and still was sitting in traffic. This is ridiculous. I mean come on, let's be real. It's really just crazy down through there and don't let nothing happen. That particular bridge that she's referring to, that bridge definitely needs to be replaced because if you look at that bridge, you can look at it and see where the rubber part is. It's separating, and it ain't going to be long before that bridge is going to eventually give out. That's the one that the train goes up under.

Now, they also want to come on down further. If you look at this map, Nations Ford Road, it ain't but two lanes. One up and one down. You're getting ready to put 700 plus people in that one area because it's going to be at least two adults there and whatever children they have. So, you've got to look at all this capacity traffic in there and then you come on down South Tryon from the apartments there to the graveyard. You're getting ready to put some condos there. So, count that traffic too. That's all I'm asking you to do. Thank you.

Virginia Keogh, 12301 Portrush Lane said okay. Good evening, Mayor Pro Tem Winston, City Council members and staff. My name is Virginia Keogh, and I am the founding President of Southwest Area Neighborhood Coalition. I'm here tonight to support the Yorkmont Community and the other surrounding communities in the area. We want to urge you to vote no on this development. More multi-family housing in the Steele Creek area is a negative. If you approve multi-family housing in an area that is already inundated with thousands of apartments, you're harming the residents that you were hired to help, and most importantly possibly diminishing the quality of life. I did want to talk about 10-minute neighborhoods, but due to the discussion that you guys had earlier, I won't go into that, but I'm imploring you to vote no to approve the 2022-

156 Rezoning Petition. We have a hard time breathing in Steele Creek as it is. Please allow us to exhale. Thank you.

Vilma Leake, 115 Chatham Ridge Circle said good afternoon. My name is Vilma D. Leake and I represent the most powerful district in this County and that's District 2. You've heard the young lady say she could go home, take a bath, go to sleep and get up and the cars are still there. I believe her because I drive that route everyday coming to the Government Center. So, I'm asking you to vote no. Think about the people, our senior citizens. Think about the crowdedness that we have and the violence that we have in this community, and it's not always about money. I'm begging you, as elected people who were elected by these people sitting behind me. Didn't I just say the most powerful district in the County? Stand up people. Stand up. So, we're asking you and we're begging you to do the right thing for the right people at the right time. I sit on the County Commissioners Board that deals strictly with money and wrap around services that serve this same community. So, I'm asking you to do the right thing.

The other piece I wanted to say is stop the growth. Stop the growth! A moratorium needs to take place until we get in order. I'm begging you to save this community. Not for two people, but for all of us. The crescent is where we live. Where all the problems are on the Black side of town and where are the apartment complexes? On the west side of town. So, I beg you to stop. S-T-O-P. Do you know what that means? S-T-O-P means stop! So, I beg you. I love you, work for this community and I pray that you would do the right thing. I did not address you when I first got up here, but to our Mayor Pro Tem, we're so proud of you son. We've talked about some things. The rest of you, we love you. We will not vote for you if you don't do the right thing, and that goes for you too. I can say that. I didn't say anything wrong son. I didn't say anything wrong. Thank you.

Mayor Pro Tem Winston said if you have any comments that are written down, you can provide it to the Clerk and the Clerk will distribute those comments to the Council and make it part of the record.

Mr. Carmichael said I'll give her a minute of my rebuttal. Nope? Okay. Well I'll be brief. We're not going to sit here and argue that traffic's not bad here because it is. Traffic's bad in Charlotte and it's bad in that area. I will say that a commercial development generally is going to generate more traffic than a residential development and that would be borne out by C-DOT's memo. That's not an answer to the traffic's not good, because we understand it's not. We did add some commercial to try to put some neighborhood serving uses there, but we understand that it would not replace the 6,000 to 8,000 square feet that's in existence, but we're happy to answer your questions.

Mayor Pro Tem Winston said thank you very much.

Councilmember Ajmera said I don't have any questions for the petitioner or for our staff. I'll just say this. I cannot support this rezoning in its current form. I understand there are concerns around traffic and congestion, but then also concerns around safe mobility especially for pedestrians. I see where this development is located, it will create just dangerous intersections especially off of South Tryon and Woodlawn. We have in our City, we've got to figure out how to keep our people safe, especially those that are pedestrians. We have seen so many lives being lost and I implore the petitioner to address that concern specifically. That's all I have. Thank you.

Mayor Pro Tem Winston said I have a question for staff. Whether this gets approved or not, this is a pretty badly designed intersection or set of intersections. This is a site that is relatively in the grand scheme of things not far from a light rail station, but if there were apartments here, I don't know how the folks would walk to that light rail station because that bridge also doesn't really have a sidewalk. I also drive up there and ride my bike there and it gets pretty dangerous right at that kind of choke point. Are there any plans to improve the overall alignment or how this intersection or set of intersections works?

Mr. Pettine said I'll turn this over to C-DOT. They may have some answers for you on that one.

Brandon Brezeale, Transportation Engineering Program Manager said good evening. Brandon Brezeale with C-DOT. So, there are not any plans to change the geometry per se for Nations Ford and South Tryon Street, however there is a CIP (Capital Investment Plan) Project currently in place to improve pedestrian access. So, there will be signalized crosswalks, there's currently a splitter island there which we refer to as a pork chop sometimes. It's kind of triangular shaped. That's going to be replaced and it's going to have pedestrian pass through access. We're also going to set it up with our CIP team to partner with this developer to provide access across Nations Ford for pedestrians and cyclists to get access to this property as well.

Mayor Pro Tem Winston said I heard mentions about replacement of the bridge. Whose jurisdiction is that and do we know what type of potential design? Would they create something that actually has a sidewalk on it?

Mr. Brezeale said sure. So, our design section in C-DOT works closely with NC-DOT Rail Division. They're most likely managing that project. We can reach out to them and get the status of that, and typically whenever they replace a bridge, we always ensure that we're getting bicycle and pedestrian access included with that.

Mayor Pro Tem Winston said thank you very much.

Ms. Ajmera said can you ask about the timeline?

Mayor Pro Tem Winston said is there a timeline for that bridge construction?

Mr. Brezeale said I can get that whenever I follow up.

Mayor Pro Tem Winston said and the pedestrian improvements?

Mr. Brezeale said for the CIP project?

Mayor Pro Tem Winston said yes.

Mr. Brezeale said it's currently in 90 percent design. It was supposed to be under construction, but I think they're behind schedule a little bit. So, it should be later this year.

Councilmember Johnson said well I'd like to thank the speakers for coming out. Thank you, Commissioner, for coming out and sharing your concerns. In December 2022, the Council did have a meeting to address the infrastructure of the City and the growth. That was the first infrastructure meeting that this Council has had in recent history. I was proud to lead that endeavor along with Councilmember Bokhari. So, can we have an update Mr. Pettine on what the status of the infrastructure research was and what the next steps are please?

Mr. Pettine said yes, I'm not sure I'm the best one to answer that question.

Ms. Johnson said Alyson, can you give us an update on that?

Mayor Pro Tem Winston said we can get an answer on that offline. That's not germane to this specific petition in terms of the next steps of our policy discussion.

Ms. Johnson said that's fine. Well, is that something Alyson can give us? We can wait, that's fine, but I just want you to know that we did address the concern about the growth and the unbalanced growth during an infrastructure session in December 2022. So, we as a Council should be holding staff responsible to give us that information and we're on it. So, thank you.

Mayor Pro Tem Winston said staff has let me know that we will have an update on that next week.

Ms. Johnson said thank you.

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

Ms. Watlington said as Ms. Virginia Keogh mentioned, those that you see here in the audience today in yellow are representing the Southwest Area Neighborhood Coalition or SWAN for short. They've been in the game a very long time. These are our neighborhood and our community leaders in and around this area and they've been very organized and committed to the work and advocating for their neighborhood. Frankly I'm so happy to see them here because I know that there was a level of discouragement honestly because they've been consistent in their needs and in their position on growth. As you all know, they live in close proximity, many of the neighborhoods, to the Blue line. So, they understand that there's going to be some level of growth associated with that. However, neighborhood preservation is important. These are homeowners, these are long-term renters and residents that care and are invested in their neighborhoods and they're seeing not only an increase in traffic, but also an increase in code enforcement issues, and increase in crime in their neighborhoods. Enough is enough is the message. They're not unreasonable. I've had the pleasure of working with several of them for a long time. They want to invest in Charlotte, they want to be a part of the growth, they want to make sure that we're growing responsibly and as the Commissioner said, when we need to say no, that we do say no.

So, I appreciate you coming out tonight. Not that it needs to be said, but I will say it. Obviously, I support you in this endeavor and will not be supporting this particular petition unless and until you all are aligned to the changes that are made, and I would encourage my colleagues to do the same in light of what we've heard tonight and in light of the broader conversation around policy. We know that we're going to grow by-right in a lot of instances, but our role is to make sure that we're growing responsibly and that in as much as we can make the right decisions in our infrastructure to do so, that we can do it in a way that everybody benefits. So, thank you once again for coming out and stay tuned. As the Mayor Pro Tem mentioned, this conversation is a follow up to the work that Councilmember Johnson and Bokhari led. It's going to continue next week. So, tune in. Also just want to add my support to the investigation in regard to the bridge. So, definitely would like to see a report out on that current status. Thank you.

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

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ITEM NO. 48: HEARING ON PETITION 2022-177 BY APPALOOSA REAL ESTATE PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.52 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF MALLARD CREEK ROAD AND GALLOWAY ROAD, WEST OF LEXINGTON APPROACH DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2022-177 is 15.5 acres located at Galloway Road and Mallard Creek Road just south of Lexington Approach Drive. It is currently zoned to R-3 and the proposed zoning is for UR-2, conditional. Adopted Place Type is Neighborhood 1. You can see some commercial and some small Neighborhood 2 areas just to the south there off Galloway. The proposal itself is up to 186 for sale townhome style units. Limits building height to 40 feet. Provides an eight-foot planting strip and 12-foot multi-use path along Mallard Creek Road and then eight-foot planting strip and eight-foot sidewalk along Galloway. Would also provide an ADA

compliant bus pad along Mallard Creek Road. Provides access to the site from both Mallard Creek Road and Galloway Road and then also commits to a 30-foot setback from the future back of curb along Mallard Creek and Galloway as well. Provides usable common open space throughout the site. It does provide walkways to connect entrances to sidewalks along public and private streets and also provides architectural standards including building materials.

As mentioned, staff does not recommend approval of this petition in its current form. It is inconsistent with the 2040 Policy Map recommendation of Neighborhood 1. We feel that the proposed form could be modified to some degree, potentially reduction of some units, also provide some different configuration potentially for the internal street network. So, we'll continue to work with the petitioner and the community on this one as it continues through the process, but that is our current recommendation. We will take any questions that you may have following the petitioner's presentation and presentation from the public. Thank you.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem and members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here tonight on behalf of our petitioner, Appaloosa, and their partner Stanley Martin Homes. We're also being assisted by DRG (Design Resource Group) on the design aspects. It's important to note Josh has over 10 years of experience in commercial real estate developing over 3,000 residential uses under different entities and he successfully rezoned multiple sites to residential in Charlotte, again, under different entities.

When we changed the product to a for sale product, Josh brought Stanley Martin on as the project partner. It's important to note that Stanley Martin was named the 2021 National Builder of the Year and is known for developing quality communities throughout the southeast. As we take a look at our site, it's 15.52 acres located on the west side of Mallard Creek. You'll see there are a number of multi-family, retail and commercial uses within a very short distance of our site heading south towards Prosperity Church Road and within a half a mile of the research park. Again, when you zoom out a little further you'll see that this area is not primarily single-family residential, but there's a good bit of those uses that we view as beneficial when looking for development opportunities.

While the site is just shy of a half a mile north of Mallard Creek Road Petition 2022-087 approved earlier this evening is located half a mile south and was approved for a very similar density, the same that we're seeking on this particular site. This area is not solely zoned R-3 as you would expect to see within half a mile of research park and along the thoroughfare. There's a broad range of residential or non-residential and other higher intensity zoning designations. You can see R-17, R-12 and a lot of B-1 and other office zoning in the area.

We are pleased to say the site is located on a bus route and will be adding a bus stop. The development of the site is also adjacent to sites that will extend the bike routes along this corridor. Mallard Creek widening is funded and set to begin right of way acquisition and utility relocation in 2025 to take it to a four-lane road. It will also take it from Mallard Creek Church Road all the way up to Breezewood. Again, the right of way acquisition starts in 2025 with construction in 2027.

I'd like to take a little bit of time to discuss the Place Types in this area. This site is identified as N-1 with the 2040 Comp Plan adoption and mapping. The recommended land use for N-1 as circled on the map below is primarily single family detached duplexes, triplexes, quadraplexes, attached single family and small multi-family buildings. Under the building form category in the fourth column, it reflects that townhomes can have five units or fewer. This is taken directly from the 2040 Comp Plan. There's also a graphic that was provided in the Policy Guide Map. The Guide's intended to show you single family townhomes of up to five units as an aspirational image of how N-1 areas can develop. So, I just show you to reflect how we can use townhomes and quadraplexes to transition into single family areas. N-1 Place Type is

not reliant on alignment with underlying zoning standards or zoning standards in general. N-1 is a policy, and the policy supports this form of development as I read on the previous slide. That said, we recognize it's really important to take into consideration how we make these transitions to the existing single-family neighborhoods.

This slide shows a comparison of where we started and where we're currently at. We originally submitted a plan for 186 units for rent. You can see the blue arrows showing where we had a potential road extending up to Lexington Approach. After a few meetings and discussions with the community, we made a significant change to adjust all the units from a for rent to a for sale product. Y'all know that's not something we see every day. We did it because there was a request for us to look at opportunities for upward mobility. We eliminated the streets connection, increased the open space, we reduced the number of units in each building. We also committed to brick facades on the residential units because that's in keeping with the surrounding neighborhood. We agreed to fence along the periphery's edge and provide an amenity area. When you look at the site, you'll see that we've got the 12-foot multi-use path up to Lexington Approach. We're providing a right-hand turn lane into our site. Our access points are limited to Mallard Creek and Galloway with an eight-foot sidewalk and eight-foot planting strip along Galloway. We've tried to put the preservation of our sensitive areas in all of our open space closest to the existing single-family areas, and we've provided visitor parking at the amenity area as well as on all of our public streets. We've got up to about 61 visitor parking spaces as part of this development.

This graphic reflects a range of distances from the proposed units to the property line. You can see we range anywhere from 50 feet up to 279 feet away from the existing family homes. There is a pinch plan on the northern side but there is some buffer space between Lexington Approach and the property line. These cross sections are another graphic that show you how far away the proposed units are from the property line, just to give you an idea of how important it was for us to add that open space to the periphery of our site.

So, what's the rationale for supporting this type of development in this location? We believe that townhomes are in consistent form with the N-1 Place Type. We're providing a higher level of design standards and architectural commitments. We're committing to the brick façades, providing an appropriate transition, we're on a bus route and that's historically been viewed as favorable. We are not including any of the connections to the existing neighborhood. We have close proximity to office and jobs, the 12-foot multi-use path, and NC-DOT road widening plans are actually funded. We believe this change to 186 for sales is very positive. It's important for us to note that the UDO is expected to go online with an effective date in June. So, I want to take a moment to just look at how the new by-right option under N-1A translates. R-3 translates to N-1A and my support an approximately 7.5 DUAs (Dwelling Units per Acre), about 116 on the site by-right. With that by-right development, there'd be no commitment to a for sale product, no architectural commitments or commitments for amenities, no commitments to increase buffers or open space and no commitments to provide a buffer and a fence along the property line. With conditional zoning, we aren't dismissing that we're seeking additional density. With the request for density, we're using conditional zoning to provide some guarantees and certainty in exchange for that density, and with that again, the 186 units for sale.

This table is just another way for you to look at it side-by-side when you look at maximum number of units and the benefits of the conditional zoning. The reason they're two numbers under N-1A by-right, someone had mentioned to me, staff mentioned that you could get up to 135 to 140 units under N-1A. That's basically using just straight math multipliers. We took into consideration the new UDO standards; tree save and other configuration requirements and site design standards. So, we're a little more conservative and believe under a by-right scenario you wouldn't get more than 116 to 120 units. Again, the table is just another way to look at what we're trying to offer with the conditional zoning versus the by-right zoning. Staff has acknowledged that if Council were to approve this plan, it would align with goals 1, 2, 5, and 7. Goal 1 specifically recognizes the diversity of surrounding uses in the area. The commercial, the retail,

office and jobs. We're committing to a variety of housing types, specifically for sale and all the other benefits associated with this conditional zoning. We've been asked several times can we reduce the density. We simply can't. Every month we hear Council ask development teams to change their development from a for rent product to a for sale product and it rarely happens. We simply can't keep this as a for sale product with all of the commitments and reduce the density. In order for us to make a meaningful reduction in density to potentially drop 30 units off what we're proposing and revise it to a two-story product with brick accents, we would have to transition back to a for rent product and it would likely be better aligned with potential for support from staff. We are all faced with a very new balancing act as we consider choices between the new UDO and what we're seeking when we ask for density in homeownership and hoping that maybe there's something in between. With that, I'm happy to answer any questions after the community gives their presentation.

Mayor Pro Tem Winston said thank you very much. I think I counted 23 speakers against. So, you'll get a total of 10 minutes combined. I would ask that you be kind to the people that also joined you to speak. So, if you come down, get to the podium, please identify yourself because we can also only recognize people that have already signed up to speak. Again, if you do have comments that are written down, you can provide them to the Clerk, and they will be distributed to the Council and made part of the record.

Jordan Boyd, 2304 Arden Gate Lane said good evening members of the Council, Mayor Pro Tem Winston and to the hardest working City Council member in District 4, our City Council Reneé Johnson. My name is Jordan Boyd. I'm a resident of the Lexington Community and was asked to speak on behalf of this petition by my neighbors and residents for which I am grateful and humble to do so. I'm also a Pastor in the community, but tonight I stand as a resident in the largest precinct in the City, in the County and in the State. That's Precinct 212.

My wife and I are 22-year residents in the community, and we stand tonight with all of those who are standing here before you along with the residents of Arbor Hills, Fountain Grove and Chadwick to adamantly oppose this petition in any form, and we're asking you to do the same. Staff has already weighed in as to the reasons why they oppose it. We're asking you to stand with us and our Council member representative in opposing this petition. It was said by Representative Johnson earlier in asking a question regarding the text amendment to the 2040 Plan, and I think I heard the Planning Director say that this is not meant to be a change in direction. We're asking you to change directions because you have failed to make known to the citizens of this City and the County what is clear to us in this negotiation with this developer. Come June 1, 2023, under the by-right policy as stated by the developer tonight, you have given them free reign under a very narrow scope to build as they want, how they want. No longer will citizens be allowed to come in this platform and say to you under a conditional policy zoning policy what can and cannot, will be. I heard Councilmember Watlington talk about responsible growth. We understand growth, we understand the need to address growth, we also understand what our Council member representative has talked about and that is responsible growth. By-right policy is not responsible growth. It gives the developers unchecked ability to come in without the residents having a say in what they put on the site.

As was said to us by the developer, if we don't approve and don't stand with them in their asking for the 186 units, they'll wait until June 1, 2023, and come back and put in what they want to under by-right because by-right gives them that authority and you gave them that authority. We're asking you to take that back because you have taken our voice away. I'm going to use the slide that the developer gave tonight. No commitments to a for sale product, no architectural commitments, no commitments for amenities, no commitments for increased buffers and open space areas. No commitments to provide a fence along the property line because under by-right they can do whatever they want to do and you gave it to them. We found out tonight you can take it back because it hasn't happened in June 1, 2023 yet and so you can change directions. So, we're asking you to change directions. Thank you very much.

Nealand Lewis, 3020 Prosperity Church Road, Suite 416 said good evening. Honorable City Mayor Pro Tem, City Council members, citizens and distinguished guests, my name is Nealand Lewis and I'm the President for the proud Lexington Community Association HOA (Homeowners Association). We are a single-family development of 266 homes. That's a lot of voters. My neighborhood falls in District 4 under the very capable leadership of Councilwoman Johnson. I'm here with my neighbors today to stand in opposition to the rezoning petition number 2022-177 by Appaloosa Real Estate Partners. Appaloosa's developer representatives advised us that they envision charging a market rate of \$400,000 per unit albeit they're willing to squeeze some 186 units into a meager 15.22 acres of land. Let me add that much of which is inhabited by docile deer, white tail rabbits, a host of other harmless wildlife. This is disturbing and reckless.

I want to pause and acknowledge again Councilwoman Johnson for her consistent and compelling support for my neighborhood. She said once, "Inconsistent and irresponsible growth is not necessary," and that's what we see happening here. Inconsistent and irresponsible growth. With the passage of this petition, we foresee further congested traffic on our roads and we had two fatal accidents in the last two years. Is that going to increase? Rats and vermin drawn by the stench of dumpsters added next to our homes. If you look at that map, on the corner of it, it's 5 feet from the back yard of one of my neighbors. I ask you, would you want that up to your backyard? Overcrowded local schools compromising teacher and student ratios, increased crime, challenging an already stretched police, fire and EMT (Emergency Medical Technician) support. Simply put, it's inconsistent as you said, and we appreciate that. It's inconsistent with Lexington neighborhood and the surrounding single-family neighborhoods. It's inconsistent with the new 2040 Plan that we've been talking about, and our quality of life makes sense. Quality of life makes sense, it's not just about the money. It can't be just about the money. \$75 million, that's what you stand to make, but what about the quality of life that we stand to lose? Thank you for your time.

Richard Jenkins, 11017 Tavernay Parkway said thank you. I think my neighbors have covered most of the key points, but I do want to again thank Councilmember Johnson for your support of all of our neighbors that are represented here today. This really is impacting us in such a negative way and our home actually backs right up to the property line. So, the 5 feet away, I'm about 10 feet away from this property.

Unknown said it's too close.

Mr. Jenkins said it's way too close and there's a lot of old tree growth there. We love hearing all the animals at night, ever night. The frogs, they would overwhelm you. It's just amazing and this is just going to destroy all of that. I know the City has a goal to get back to 50 percent tree canopy. A lot of old growth on these three lots and it's going to take away most of that and the developer only committed to keep 15 percent. So, it's not going to help us get to where the City Council wants to get on that. There are also several townhome developments, there were some mentioned earlier that are within a mile of this development that are the Glenmere at Mallard Creek and Aria at the Park that have around 4 to 8 units per acre in density versus the 12 that's being proposed. The density is way too much. It's just going to cause all the problems that my neighbors have already expressed.

So, as one of the members said earlier, let's try to do the development the right way and make the right decision about this and oppose this petition. Thank you.

Stanley Watkins, 11023 Tavernay Parkway said again, good evening, Mayor Pro Tem Braxton as well as the rest of the Council that are here before us today. I think Councilmember Johnson kind of called me out a little while ago. Yes, I'm a former City employee. I spent 22 years in the Planning Department from Zoning to Long Range Planning and I spent another 12 years running the Housing Community Development Department. So, this is who I am. So, thank you. I, like many of the folks that you see here, I've not been there as long as some of these folks have been here. My wife and I

have been in the Lexington Community about 23 years, but I got some friends up here pushing 30 or more in terms of being here. We're out of time?

Mayor Pro Tem Winston said the last two speakers, can you identify your names please for the record?

Mr. Watkins said Stanley Watkins.

Mayor Pro Tem Winston said you sir?

Mr. Jenkins said Richard Jenkins.

Mr. Lewis said Nealand Lewis.

Mayor Pro Tem Winston said I got you. Thank you.

Ms. Grant said so, we know that the community is being faced with a choice and in this case there's something that we're looking at in the new UDO. We've moved past R-3 and the idea that this is going to be 45 single family homes. So, our attempt was to be very transparent in what some of the options would be if this was in fact voted down. It was nothing other than to look at the options and to look at the choices. If staff could pull my presentation back up, you'll see I showed those cross sections and the distances specifically to show that the distances are 50 feet to 279 feet. I'm not sure where we're 5 feet from someone's backyard. You can see these are the cross sections that we provided. I'm happy to answer any questions. It's been a long night.

Councilmember Ajmera said this is a significant increase in density. So, a question for staff, Mr. Pettine. With approval of this petition, would that revise the recommended Place Type from Neighborhood 1?

Mr. Pettine said it would, yes. It would change the Place Type from Neighborhood 1 to Neighborhood 2.

Ms. Ajmera said yes. So, this is inconsistent with what we have approved with our 2040 Policy Map as well as with the UDO. I know I have some friends who live in this community. I've been over to your homes, and this truly lacks the sensitivity to the surrounding neighborhood of single-family homes. It just lacks the needed infrastructure I was looking at. I will be supporting the district Council member to oppose this rezoning petition in its current form. I think we really need to address the density here. We've got to address the quality of life concerns and if you look at the trips here, we are talking about more than triple what would be currently allowed and that's significant. So, I would not want that in my neighborhood, and I share the concerns that have been raised by these neighbors and I hope that the petition will work with them to address where we can come to some sort of resolution here. I don't think any of them are saying no to development, they just don't want a neighborhood that just completely lacks sensitivity to their homes. Thank you.

Councilmember Mitchell said Mr. Watkins please come down. Stanley, you have built so many neighborhoods in our great City. So, we appreciate your view of service. Can you give us your viewpoint on this rezoning and the impact it would have on your community?

Mr. Watkins said yes. In terms of what's being rezoned in the packet that they're recommending, in terms of 186 townhouse units on 15 acres, it is 12 but you have to realize currently now it's 3 units per acre until the new ordinance comes in. Perhaps I can get staff to clarify for me. When I look at the conversion from R-3 to N-1A, that's when your conversion chart in terms of the UDO. Now if you look at the H-1A, it does permit single family duplexes and triplexes by-right. Under prescribed conditions, you can do a quadruplex, but N-1A does not permit townhouses. Staff can correct me if I'm wrong.

Mr. Pettine said you're correct.

Mr. Watkins said townhouses are not permitted by-right. I think that's a very important point I think that y'all need to understand. I think the other piece, as we look at it, we're going from three to seven and a half which I concur. Under the rezoning, we go to 12 units per acre and as we said before, we have property owners that are 5 feet away from either infrastructure or actual buildings into their backyard, as the other gentleman spoke. So, I think those are some things to keep in mind.

Mr. Mitchell said thank you Stanley. Glad to see you sir.

Councilmember Bokhari said thanks. I'll make a broader comment because I think it's plain to me at the tactical level of this, you know, seven and a half versus 12 plus, there's a big difference there. In order to get something like that based on the ink barely being dry on why we're here, there's going to have to be significant concessions in the coming together of the neighborhood and the petitioner. This month, I would encourage you all to do just that, but there's one thing I want to make real clear to everybody here because it was in the first gentleman's comments. That is the by-right conversation. I will tell you and everyone listening to this, we had almost two years of a contentious knock down drag out fight that barely passed here that a lot fought against and we pleaded with the community to wake up and to pay attention to what was happening and we couldn't get enough folks to come listen and to come and do this. The thing I said back then is the thing I'll repeat now. People are going to pay attention when they realize what people can build next to their houses.

So, that my friends were a fight in the inner nerdy City Council stuff that no one cared about when it was theoretical. Now that those chickens are coming home to roost and those of us that gave everything, we had for two years on this, you are now starting to see that play out and that's unfortunate, but I want you to understand, this wasn't some little thing that we all said, "Okay, well we'll get them and they're not paying attention." That was a fight for two years and I've heard your point. I just want you to know that we didn't get the backing we needed to be able to win that battle and now we're through that. So, by-right is by-right, and at the end of the day when this petitioner comes through, just know that the time for that battle has come and gone now. So, I hope you understand you have the next month to hopefully negotiate, but the fact of the matter is by-right is by-right.

Councilmember Johnson said thank you Mayor Pro Tem. I have so much to say. First I want to say thank you. Thank you to the Lexington residents and the other communities that have come out. The residents of District 4. Commissioner, you may have the most powerful district, but I have the best. I want to say to Councilmember Bokhari. I don't think it's that the residents didn't care, there were engaged residents. There was a machine as we know to have the UDO approved. So, even though we fought tooth and nail, some of us, there was narratives, this was approved. So, we did hear tonight that there might be an opportunity to undo that. That's something that this Council, if they have the political will can certainly talk about. As far as this petition, Liz if you can post that map. This is a map that I've asked to be displayed since January 2023 at Council meetings, and it's a map of the Mallard Creek Area. It's a map of the pending, approved and by-right development. What you're seeing, to my colleagues, this is the effect. The residents who are speaking out against all of this development, they're not making this up, this is not nimbyism. There is an unbalanced and irresponsible growth. We don't have the infrastructure, it's a two-lane highway. We know that just down Mallard Creek, is it a million square footage of development that's pending? So, I'm asking you to listen to the residents. This is non-characteristic of this area. Obviously, I'm going to be supporting it.

We talk about the by-right if this is not approved. I've talked to the petitioner myself and if it's not approved, there's 116 possibly rental, possibly vinyl units that are going to be built and that's not fair to the residents. We know that prior to 2040 approval, this petitioner would've withdrawn this petition because of the choices that they had. So, I am asking you to support these residents. The density, it's too much, City staff doesn't

approve it and it will affect the quality of life. This is not something that's appropriate for this area. If you look at this map, you see all of this. They're right on top of one another. I don't know if you can see it, I'm happy to email a copy. I might've emailed a copy to several of you, but these developments are right on top of each other on a two-lane highway. The infrastructure, we don't know if the infrastructure, the sewer, the storm, the pipes can hold this, the traffic, the sidewalks. We know the schools are overcrowded. We learned last month we're not even counting the impact on schools. So, I agree with you Commissioner. You know, I always say moratorium is the M word. I always call it that because that's something this Council, I don't know if that's political will and I'm not saying moratorium, I'm saying responsible growth. There are areas based on the outcome of the infrastructure meeting that we should take a look and ask the question when is it too much.

So, that's the broad picture, but for this petition obviously I'm going to be supporting you. Take a look at this. I've also talked to the residents of District 4 and we're talking about a coalition. We need a coalition. We're having more engagement about that, but your voice is important and I'm responsible to you along with the At-Large representatives as well. So, I appreciate you coming out. I appreciate Precinct 212, the largest precinct in the State. It's my duty and my honor to serve you.

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

Ms. Johnson said I wanted to ask Pastor Boyd a question.

Mr. Boyd said thank you Council.

Ms. Johnson said let me ask you the question. Is there anything else you'd like to add?

Mr. Boyd said yes, I would. I'm asking for clarity for our sake and all of the citizens of Mecklenburg County. Are you saying that there is no possibility of changing the by-right policy? That takes away the voice of the citizens. It's one thing to talk theoretically about a policy that has not been applicably applied. Now the residents are going to see. So, that means next door to your house in your community, the same developer can walk in and within a very narrow scope using by-right, put whatever they want in. Now to say it's gone, it's a foregone conclusion, that's not true because it can be added back to the agenda.

Mayor Pro Tem Winston said Reverend Boyd. So, every piece of land has a zoning district. Every piece of land that has a zoning district has allowable uses that you can by-right. So, that already exists. It always has existed and always will exist. As that map was up there right now, you saw several stars, all that means is if the developer comes in and it fits all the standards of the policy in place, they don't have to come before Council. So, in the grand scheme of things out of 100 developments, only about 7 percent of developments go through a conditional rezoning process. Over 9 out of 10 developments that you see happening are happening by-right. They always have and they always will. Now, what is allowed in those individual zoning districts? Those are works of policy that City Council can change over time to change what is allowable by-right. So, it's not something new, it's not something that goes away, but it's just something that is, and always has been and always will be. Those are the rights of the property owner just like you have a home, you're allowed to do certain things on that property and there's certain things that you are not allowed to, but you can go through a conditional rezoning process to see if you can become allowed. That's the difference between by-right and conditional.

Ms. Johnson said what has changed is the allowances in those zoning types. Prior to the UDO, there were areas that were zoned strictly residential or strictly for single family and that's what's changed. So, prior to this passage, this area, if this wasn't passed, the developer would've only been able to build 45 single family units because of the three units per acre. Now that we've passed the UDO, developers can build duplexes and triplexes on any lot that would allow a single family. You know, the setbacks are

important and if there's an HOA and all of that, but if you're comparing equally, they are able to build duplexes and triplexes anywhere that a single-family home could be built. That's the Provision 2.1 that those of us who were opposed to the UDO fought against.

So, you're right. Yes, there's by-right, there's always been by-right but it's what's allowed now by-right that wasn't allowed before. So, your question seems like are we able to take a look at that policy and make changes to that? I asked the question tonight and it sounded like we were based on the answer.

Councilmember Watlington said thank you. I just want to [INAUDIBLE] by-right through the zoning and the Place Type Map. I want to make sure that you're clear that you are talking to the right people. It is not something that it happened and there is nothing that we can do about it. This Council has the authority to defer the effective date of the implementation of the policy. So, continue to show up. That is something that I'll say right now. I'm happy to support for the simple fact that as we work things out there are things we learn along the way that we can improve upon as we implement this policy. There are options. So, I don't want you to walk away from here thinking that because it was decided by a past Council that there is nothing that we can do. We absolutely can.

Unknown said thank you. Thank you very much.

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

Mr. Bokhari said Mayor Pro Tem, I'd also like to recognize Susan Gann from CMS (Charlotte Mecklenburg Schools), one of our great administrators at the top of that program is with us tonight. Thank you.

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ITEM NO. 49: HEARING ON PETITION NO. 2022-175 FOR A CHANGE IN THE ZONING FOR APPROXIMATELY 38.25 ACRES LOCATED ALONG THE NORTH SIDE OF ROCKY RIVER ROAD, WEST OF BACK CREEK CHURCH ROAD, AND SOUTHEAST OF JOHN RUSSELL ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-175 is 38.25 acres on Rocky River Road just to the west of Back Creek Church Road. It's currently zoned to R-3. You see some R-8 MF just next door as well. Neighborhood Service is just across the street as well as just to the west on Rocky River Road. Currently the Place Type calls for Neighborhood 1. You can see Neighborhood Center just to the south across the street here from this petition. Proposal is for up to 200 single family attached residential units. Just if we're continuing to do some math on these, this is about five units to the acre. Access is from Rocky River Road and future Eastern Circumferential Road. It would provide an eight-foot planting strip and 12-foot multi-use path along the site's frontage on Rocky River. Construct bicycle facilities by locating curb and gutter 30 feet from Rocky River Road center line and installing that 12-foot multi-use path. Also proposes an internal network of public streets with six-foot sidewalks and eight-foot planting strips. New turn lanes would be provided per NCDOT at intersections on Rocky River Road. Architectural standards have been worked through the petition. Maximum would be four units per building. Also, a 4-foot berm along Rocky Road would be in place along that frontage. You can see that with that green solid line around the road frontage on Rocky River. A quarter acre of improved open space areas along with the dedication of 1.5 acres to Mecklenburg County for the purpose of a public park. Buffers have been provided to existing multi-family residential, and a 50-foot Class C buffer adjacent to that single family piece there in the middle. Also illustrates some possible internal walking trails for the site. As mentioned, staff does recommend approval of the petition. We do have some outstanding issues to continue to work through. It is inconsistent with the Policy Map, however we felt like the triplexes and quadraplexes

that are being proposed as well as the lighter density and the adjacent townhome community that was approved under the same zoning district did provide us a little bit of additional context to provide some support for this petition. We'll be happy to take any questions following all the presentations by both parties. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said good evening, Mayor Pro Tem, Council members, Zoning Committee members. Thank you for hearing us out tonight. Here on behalf of Rocky River Holdings, LLC. One we've had a couple of pretty heated discussions. So, we are here with a townhome project, but I'd like to draw some distinctions between some of the petitions we've heard and this one. So, as you can see, here we are out Rocky River Road. Our site is here with a star on it. One of the things you'll notice is that we have no single-family neighbors. There is a development site here by Mattamy Homes that is under development for townhomes, but again, we've got no adjacencies to single family homes. What is unique about this project, if you all have been out here, this where my cursor is, is the location of the Hodges Family Farm. The Hodges Family Farm has been family owned and operated for over 100 years. I've taken my kids out there for the pumpkin patch before. So, it is a historically important part of the community. Again, so the Hodges Farm is across the street but the property that we're talking about tonight is owned by the Hodges Family. The farm here, like I said is historic. It's over 100 years old. Has a historic landmark designation on it, and the family very much wants the Hodges Farm to continue in operation for maybe the next 100 years.

So, again, they have a family member who continues to operate the farm. It is ongoing, but as you may know, farming is not a very lucrative business. So, the family needs income to support the farm so that the historic portion of the farm can continue to exist. So, that is the purpose. The Hodges family is selling off this acreage across from the farm to a developer so that those funds can be used to support the existing Hodges Farm. So, I would say to you, the neighbor that's the most affected, we've heard from neighbors tonight, are the Hodges family themselves. The owner of the farm here and believe it or not, this piece of land here which is kind of enveloped by our development is owned by a member of the Hodges family. So, the Hodges, it is very important to them that this be a quality development. So, we're in a conditional zoning. As you know, the Place Type is Neighborhood 1.

So, the Neighborhood 1 says that attached housing is appropriate. For some reason that I don't quite understand, we're told that we're not consistent, but here is the site plan. We're using an R-8 MF CD zoning. The proposal's for 200 townhomes which is only about 5 units per acre. So, 5.2 units per acre. We've been talking about some much higher density stuff tonight. This is a fairly low density. We've talked a little bit about the UDO and what it might offer. My guess is that under the UDO, someone could develop more units than this, but it is important to the Hodges family. They'd also like to have a conditional plan on this site so that they know it's coming. So, that they know what type of density is coming, they'd know what type of product is coming. They've got some commitments for buffers along the road. There's a commitment to an acre and a half park dedication. So, that's where we are with the petition. I do think there's some significant distinctions again between some of the petitions we've heard tonight, really being the low-density nature of this. There is a speaker in opposition. I spoke to her briefly this morning. So, I don't know what her concerns are. After the hearing, I'm happy to follow up. I do think that the proposal here is frankly better than a by-right development either under our current ordinance or the new ordinance. We talk about transportation and traffic impacts a lot. We talk about school impacts. If you noticed the CMS statements, the townhomes versus single family, CMS is predicting this would generate fewer students than a by-right development. Traffic, we're a little bit above but not a significant impact.

So, again, I think the benefits of this petition are to lock in a conditional plan, give some certainty to the family that lives here around it of the quality of the development, a low density development, a dedication to Mecklenburg County Parks and Rec, and some other commitments to greenspaces and future dedications of right of way for C-DOT

and NCDOT plans. I know there's a speaker in opposition. So, I will let them speak and then be happy to take questions.

Patricia Campbell, 9164 Pleasant Ridge Road said good evening, Mayor Pro Tem Winston, Council members and staff. The present R-3 which they were re-trying to go from a R-3 to a R-8, then they later decided to go from a R-8 to a R-8 MF CD. This will place tri and quad units versus single family units in the area. It will affect us in the following ways: 1. The character of our neighborhood. 2. Our neighborhood designation of N-1 becomes a N-2. 3. No reliable public transportation. 4. Overwhelm our City roads and endanger cyclists and pedestrians with more vehicular traffic and 5. Increase our carbon footprint. This is not in accordance with the 2040 Plan. Our area, [INAUDIBLE] is not on the list for better transportation within the next 20 years and impact fees are nonexistent.

We would like Rocky River Holdings, LLC to meet with the residents to discuss the following community benefits for our area. Greenspaces, connectivity to existing sidewalks, walking trails and minority and women inclusion for the building process. We would also like to meet with the Transportation Department to hear their plan for the flood of commuters into an area that was until recently farmland and forest but has become the new "it" for development. Presently, the [INAUDIBLE] area and the 2040 Plan are incohesive. What are Rocky River Holdings, LLC, Charlotte City Council, the Zoning Department and C-DOT doing to ensure our residents' concerns are being addressed? Thank you.

Mayor Pro Tem Winston said thank you very much.

Mr. Brown said again, we spoke this morning. So, we have each other's numbers. I'll be happy to follow up. Again, I think once we review our conditional plan, I think we're frankly in a better place and happy to talk about those issues with the neighborhood. Happy to answer any questions.

Councilmember Ajmera said so this is for Mr. Pettine. I see this petition is inconsistent with the 2040 Policy Map. So, I'm trying to understand that rationale here for recommendation. How is this different from the previous rezoning petition?

Mr. Pettine said certainly. I think the big difference for us primarily is context. We're not having the same kind of general impact on some of the neighboring properties that we saw in that previous petition or in an area that has a little bit less of some of those concerns from traffic and transportation standpoint. Also, we've got a similar zoning district and development pattern right next door which this petition will tie in and continue to establish the road network. We've got a dedication of a larger park space, development of a future road for that Eastern Circumferential Road that's going through the site. So, I think there were a few differences. Mainly the context was a little bit different for us. We're also at about 5.2 DUA. The other one was about 12. So, if we're looking at things from a Neighborhood 1 to a Neighborhood 2 scenario, this really comes in on the light end. In fact, it's fairly close to consistent with Neighborhood 1 just with the fact of some of those quad units wouldn't be necessary consistent with that Place Type, but it's just with three and four unit groupings, we're getting a little bit closer to what some of those outcomes would be in Neighborhood 1. So, those were primarily the big differences for us, was continuation of that existing development pattern next door and the road network, future build out of the new road network with Eastern Circumferential dedication of parks space, a multi-use path, bike lanes, some additional things that really went into this petition as well as it just being a little bit lighter outcome in terms of total unit count across all those acres.

Ms. Ajmera said got it. Thank you. I appreciate the Hodges Farm here. We live very close to this site, and we've been there many times for the community events. So, I don't have any additional questions.

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

ITEM NO. 50: HEARING ON PETITION NO. 2022-179 BY CORAL REEF INVESTMENT PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.65 ACRES LOCATED ALONG THE EAST AND WEST SIDE OF CHARLOTTE PARK DRIVE, SOUTH OF PRESSLEY ROAD, AND WEST OF INTERSTATE 77 FROM B-2 (GENERAL BUSINESS) TO MUDD(CD) (MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-179, 5.65 acres off Pressley Road just to the west of South Tryon Street and I-77. Currently it's zoned B-2 and it is being proposed for MUDD conditional. You've got two pieced there on Pioneer Park and Charlotte Park Drive. The Adopted Place Type on the left-hand side for where the proposed apartment building is being proposed is Neighborhood 2. The commercial portion is the other piece of this petition which is really just being proposed to be preserved as open space. So, the petition itself gets into a proposal for up to 210 multi-family units and then 4,000 square feet of retail EDEE, general and medical office uses, personal services uses that are allowed in MUDD. It does have use prohibitions on automotive service stations, repair facilities, shopping centers, etc., So, some of those uses that are in MUDD that aren't really compatible have been prohibited. Does limit building height to 85 feet. Provides a 16-foot set back along Pressley Road, Charlotte Park Drive, Yorkwood and Pioneer Park Drive. Also that piece there, it's parcel 14528203 strictly would be allowed for open space only. A small area of that existing parking that's already there would remain, but again that would be conditioned to just be open space.

Access to the site is off Pioneer Park. It does commit to eight and eight sidewalk and planting strip along those street frontages, and then eight and six, with an eight-foot planting strip and six-foot sidewalk for the Charlotte Park Drive along that open space area. It does commit to architectural standards and then does state that new lighting would be full cutoff and detached lighting will be limited to 20 feet in height. Staff's main concern with this petition is the building height. We're still working with the petitioner on that and just trying to understand a little bit better some context, particularly about what was approved behind. I believe that was approved for about 40 feet. This would essentially be a doubling of that. So, we do have some concerns but fairly confident we'll be able to work through those with the petitioner. So, just wanted to continue to have some of those conversations and felt it was more than just a resolution of that issue. We'd like to see a little bit of change on that, but again we'll continue to have conversations with the petitioner and evaluate that as it progresses. So, with that, we'll turn it over to the petitioner team and we'll take any questions following their presentation. Thank you.

Colin Jenest, 200 South Tryon Street, Suite 1400 said alright. Thank you. Thank you, members of City Council. My name is Colin Jenest. I'm representing the petitioner tonight. We do have Adrian and Alberto the petitioner and the department architect who I think are sitting up top maybe behind me. We're happy to answer any questions at the end. Thanks to Mr. Pettine for the detailed summary. I think he covered a lot of what I was here to discuss tonight. So, I'll try to be brief. First, I just want to start by making sure I do not bury the lead and that is we are prepared to comply with all of the outstanding issues related to the building height and some of the additional notes that staff has asked us to include. So, I want to start there again and say that we are ready to move forward with those conditions. Beyond that, I just want to provide some context to the site in general. Again, Dave I think described the general location, that this is just north of the Woodlawn-Billy Graham Intersection located off of Pressley Road and Charlotte Park Drive. The main building site is actually going to be bounded on four sides by three existing roads and then one proposed road that's part of the Phase One construction. This site originally was permitted by-right as a B-1 and the image you see on the screen with the two U-shaped buildings are a portion of that Phase One development.

As part of that original development, we also dedicated this open space on the right side that you're seeing now and is part of the current petition. The petition we're reviewing tonight came about roughly about a year ago when we reached out to staff to see if there'd be an opportunity to look at an increase in density beyond what the by-right use would allow. At that time, we were proposing 350 units which we were made aware very quickly was not appropriate and subsequently we brought that down to the 210 unit number you see today. Additionally, we started with 120 feet of a maximum height which for the MUDD district I guess maximum amount allowed, however again, heard very quickly from staff that that was not appropriate, and we came back on the last revision proposing 85 feet. So, I say all of that because as I stated in the beginning, we are prepared to move forward with the 65-foot height. All of that being said, before I open things up for questions, I did want to note that prior to the meeting, petitioner, we all had a discussion and I don't want to put Mr. Pettine on the spot but he has looked at the numbers and from an affordability standpoint the 210 units just economically, we cannot make the numbers work with an affordable component. If Council had an appetite or a willfulness to look at an increased unit count by approximately 40 units, that would get us up to a total of 250. We do believe that we could have 30 percent of those additional units beyond the 210. So, we're talking 12 units of the additional 40, we would be looking forward to potentially be affordable in that 80 to 85 percent AMI (Area Median Income) range.

I'm mentioning all of this because the cap height at 65 feet would be problematic in that sense. So, in this case if this is something that Council and then working with staff, is something folks might be open to, we would need to look at an increase in height, likely to the 70-to-75-foot range. So, we're not asking again to even go back up to the 85 feet. So, with that being said, just wanted to make sure you all had the full picture of what we're trying to accomplish here and happy to answer any questions. Thanks.

Councilmember Watlington said I just had a question about the height piece. It's really for staff. So, I know this is not TOD, but as it relates to the affordability bonus, how could that apply here?

Mr. Pettine said so, we did talk with the petitioner earlier on about TOD. I think it would meet some of the walk distance, but we had some concerns about the type of walk that really is. It's not really the best walk to make. So, that's why we set it on the MUDD district. You know I think if there's a conversation about additional units that could be affordable, that's certainly always a conversation that we're willing to entertain and talk through and if that means that we might have to be comfortable with a different building height, you know certainly I think all conversations are open for consideration. Anytime we can try to incorporate affordability into a project, that's always a bonus, but I don't know necessarily. Again, we don't predicate any recommendation based off of that, but we always encourage petitioners to include that. So, if that's a conversation that they want to have I think we're certainly willing to have that, and if that means maybe some of that give and take from staff's concern about the height to go with something that's affordable, I think we're willing to listen to that and have part of that conversation to see what that may look like. We wouldn't predicate any recommendation on incorporation of that affordability, but again it's always a good outcome and a bonus for a project when we see that.

Ms. Watlington said got you. Thank you. Yes, I would be much more interested in increasing affordability via [INAUDIBLE] increasing height rather than adding 40 units and getting 12 back as affordable. So, just my input.

Motion was made by Councilmember Anderson, seconded by Councilmember Mayfield, and carried unanimously to close the hearing.

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ITEM NO. 51: HEARING ON PETITION NO. 2022-181 BY AJ KLENK FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.22 ACRES LOCATED ON THE SOUTH SIDE OF NORTH DAVIDSON STREET, NORTH OF YADKIN AVENUE, AND

WEST OF EAST 34TH STREET FROM TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT – MIXED USE, OPTIONAL) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL)

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-181. It's about 0.22 acres on North Davidson Street just across from the Y. It is currently zoned TOD-MO. The proposed zoning is for MUDD optional. The Policy Map does recommendation this block and area of North Davidson Street on this side as a Neighborhood Center. So, it's petition and request would be generally consistent with that. The proposal would allow all uses in MUDD including an EDEE with outdoor dining and an existing 1,533 square foot residential structure built around 1900 that would be adaptively reused and improved. Then an existing just about over 1,000 square foot greenhouse. You can see that in the back corner of the property. Three small maturing street trees will be provided on site to satisfy treescape requirements. Then due to the site being located within a transit station area, tree save mitigation, payment in lieu options would be available under the City of Charlotte Tree Ordinance.

Proposes the following optional provisions: Allow for three on-street parking spaces and one on site vehicular pad to satisfy the required parking spaces. Again, we typically see these kinds of things on North Davidson Street and Central Avenue since this is not an uncommon optional provision to request. They also would like the existing structure to encroach into the 14-foot setback along North Davidson Street and also an optional provision to allow the existing 4-foot planting strip and 5-foot sidewalk to satisfy the required public sidewalk associated with the development. Typically, the streets map in this area by adopted would call for a wider sidewalk and planting strip.

I believe one of the outstanding issues we have, we'll get to our recommendation, which is recommended approval upon resolution of outstanding issues related to transportation and site and building design. One of those transportation items that we're continuing to work through is taking that 4-foot planting strip and removing that and increasing the sidewalk width to 9 feet total. So, curb line wouldn't change, building location wouldn't change. It would essentially add 5 feet of paved area to make that space in front of the site 9 feet in width. Again, that's a request of the petitioner. They have an optional provision to just leave it as is, but that's an outstanding issue that we're still trying to work through and get some consistency on. I do understand the neighborhood would like to see it remain as is, but that's the request that's outstanding on that transportation side. It is consistent with the Policy Map recommendation. Again, staff does recommend approval and we'll take any questions following the petitioner's presentation on this one. Thank you.

Chip Cannon, 3724 Chevington Road said good evening. Thank you very much for your time and consideration. I'm Chip Cannon on behalf of the petitioner and Goodyear House. We're just available to answer any questions.

Councilmember Mayfield said Mr. Pettine, questions for you. Since this is a residential structure that was built in 1900, do we have any specific design requirements of what can and cannot be done with this structure?

Mr. Pettine said I don't believe. It's not in any historic district. So, there wouldn't be any historic district review for this one. So, the adaptive reuse would just go through standard building code review for internal upfits. If they decided to remove the structure, then they would need to comply with all the MUDD standards for a new structure. So, it either stays as is and gets upfitted from the inside or they would redo the structure at some point down the road and that would have to meet all MUDD requirements.

Ms. Mayfield said as this is just for including outdoor dining, it does not include any type of entertainment, just potential dining. I guess this would be a question for you.

Mr. Cannon said just what's generally allowed by the EDEE. We are going to put some notes in limiting the hours of any kind of outdoor activities, which is standard in the [INAUDIBLE].

Ms. Mayfield said so, there may be outdoor activities, but under the EDEE you would just fall under our current restrictions.

Mr. Cannon said correct.

Ms. Mayfield said thank you.

Mr. Cannon said it would likely be similar also to what's just going on next door at Goodyear House, and we've seen a couple of those and we look to get some of those same conditions worked in.

Councilmember Anderson said I was reviewing the notes and I see that you really only had two community members attend the meeting.

Mr. Cannon said correct. We did have two meetings where we participated with the NoDa Neighborhood Business Association. Both of those meetings were very well represented and then we did host our own community meeting on site and we did have only two people show up, but we did have very good representation at the other two meetings.

Ms. Anderson said okay, great. I did receive a letter of recommendation from the NoDa Neighborhood Association for this project. So, they are aligned with what the intended uses are. Thank you.

Mr. Cannon said correct. I think they were very excited to be getting rid of the approved site plan that called for a parking lot back here to be able to keep what we're doing back there now, which is outdoor dining with a huge beautiful deodara cedar.

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

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ITEM NO. 52: HEARING ON PETITION NO. 2022-184 BY UNITED AIR FILTER COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.13 ACRES LOCATED ON THE EAST SIDE OF WEST PALMER STREET, SOUTH OF WEST MOREHEAD STREET, AND NORTH OF JOHN BELK FREEWAY FROM I-2 (GENERAL INDUSTRIAL) TO UMUD (UPTOWN MIXED-USE DISTRICT).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said good evening, Council. This is 2.13 acres located on the east sides of West Palmer Street, south of West Morehead Street, and north of the John Belk Freeway. This site is currently zoned I-2, general industrial and the proposed zoning is UMUD, uptown mixed-use district. The 2040 Policy Map recommends Regional Activity Center for this site. Staff recommends approval of the petition. It is consistent with the 2040 Policy Map recommendation for Regional Activity Center. I'll take any questions after the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, members of Council and the Zoning Committee. I'll be really brief. Mr. Kinley did a good job. The site's about 2 acres on West Palmer Street. It's surrounded by parcels that are zoned UMUD-O and it's consistent with the 2040 Policy Map that calls for a Regional Activity Center not only on the site, but all the surrounding area. It's located within the 277 loop. The request is to go to UMUD to promote uses allowed in the UMUD zoning district on the site. We're happy to answer any questions that we're able to.

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

ITEM NO. 53: HEARING ON PETITION NO. 2022-185 BY MORNINGSTAR PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.01 ACRES LOCATED ON THE SOUTH SIDE OF DAVID COX ROAD, EAST OF OLD STATESVILLE ROAD, AND NORTH OF WEST W.T. HARRIS BOULEVARD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said thank you. 6.01 acres on the south side of David Cox, east of Old Statesville Road, and north of West W.T. Harris Boulevard. The site is currently zoned I-1, light industrial. It's surrounded by I-1 uses but they are proposing I-2 and there is also I-2 zoning in the area. It is consistent with the 2040 Policy Map recommendation which recommends manufacturing and logistics use. Staff recommends approval and I'll take any questions after the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said John covered it. We're happy to answer any questions. Catherine Hennigan with petitioner is with me as well.

Motion was made by Councilmember Mayfield, seconded by Councilmember Bokhari, and carried unanimously to close the hearing.

ITEM NO. 54: HEARING ON PETITION NO. 2022-187 BY VISTA RESIDENTIAL PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.8 ACRES LOCATED ON THE WEST SIDE OF KREFELD DRIVE, EAST OF MONROE ROAD, AND WEST OF EAST INDEPENDENCE BOULEVARD FROM R-6MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-22MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said okay. This is 14.8 acres on the west side of Krefeld Drive, and east of Monroe Road, and west of East Independence Boulevard. It is adjacent to the McAlpine Creek Park and Greenway which is the area you see on the screen zoned R-3. It is currently zone R-6 MF, CD. Multi-family residential, conditional. That's an old conditional zoning district and it would allow essentially the same number of units as being proposed tonight, but due to changes to the Stormwater Ordinance and the Tree Ordinance over time, basically the old conditional plan wasn't able to be built out as originally proposed. So, they are requesting a zoning change to R-22 MF, multi-family residential, conditional.

The site is recommended for Neighborhood 2. So, it's consistent with the 2040 Policy Map recommendation and you can see that there's other areas in the area also recommended for that Neighborhood 2 Place Type and they're also developed with multi-family residential. The proposal would allow up to 320 multi-family dwelling units, maximum building height of 65 feet, a 30-foot building and parking setback from the future right of way of Krefeld Drive, a minimum of 8,000 square feet of open space. It splits the site into two development areas, A and B, which are divided by a stream and potential tree save area and connects those two development areas with at least one internal pedestrian connection. Illustrates an area to be dedicated to Mecklenburg County Park and Recreation. That's basically in the northwest corner of the site, that little strip of land there. Shows proposed greenway connector through the site from Krefeld Drive to McAlpine Creek Greenway. Actually, ties in the 5k cross country course

on the park site which also connects up to the greenway. So, it would tie all that together and provide access to the greenway and provides minimum of eight EV (Electric Vehicle) ready parking spaces and two EVSE (Electric Vehicle Supply Equipment) installed parking spaces. Access would be via Krefeld Drive. Constructs an eight-foot planting strip and eight-foot sidewalk along Krefeld frontage and provides architectural standards related to architectural exterior building materials, building modulation and limits on blank walls and roof design.

Staff recommends approval of the petition upon resolution of the outstanding issues related to environment and technical revisions related to site and building design. Like I said, it is consistent with the 2040 Policy Map recommendation for Neighborhood 2 Place Type. I'll take any questions after the petitioner's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 said thank you Mayor Pro Tem Winston, members of Council, members of the Zoning Committee. Keith MacVean with Moore and Van Allen assisting Vista Residential. With me tonight representing the petitioner is Alex Barroso and Marco Vidal. John did an excellent job running through the request. It is a site previously rezoned R-22 for up to 320 units under the old R-6 MF conditional plan. For the reasons John stated, this plan cannot be implemented due to regulatory changes and really this plan with the topography and the stream in the middle is really not developable on this site. So, consistent with the Place Type, this is our proposed site plan that based on the technical data sheets that John showed you, two buildings on either side of the central green space. We are working as John mentioned to dedicate some additional land of the McAlpine Greenway and McAlpine Park. We'll work with John and his staff to resolve the remaining issues. Happy to answer any questions.

Councilmember Bokhari said it's a large number of units. So, I'm just kind of surprised that nobody showed up to the community meeting.

Mr. MacVean said it's in area that if you look at the surrounding uses, additional multi-family communities, existing car dealership and then the County Greenway, it's just not an area where you normally would expect a lot of people to come to a community meeting.

Mr. Bokhari said you feel confident that the neighborhoods in any area, even tangentially there, have been notified or know something's happening?

Mr. MacVean said I wouldn't. The notice only goes out a mile to neighborhoods. So, I would imagine if you're a registered neighborhood within a mile, you know about it. Really a site oriented to Independence the neighborhoods are way on the other side of Monroe or way to the northeast on Independence. It's hard to see how you would be affected by this site which is already zoned for multi-family.

Mr. Bokhari said let's just touch base in the coming weeks before next month to make sure we've got all our bases touched.

Mr. MacVean said yes sir. We'll be happy to do that.

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

ITEM NO. 55: HEARING ON PETITION NO. 2022-188 BY NORTHBRIDGE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.25 ACRES LOCATED ALONG THE SOUTH AND WEST SIDE OF WINDSOR OAK COURT, WEST OF ENGLAND STREET, AND NORTH OF EAST HEBRON STREET FROM BP (BUSINESS PARK) TO I-2 (GENERAL INDUSTRIAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said this is 6.25 acres on the south and west side of Windsor Oak Court, west of England Street, and north of East Hebron Street. It is currently zoned BP, business park along with a few other parcels in the area, however, they are requesting a rezoning to I-2, general industrial and there's also industrial zoning in the area as well. The land uses on that side of England Street are generally manufacturing and industrial uses. The 2040 Policy Map recognizes that and recommends manufacturing and logistics for the Place Type. Staff recommends approval of the petition. It's conventional. It's consistent with the 2040 Policy Map recommendation for manufacturing and logistics. I'll take any questions after the petitioner's presentation.

Stephen McCarthy, 3080 England Street said I'm just here to answer any questions the Council may have. Long story short, we've been very fortunate as a company. We're based in Charlotte. We have 250 employees. We'd like to put a multimillion-dollar office building to better facilitate the people that we work with and this zoning would give us that clarity. Right now, with Business Park, we don't know what it's going to become in the future, we assume it's going to become this, but we've gone through this exercise to have some clarity because of the amount of money we do want to invest in this area.

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

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ITEM NO. 56: HEARING ON PETITION NO. 2022-190 BY CHARLOTTE PIPE AND FOUNDRY COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.08 ACRES LOCATED ON THE WEST SIDE OF PROVIDENCE ROAD, NORTH OF ARDSLEY ROAD, AND SOUTH OF MORAVIAN LANE FROM UR-C (CD) (URBAN RESIDENTIAL – COMMERCIAL, CONDITIONAL) TO UR-C (CD) SPA (URBAN RESIDENTIAL – COMMERCIAL, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said alright. It's approximately 1.08 acres on the west side of Providence Road, north of Ardsley Road, and south of Moravian Lane. The current zoning is UR-C, CD, urban residential, commercial, conditional, and the proposed zoning would be urban residential, commercial, conditional site plan amendment. The 2040 Policy Map calls for a Neighborhood 2 for this parcel. The petition would allow up to 40,000 square feet of nonresidential uses as permitted in the URC zoning district. It would prohibit car washes, self-storage facilities as a principle use, animal crematoriums, dry cleaning and laundry establishments, tattoo establishments, medical offices and restaurant uses exceeding 5,000 square feet. Commits to a maximum building height of 50 feet and provides the following transportation provisions: access via Providence Road, commits to install an eight-foot planting strip and an eight-foot sidewalk along Providence. Petitioner would also contribute up to \$7,500 to the City for upgrading pedestrian ramps.

Petitioner would upgrade the existing CATS bus stop at the northwest intersection of Ardsley Road and Providence Road, provide architectural standards related to the primary building materials, building mass and height, architectural features along building elevations, minimum ground height of 12 feet, screening dumpsters enclosures and HVAC (Heating, Ventilation and Air Conditioning) units. Commits to full cut off lighting fixtures maximum height of 21 feet for freestanding fixtures and provides a six-foot opaque fence along the northern and western property boundaries.

The staff recommends approval of the petition upon resolution of outstanding issues related to site and building design and transportation. It is inconsistent with the 2040 Policy Map recommendation for the Neighborhood 2 Place Type, however the current entitlements for the site under Petition 2011-008 would allow for adaptive reuse of the existing structure for nonresidential uses. That 2011 plan would preclude the site from being fully redeveloped with new structures and this site plan amendment would

maintain the parcel's permitted nonresidential uses but allow for that redevelopment to occur that better aligns with the current site and building design guidelines that we have in place going forward with the UDO.

The existing conditional plan from 2011 for example would allow for parking areas between the building and Providence Road frontage whereas the rezoning proposal would move that building footprint up closer to the frontage and relegating the parking to the rear and side of the site. The adjacent R-3 zoned parcels would be adequately buffered with a 20-foot rear yard and opaque fence along the western boundary of the site and an opaque fence would be installed along the northern boundary which abuts single family uses in an R-22 MF zoning district and the bank at the Providence and Reagan Lane. Although it's inconsistent with the Policy Map recommendation for Neighborhood 2, it has been intended for nonresidential uses for many years and the rezoning would bring the parcel under Neighborhood Center which matches the adjacent parcels that are along Providence Road. This area of Providence Road corridor matches the goals of the Neighborhood Center Place Type and houses a number of commercial uses that service the nearby residents in the bordering Neighborhood 1 and Neighborhood 2 communities.

The petition could facilitate goals 1, 5, 6, and 8 of the Comprehensive Plan and the approval of the petition would change the Policy Map from that Neighborhood 2 Place Type to Neighborhood Center. I'll take any questions after Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said good evening, Mayor Pro Tem, Council members, Zoning Committee members, Collin Brown on behalf of Charlotte Pipe and Foundry. Many of you will recall when we did the major rezoning for the Charlotte Pipe and Foundry site on Morehead outside of Uptown. Some of you actually visited us on the site and we may have walked in or stood in front of the product knowledge building, which is a building that Charlotte Pipe uses to bring pipe installers or users from all over the country to Charlotte to learn about the products they manufacture. They are being displaced from the Foundry and so they have an opportunity to relocate and we're very pleased that they're staying in the City of Charlotte and essentially taking the Mecklenburg Furniture building in the Myers Park Eastover Area which has been vacant for about 15 years and replacing it with kind of a dynamic new building, very low intensity use. You'll see the community meeting only had two attendees, but there was early outreach to the community organizations. I think the neighborhoods are, I don't want to say excited about, but I think everyone's very comfortable with this type of use. It's very low intensity. Charlotte Pipe is known for high quality buildings. So, happy to be here with staff's support and no opposition. Happy to take questions.

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

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ITEM NO. 57: HEARING ON PETITION NO. 2022-192 BY ASCENT REAL ESTATE CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2 ACRES BOUND BY THE EAST SIDE OF PLYMOUTH AVENUE, SOUTH SIDE OF DUNLOE STREET, WEST SIDE OF SYLVANIA AVENUE, AND NORTH SIDE OF NORTH TRYON STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD(CD) (MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said it's 2 acres bound by the east side of Plymouth Avenue, south side of Dunloe Street, and west side of Sylvania Avenue, and north side of North Tryon Street. The current zoning is I-2, general industrial. The proposed zoning is MUDD-CD, mixed-use development, conditional. The 2040 Policy Map calls for a Commercial Place Type for the site. The petition proposes up to 275 multi-family residential dwelling units or an option for 85 single family attached

townhome dwelling units, a minimum of 3,000 and a maximum of 8,000 square feet of commercial space, minimum eight-foot sidewalk and eight-foot planting strip on all street frontages and provides a buffered bicycle lane along North Tryon Street and Dalton Avenue Street frontages. Vehicular access to the site is from Sylvania Avenue as well as a shared access with the proposed adjacent multi-family development off of Dunloe Street. Provides architectural standards related to building materials, screening and solid waste facilities, ground floor entrances with direct connections to the sidewalk, building massing and blank wall limitations, and ground floor transparency requirements as well.

Proposes single family attached townhome options and provides architectural standards for building orientation, roof pitches, limitations on visible garage doors, usable front porches and stoops, predominant entrances, building materials and blank wall limitations. Maximum building height would be 80 feet and provides requirements for height transitions adjacent to the surrounding residential uses and commits to site lighting standards such as full cut off type decorative lights.

Staff recommends approval of this petition upon the resolution of outstanding issues related to transportation and site and building design. It is inconsistent with the 2040 Policy Map recommendation for a Commercial Place Type, but staff feels the petition is appropriate and compatible for the location as it increases the variety of housing types in the area while creating opportunities for neighborhood scaled commercial services that could help support the residents of the proposed development and the adjacent Lockwood neighborhood.

Several parcels near the site and along North Tryon Street corridor have recently been rezoned or are in the process of requesting rezoning to the MUDD-CD and MUDD-O districts and this represents an ongoing shift in the area through more urban mixed-use pattern. The petition commits to providing minimum of 3,000 square feet and a maximum of 8,000 square feet of retail, restaurant, and personal care uses. Proposes and includes architectural standards and limits the maximum building height to 80 feet. The site is served by 11 and number 21 CATS local buses that provide service to the Charlotte Transit Center, IKEA Boulevard, University Pointe and Sugar Creek Road, W. T. Harris Boulevard, respectively.

The site is located within a three-quarter mile walk of the Parkwood LYNX Blue Line Station and approval of the petition would change the Policy Map from commercial to Community Activity Center for the site. I'll take any questions after petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Mayor Pro Tem, Council members, Collin Brown again on behalf of the petitioner Ascent Real Estate Capital to talk to you about this project. John has done a great overview. So, I'll just go very briefly. As you can see, very much the edge of Uptown. So, Uptown here, 277 intermodal facility, Lockwood Neighborhood. What's going on the site now is not a lot of great uses. Kind of outdoor storage, truck parking, a lot of things that are currently allowed in the industrial zoning district that'd be allowed. If this translates under the UDO, this would become manufacturing and logistics which would allow these types of outdoor storage and things like that which I don't think anyone in the neighborhood is excited about. The plan does call for commercial uses. So, that's why we're inconsistent, is it could actually support maybe even more intensive uses, but this is a residential proposal that as John mentioned would have a commitment to have some ground floor active retail uses that would be neighborhood serving. So, we're happy to have staff's support. We think it serves as a good transition from the Lockwood Neighborhood. As y'all know, this is an area in transition. So, certainly we've got the single-family character of Lockwood, very intensive intermodal facility and we think adding a residential project versus a commercial project is a good transition. Happy to answer any questions.

Councilmember Driggs said I'm just curious about the arithmetic here. You've got 2 acres and you have an option for up to 85 single family attached townhomes?

Mr. Brown said we were removing the option for the townhomes. So, it'll be just a multi-family.

Mr. Driggs said so, you would put 275 multi-family units on 2 acres.

Mr. Brown said that's correct.

Mr. Driggs said how tall is that building?

Mr. Brown said we've got a height limit in our plan.

Mr. Kinley said it's 85 feet. It's the maximum.

Mr. Driggs said 85?

Mr. Brown said then it steps down as it moves to the neighborhood. Staff had a good slide on the height transition and then we've got basically the whole block except for the corner closest to the neighborhood, it's a previously approved multi-family plan which steps down I think to two stories. So, stair step as you move to the neighborhood.

Mr. Driggs said okay, thank you.

Councilmember Mayfield said Collin, back to your slides, that photo right there. So, it's a combination. Thank you for pulling that up. For staff, I'm trying to understand. We're having a lot of conversations regarding truck parking. We just approved last year a project that's going to build access for truck parking because we're having a lot of challenges along the highways and in some communities with truck parking. So, currently there is commercial space that we're potentially having a conversation of rezoning for residential, when most of what around that is commercial. Help me understand how it's only inconsistent a little bit versus what's around there and knowing what the needs are in the community for industrial for commercial mainly for truckers to be able to safely park somewhere, whether it's this facility or the other facility that we approved last year. Help me understand how a 200 plus unit multi-family ties in on this corner versus sticking with the commercial use that has been identified?

Mr. Pettine said so, I was trying to go back because I think we did approve another petition earlier this evening that was also geared for truck parking. So, we are seeing some additional petitions come in that are trying to help alleviate some of that problem. This, from what I understand is just the natural transition of this use wanting to move to another location that's more conducive to the operations and provide that redevelopment opportunity. I think our goal with some of these that are looking at that residential mix that's in that Commercial Place Type is to try and get some commercial uses out of this. This commits to a minimum I think of 3,000 square feet. So, a lot of them just say up to and they don't have any minimum. They may never build up to that. They may build one square foot out of the 5,000 or 6,000 they're proposing. This one commits to a minimum of 3,000, I think up to 5,000 or 8,000.

Unknown said 8,000.

Mr. Pettine said so, up to 8,000. So, we know we will get 3,000 square feet of commercial uses that will be neighborhood serving for this along with the residential. The truck parking is going away. This is an area of North Tryon that's transitioning fairly quickly. So, it's not surprising to see some of these uses that are manufacturing, industrial in nature start to transition, but I do see that we are picking some of those up in other locations that are consistent with the land use plan and consistent with the manufacturing logistics for uses like this. So, it's a little bit of a loss to this particular area in one sense, but we picked it up in some other places in the City.

Ms. Mayfield said thank you.

Councilmember Anderson said so Collin I see that we had four people attend the neighborhood meeting. Have you been in contact with the Lockwood Neighborhood Association?

Mr. Brown said I think they had a representative at the meeting. So, we had a couple adjacent property owners that were business owners and then some folks from the community that were involved in the community meeting. I think they had some concerns about the current condition of the property and what it's being used for. I feel like the neighborhood would like to see this transition in this direction, but I won't speak for them.

Ms. Anderson said right. I agree that this is an area that's in transition and we have other projects going on along this corridor that helps to transition the area. I just wanted to make sure that the neighborhood residents had an opportunity to weigh in because with the number of units going in, it increases the trips in this area by a little bit over 1,800 trips a day. So, I just want to make sure that they have the opportunity to weigh in. I do think that the current use of this space versus what's being proposed will upgrade and enhance the neighborhood and I think Lockwood is in alignment with that. I just would like for them to have that opportunity to speak to it. I'm also happy to see that we have bike lanes and bike lane buffers in the proposal that will work very well on that corner for Dalton and Tryon Street. So, I'll follow up with Lockwood to make sure.

Mr. Brown said I'll share with you the list of attendees too.

Ms. Anderson said excellent. Okay. Thank you. No further questions.

Motion was made by Councilmember Anderson, seconded by Councilmember Bokhari and carried unanimously to close the hearing.

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ITEM NO. 58: HEARING ON PETITION NO. 2022-193 BY BROWN GROUP, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 19.79 ACRES LOCATED ON THE EAST SIDE OF LEGRANGER ROAD AND WEST SIDE OF INTERSTATE 85, SOUTH OF WEST MALLARD CREEK CHURCH ROAD FROM RE-1 (RESEARCH), R-4 (SINGLE FAMILY RESIDENTIAL) TO RE-3(CD) (RESEARCH, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said this is approximately 19.79 acres on the east side of Legranger Road and the west side of Interstate 85, south of West Mallard Creek Church Road. It is currently zoned RE-1, research and R-4, single family residential, and the proposed zoning is RE-3, research. The 2040 Policy Map calls for Neighborhood 1 and Neighborhood 2. The proposal would allow up to 184 residential dwelling units. Dedicates 28 feet of right of way from [INAUDIBLE] eight-foot planting strip and six-foot sidewalk along the site's frontage. Petition proposes a 37.5-foot Class C buffer along the northern side of the property and a 50-foot Class C buffer along the I-85 property edge. Commits to internal sidewalk and crosswalk network that connects the residences to the buildings on the site and sidewalks along the abutting streets, provides open spaces throughout the site with amenity areas that include landscaping, seating areas, hardscape elements, parks, pools, shade structures, etc., and provides architectural details which include building materials. Staff recommends approval of the petition upon resolution of outstanding issues related to transportation. The petition is consistent with the 2040 Policy Map recommendation for the Neighborhood 2 Place Type for the majority of the site, but inconsistent with the recommendation for the Neighborhood 1 Place Type for that portion of the site that's right along the frontage of Legranger.

Petition proposes to add a variety of housing uses to the area. Future residents of the proposed site will be well served by the Activity Center and commercial uses in the area. The petition plans to provide two access points on Legranger Road and proposes

a 37.5-foot Class C buffer on the northern side of the property and a 50-foot Class C buffer along 85. It provides sidewalk and pedestrian amenities along Legranger and includes internal sidewalk and a crosswalk network connectivity throughout the site. It provides open space areas as well for the community that would revise the recommended Place Type as specified in the 2040 Policy Map from Neighborhood 1 to Neighborhood 2 for that one portion of the site. I'll take any questions after Bridget's presentation.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant here on behalf of the petitioner the Brown Group with John Holcomb with Kimly-Horne, one of the last remaining participants. Staff did a phenomenal job. We're largely consistent with the Adopted Land Use Policy, have staff's support. Had no speakers in opposition at our community meeting and I'm happy to answer any questions.

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

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Councilmember Anderson said I just would like to announce that I will have a Town Hall on June 10, 2023, Saturday from 11:00 a.m. to 1:00 p.m. at Catawba Brewing in District 1. As we've heard tonight, we'll be focusing on how residents can navigate the UDO as the UDO is scheduled to come online on June 1, 2023. So, we'll have some representation from the Zoning Committee, we'll have some representation from the Housing Team as well as a variety of others. So, it'll be a really good time and it's going to be very informative. So, I invite all District 1 residents to come out to Catawba Brewery on June 10, 2023, from 11:00 a.m. to 1:00 p.m.

Councilmember Mitchell said City Manager Liz, I would like to add on the business agenda that we have staff, our Planning Director come back and give us some more insight on infill development as it relates to triplexes and duplexes, part of our UDO implementation at our next business meeting.

Unknown said does that require a vote?

Unknown said no. Unless there's an objection that doesn't require a vote.

Councilmember Bokhari said well he's attempting to put something on the agenda, right? So, we would need either six votes from us or the Mayor or the Manager to do it.

Mayor Pro Tem Winston said he asked for information at the next business meeting.

Councilmember Driggs said he asked the Manager to do it. The Manager can do it. So, that's a request, right?

Unknown said right.

Mr. Bokhari said as long as it's going to happen, that's all. I'm making sure.

Mr. Driggs said yes, the Manager could decide not to do it, then we get to vote.

Councilmember Mayfield said that's why he gave a timeline by next business meeting.

Mr. Bokhari said okay.

Ms. Watlington said the next business meeting is next week?

Unknown said yes.

Ms. Watlington said okay.

Mayor Pro Tem Winston said do you want to clarify your request?

Mr. Mitchell said make sure David and Alyson. Infill redevelopment as a part of the UDO as it relates to triplexes and duplexes, so we won't have any unintended consequences as we saw here this evening.

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ADJOURNMENT

Motion was made by Councilmember Driggs, seconded by Councilmember Winston and carried unanimously to adjourn the meeting.
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The meeting was adjourned at 9:27 p.m.

Ariel Smith, Lead City Clerk

Length of Meeting: 4 Hours, 22 Minutes
Minutes completed: June 20, 2024