

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday July 18, 2022, at 5:00 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Lyles presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Gregg Phipps, and Victoria Watlington.

ABSENT: Councilmember Tariq Bokhari

ABSENT UNTIL NOTED: Councilmember Braxton Winston II

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Mayor Lyles said for those of you who are attending virtually, we are going to go into closed session first. We will have a motion read by the City Attorney and adopted by the council, and then we will be going to another link for the council members to participate in the closed session.

ITEM NO. 1: CLOSED SESSION

Motion was made by Councilmember Driggs, seconded by Councilmember Egleston, and carried unanimously to go into closed session pursuant to North Carolina General Statute § 14331811 (a) (3) for the City Council to consult with the City Attorney in order to preserve the attorney-client privilege and to consider and give instructions to the City Attorney concerning the handling of settlement of the claim in the matter of Jacobson vs. City of Charlotte.

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The meeting was recessed at 5:07 p.m. for closed session in Room 267. The closed session recessed at 5:25 p.m. in Room 267 for the regularly scheduled Zoning Meeting.

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ZONING MEETING

The City Council of the City of Charlotte, North Carolina reconvened for a Zoning Meeting on Monday July 18, 2022, at 5:27 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Lyles presiding. Councilmembers present were Dimple Ajmera, Ed Driggs, Larken Egleston, Julie Eiselt, Malcolm Graham, Renee Johnson, Matt Newton, Gregg Phipps, and Victoria Watlington.

ABSENT: Councilmember Tariq Bokhari

ABSENT UNTIL NOTED: Councilmember Braxton Winston II

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Mayor Lyles said good evening, everyone. Thank you for being here. I'm going to call tonight's July 18th Zoning Meeting to order. I want to acknowledge that tonight's Zoning Meeting is being held in accordance with the applicable laws governing remote meetings with some council members participating remotely and others that are here and joining us in the Government Center. All the requirements required by law have been met. If you are not able to watch this while we are online, I want you to know that again, the Government Channel, the city's Facebook page and the city's YouTube page will have recordings of this meeting. Before we begin our agenda, I'd like to introduce the city council members who are participating in tonight's meeting. Braxton Winston, who is a member at large, will join us later on this evening. We begin our meetings with an invocation that is to provide the city council members an opportunity to solemnize our proceedings for the night. We recognize that our community has religious diversity

and including those without a religious faith. Tonight, Councilman Graham will give our invocation and then we ask that you stand following for the pledge of allegiance.

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INVOCATION AND PLEDGE

Councilmember Graham 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 Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF ZONING COMMITTEE

Keba Samuel, Vice Chairperson of Charlotte Mecklenburg Planning said I am actually going to officially hand over the reins to Phil, but because he does not have the proper script, I am going to do this one last time. My name is Keba. I Chair the Planning Commission and Phil Gussman is right behind me. He, effective July 1st, is the Chair of the Zoning Committee. The Zoning Committee of the Charlotte Mecklenburg Planning Commission will meet on August 2nd at 5:30 p.m. to discuss and deliberate on the petitions being heard tonight. That meeting will not be a continuation of tonight's public hearing. There will be no opportunity for public input unless and until a member of the committee has a question or inquiry that can best be addressed by a member of the public. Again, that meeting on August 2nd at 5:00 p.m. and will be our zoning committee work session. That meeting will be streamed live on the City of Charlotte's Planning, Design and Development's YouTube page. Thank you, Madam Mayor, again, Phil Gussman is your new Zoning Chair, and we are all available to you tonight should there be any questions, joining us online or watching from home are our fellow committee members.

Phil Gussman, Vice Chairperson of Charlotte Mecklenburg Planning said I would like to introduce Erin Barbee, RJ Harvey, Melissa Gaston, Will Russell and Courtney Rhodes who are Zoning Committee currently serving.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Driggs, seconded by Councilmember Newton, and carried unanimously to defer a decision on Item No. 2, Petition No. 2021-141 by The Drakeford Company to August 15, 2022; a decision on Item No. 3, Petition No. 2021-209 by Coastal Acquisition Entity, LLC to August 15, 2022; a decision on Item No. 4, Petition 2021-213 by Goldberg Companies, Inc. to August 15, 2022; a decision on Item No. 5, Petition 2021-234 by Matt Gallagher to August 15, 2022; a decision on Item No. 6, Petition 2021-244 by Juarez Silva to August 15, 2022; a decision on Item No. 7, Petition 2021-247 by HRLP Morrocroft LP to August 15, 2022; a decision on Item No. 8, Petition 2021-254 by Joseph Horton to August 15, 2022; a decision on Item No. 9, Petition 2021-263 by Colwick Development, LLC to August 15, 2022; a decision on Item No. 10, Petition 2022-019 by Chris Ogunrinde to August 15, 2022; a decision on Item No. 11, Petition 2021-079 by Piedmont Capital, LLC to August 15, 2022; a decision on Item No. 19, Petition 2021-238 by Lennar Carolinas, LLC to August 15, 2022; a decision on Item No. 21, Petition 2021-246 by MPV Properties to August 15, 2022; a decision on Item No. 23, Petition 2021-249 by Mill Creek Residential to August 15, 2022; a decision on Item No. 31, Petition 2021-262 by CRD Dilworth, LLC to August 15, 2022; a decision on Item No. 32, Petition 2021-282 by Greystar Development East, LLC to August 15, 2022; a decision on Item No. 33, Petition 2021-274 by Dickerson Realty Florida, Inc. to August 15, 2022.

DECISIONS

ITEM NO. 12: ORDINANCE NO. 342-Z, PETITION NO. 2021-139 BY BOULEVARD AT 1800 CENTRAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.69 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF CENTRAL AVENUE AND NANDINA STREET, EAST OF THE PLAZA FROM B-2 PED (GENERAL BUSINESS, PEDSCAPE OVERLAY) TO B-2 PED-O (GENERAL BUSINESS, PEDSCAPE OVERLAY - OPTIONAL).

The Zoning Committee voted 6-0 (motion by Samuel, seconded by Barbee) 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 policy map recommends Community Activity 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: the site is currently developed with a recently constructed building for various commercial uses, though portions of the building remain vacant. The existing minimum parking standards for the pedestrian overlay district require 1 parking space per 125 square feet of EDEE uses and 1 parking space per 600 square feet of all other non-residential uses. This petition’s optional provision for a standardized 1 space per 600 square feet of all non-residential uses allows for greater flexibility in the ratio of EDEE uses to other nonresidential uses without necessitating the construction of more parking in an area that is shifting to transit and pedestrian-friendly development. A decrease in the overall required parking at this site supports the goals of the pedestrian overlay district to “promote a mixture of uses in a pedestrian-oriented setting of moderate intensity...to support economic development along business corridors.” This optional provision to lower minimum parking standards aligns with the goals of the pedestrian overlay district as well as the planned transit routes in this area which will directly contribute to a diversity of transportation options. The petition is located along the proposed Gold Line route on this portion of Central Avenue and will also be within a ½-mile walk of the proposed Pecan Station for the Silver Line.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the policy map recommends Community Activity 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: the site is currently developed with a recently constructed building for various commercial uses, though portions of the building remain vacant. The existing minimum parking standards for the pedestrian overlay district require 1 parking space per 125 square feet of EDEE uses and 1 parking space per 600 square feet of all other non-residential uses. This petition's optional provision for a standardized 1 space per 600 square feet of all non-residential uses allows for greater flexibility in the ratio of EDEE uses to other nonresidential uses without necessitating the construction of more parking in an area that is shifting to transit and pedestrian-friendly development. A decrease in the overall required parking at this site supports the goals of the pedestrian overlay district to "promote a mixture of uses in a pedestrian-oriented setting of moderate intensity...to support economic development along business corridors." This optional provision to lower minimum parking standards aligns with the goals of the pedestrian overlay district as well as the planned transit routes in this area which will directly contribute to a diversity of transportation options. The petition is located along the proposed Gold Line route on this portion of Central Avenue and will also be within a ½-mile walk of the proposed Pecan Station for the Silver Line.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 105-106.

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ITEM NO. 13: ORDINANCE NO. 343-Z, PETITION NO. 2021-197 BY CRESCENT COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.91 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF HEATH COURT AND CENTRAL AVENUE, WEST OF HAWTHORNE LANE, AND EAST O LOUISE AVENUE FROM MUDD-O PED (MIXED-USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY) AND TOD-CC PED (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER, PEDESTRIAN OVERLAY) TO TOD-CC-EX PED (TRANSIT-ORIENTED DEVELOPMENT, COMMUNITY CENTER, EXCEPTION, PEDESTRIAN OVERLAY).

The Zoning Committee voted 6-0 (motion by Barbee, 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 Charlotte Future 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: the Charlotte Future 2040 Policy Map (2022) recommends the Community Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #4: Trail & Transit Oriented Development (2-TOD), #5: Safe & Equitable Mobility, and #7: Integrated Natural & Built Environments. As written, TOD-CC is applicable at any site within ¼ mile walking distance of an existing streetcar stop. The site is within a ¼ mile walk of the Sunnyside Station. The proposal for adaptive reuse and commitment to public open space aligns with TOD-EX requirements. The petition fulfills goals to support walkable, mixed-use environments with access to a variety of amenities and services.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Charlotte Future 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the Charlotte Future 2040 Policy Map (2022) recommends the Community Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #4: Trail & Transit Oriented Development (2-TOD), #5: Safe & Equitable Mobility, and #7: Integrated Natural & Built Environments. As written, TOD-CC is applicable at any site within ¼ mile walking distance of an existing streetcar stop. The site is within a ¼ mile walk of the Sunnyside Station. The proposal for adaptive reuse and commitment to public open space aligns with TOD-EX requirements. The petition fulfills goals to support walkable, mixed-use environments with access to a variety of amenities and services.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 107-108.

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ITEM NO. 14: ORDINANCE NO. 344-Z, PETITION NO. 2021-211 BY LEGACY CONSTRUCTION UNLIMITED, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.35 ACRES LOCATED ALONG THE WEST SIDE OF SEIGLE AVENUE AND EAST SIDE OF VAN EVERY STREET, SOUTH OF BELMONT AVENUE FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Barbee, 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 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 is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #2: Neighborhood Diversity & Inclusion, #5: Safe & Equitable Mobility, and #9: Retain Our Identity & Charm. The rezoning site is surrounded by parcels recommended for Place Types N2 (Neighborhood 2), Neighborhood Center, and Parks and Preserves. The petition will provide a range of moderate to higher intensity housing types, including apartment and condominium buildings to meet the needs of a diverse population. The petition's proposed uses are compatible with the surrounding residential and non-residential uses. While zoned industrial, there have been multiple approved rezonings to mixed use districts in the area.

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. A Seigle 60 ft right of way listed on site plan with new note III. Transportation 18 committing to dedication of a 30 ft right of way from centerline.
2. Existing bicycle lane has been dimensioned and labelled more clearly on site plan. Bike lane is on city property and clearly drawn and dimensioned now and as such should not require conditional notes.
3. Removed unclear language regarding the fire hydrant.

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

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #2: Neighborhood Diversity & Inclusion, #5: Safe & Equitable Mobility, and #9: Retain Our Identity & Charm. The rezoning site is surrounded by parcels recommended for Place Types N2 (Neighborhood 2), Neighborhood Center, and Parks and Preserves. The petition will provide a range of moderate to higher intensity housing types, including apartment and condominium buildings to meet the needs of a diverse population. The petition's proposed uses are compatible with the surrounding residential and non-residential uses. While zoned industrial, there have been multiple approved rezonings to mixed use districts in the area, as modified.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 109-110.

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ITEM NO. 15: ORDINANCE NO. 345-Z, PETITION NO. 2021-217 BY BOULEVARD REAL ESTATE ADVISORS, LLC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.513 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF ORCHARD CIRCLE AND SOUTH TRYON STREET, EAST OF INTERSTATE 77, AND SOUTH OF WEST PETERSON DRIVE FROM B-2 (GENERAL BUSINESS) AND R-8 (SINGLE-FAMILY RESIDENTIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: the policy map recommends Commercial on a portion of the site, which although intended for auto-centric destinations, does accommodate uses such as retail and personal services which are allowed in the TOD-NC district; and the policy map recommends Neighborhood 1 on a portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the 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. Immediately adjacent to the site are other parcels zoned TOD-NC as well as areas designated as Community Activity Centers under the 2040 Policy Map. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses, as compared to the high intensity of uses along South Boulevard and Old Pineville Road, just east of the site. 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 approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map (2022), from Neighborhood 1 and Commercial Place Types to Neighborhood Center for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Phipps, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the policy map recommends Commercial on a portion of the site, which although intended for auto-centric destinations, does accommodate uses such as retail and personal services which are allowed in the TOD-NC district; and the policy map recommends Neighborhood 1 on a portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the 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. Immediately adjacent to the site are other parcels zoned TOD-NC as well as areas designated as Community Activity Centers under the 2040 Policy Map. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses, as compared to the high intensity of uses along South Boulevard and Old Pineville Road, just east of the site. 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 approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map (2022), from Neighborhood 1 and Commercial Place Types to Neighborhood Center for the site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 111-112.

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ITEM NO. 16: ORDINANCE NO. 346-Z, PETITION NO. 2021-218 BY BOULEVARD REAL ESTATE ADVISORS, LLC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.68 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET AND NORTHEAST SIDE OF WEST PETERSON DRIVE, SOUTH OF CLANTON ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).

The Zoning Committee voted 6-0 (motion by Barbee, 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 policy map recommends Neighborhood 1 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 site is within a ½-mile walk to 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. This site is adjacent to the Neighborhood 2 place type and diagonal from areas under the Community Activity Center place type. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses, as compared to the high intensity of uses along South Boulevard and Old Pineville Road, just east of the site. 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 approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map (2022), from Neighborhood 1 to Neighborhood Center for the site.

Councilmember Watlington said thank you. I just wanted to mention that I did meet with the petitioner agents and looked at all three of the petitions in this particular area. They did cover the adjacent residential which I know was a concern for several of us, in regard to how that would impact the neighbors and all of those parcels are under contract with some developer at this time. In short order the existing single-family homes will be sold. So, because of that, there seems to be a general consistency or desire of those nearby neighbors to sell. I am going to be supporting these.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the policy map recommends Neighborhood 1 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 site is within a ½-mile walk to 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. This site is adjacent to the Neighborhood 2 place type and diagonal from areas under the Community Activity Center place type. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses, as compared to the high intensity of uses along South Boulevard and Old Pineville Road, just east of the site. 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 approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map (2022), from Neighborhood 1 to Neighborhood Center for the site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 113-114.

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ITEM NO. 17: ORDINANCE NO. 347-Z, PETITION NO. 20221-219 BY LINCOLN PROPERTY COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.65 ACRES LOCATED ON THE SOUTH SIDE OF KENILWORTH AVENUE, WEST SIDE OF HARDING PLACE, AND EAST SIDE OF EAST MOREHEAD STREET FROM MUDD-O PED (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT, PEDESTRIAN OVERLAY) TO MUDD-O SPA PED (MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT PEDESTRIAN OVERLAY).

The Zoning Committee voted 6-0 (motion by Samuel, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: the map recommends Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: Community Activity Centers are places with a concentration of commercial and residential activity characterized by low to mid-rise, pedestrian oriented buildings. The site is located at the corner of Kenilworth Av. and E. Morehead St. in an area with a mix of uses and within a ½ mile walk of the hospital, Little Sugar Creek Greenway and Midtown Shopping Center. The building is existing and set aside space for ground floor commercial use. The proposal will allow the option to construct up to 8 additional dwelling units within that ground floor space, and no other changes to the building would occur. The commercial space has been vacant since the building was constructed in 2013 and the proposal will provide additional options for use of the space.

Motion was made by Councilmember Egleston, seconded by Councilmember Phipps, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the map recommends Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Community Activity Centers are places with a concentration of commercial and residential activity characterized by low to mid-rise, pedestrian oriented buildings. The site is located at the corner of Kenilworth Av. and E. Morehead St. in an area with a mix of uses and within a ½ mile walk of the hospital, Little Sugar Creek Greenway and Midtown Shopping Center. The building is existing and set aside space for ground floor commercial use. The proposal will allow the option to construct up to 8 additional dwelling units within that ground floor space, and no other changes to the building would occur. The commercial space has been vacant since the building was constructed in 2013 and the proposal will provide additional options for use of the space.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 115-116.

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ITEM NO. 18: ORDINANCE NO. 348-Z, PETITION NO. 2021-225 BY BOULEVARD REAL ESTATE ADVISORS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.807 ACRES LOCATED ON THE SOUTH AND NORTH SIDE OF ORCHARD CIRCLE, WEST OF SOUTH TRYON STREET, AND EAST OF INTERSTATE 77 FROM R-8 (SINGLE-FAMILY RESIDENTIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER).

The Zoning Committee voted 6-0 (motion by Barbee, 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 policy map recommends Neighborhood 1 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 site is within a 1-mile walk to 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 rezoning site is in an area with numerous parcels zoned TOD-NC that are under the Community Activity Center place type. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses, as compared to the high intensity uses just east and southeast of the site along Yancey Road and Old Pineville Road. 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 approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map (2022), from Neighborhood 1 to Neighborhood Center for the site.

Motion was made by Councilmember Watlington, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the policy map recommends Neighborhood 1 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 site is within a 1-mile walk to 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 rezoning site is in an area with numerous parcels zoned TOD-NC that are under the Community Activity Center place type. The TOD-NC zoning district maintains the high level of design standards associated with the TOD-UC zoning district, but TOD-NC is more appropriate for this site due to its surrounding context of more moderately intense uses, as compared to the high intensity uses just east and southeast of the site along Yancey Road and Old Pineville Road. 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 approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map (2022), from Neighborhood 1 to Neighborhood Center for the site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 117-118.

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ITEM NO. 20: ORDINANCE NO. 349-Z, PETITION NO. 2021-243 BY KEH PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.15 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF KENNON STREET AND HAWTHORNE LANE, SOUTH OF PARKWOOD AVENUE, AND WEST OF THOMAS AVENUE FROM R-22 MF (MULTI-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

The Zoning Committee voted 6-0 (motion by Samuel, seconded by Barbee) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #5: Safe & Equitable Mobility, #6: Healthy, Safe & Active Communities, and #9: Retain Our Identity & Charm. The petition attempts to balance the provision of service retail with protection of residential areas. The petition's proposed expansion satisfies the goal of Retaining Identity & Charm by taking a preservation-oriented approach and retaining the existing building on the site. The petition is compatible with adjacent uses considering the existing building and character will be retained. The N1 Place Type allows for continued and adaptive reuse of existing non-residential buildings for retail uses.

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. Corrected labelling on pending sidewalk project to read City of Charlotte CIP Project.
2. Revised Conditional Notes (see transportation Notes F and G) to commit to removal of curb cuts without triggering event.

- 3. Labeled building setback line and clarified with a conditional note to set a 10 ft minimum setback.
- 4. Site plan changed to show a 5 feet side and rear setback from the adjacent residential lots and will effectively ensure the MUDD building separation requirements as to any new or additional building.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs and carried unanimously not to send this petition back to the Zoning Committee.

Motion was made by Councilmember Egleston, seconded by Councilmember Newton, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 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. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #5: Safe & Equitable Mobility, #6: Healthy, Safe & Active Communities, and #9: Retain Our Identity & Charm. The petition attempts to balance the provision of service retail with protection of residential areas. The petition’s proposed expansion satisfies the goal of Retaining Identity & Charm by taking a preservation-oriented approach and retaining the existing building on the site. The petition is compatible with adjacent uses considering the existing building and character will be retained. The N1 Place Type allows for continued and adaptive reuse of existing non-residential buildings for retail uses, as modified.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 119-120.

ITEM NO. 22: ORDINANCE NO. 350-Z, PETITION NO. 2021-248 BY EMBREY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.02 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF NORTH TRYON STREET AND ATANDO AVENUE, EAST OF WEST 32ND STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 5-1 (motion by Barbee, 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 Charlotte Future 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: the Charlotte Future 2040 Policy Map recommends the Manufacturing & Logistics place type at this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: while the petition is inconsistent with the Manufacturing & Logistics recommendation in the Charlotte Future 2040 Policy Map, the petition is aligned with the growing multifamily residential uses in the area and along the North Tryon Street corridor. The request provides appropriate and compatible uses to the growing mixed use and transit-oriented development along this corridor. The site is located within a ½ mile to a transit station, providing future residents with access to transit. The petition commits to installing an 8-foot sidewalk and 8-foot planting strip, as well as the proposal of a buffered bike like (subject to NCDOT approval) along North Tryon Street. Due to the changing nature of industrial development, older, more urban industrial sites, such as this one, are unlikely to redevelop or maintain the industrial land uses. The proposal of multifamily residential land uses is more compatible with the existing, established neighborhoods. The approval of this petition will revise the adopted place type as specified by the Charlotte Future 2040 Policy Map, from Manufacturing & Logistics to Community Activity Center for this site.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the Charlotte Future 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the Charlotte Future 2040 Policy Map recommends the Manufacturing & Logistics place type at this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: while the petition is inconsistent with the Manufacturing & Logistics recommendation in the Charlotte Future 2040 Policy Map, the petition is aligned with the growing multifamily residential uses in the area and along the North Tryon Street corridor. The request provides appropriate and compatible uses to the growing mixed use and transit-oriented development along this corridor. The site is located within a ½ mile to a transit station, providing future residents with access to transit. The petition commits to installing an 8-foot sidewalk and 8-foot planting strip, as well as the proposal of a buffered bike lane (subject to NCDOT approval) along North Tryon Street. Due to the changing nature of industrial development, older, more urban industrial sites, such as this one, are unlikely to redevelop or maintain the industrial land uses. The proposal of multifamily residential land uses is more compatible with the existing, established neighborhoods. The approval of this petition will revise the adopted place type as specified by the Charlotte Future 2040 Policy Map, from Manufacturing & Logistics to Community Activity Center for this site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 121-122.

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ITEM NO. 24: ORDINANCE NO. 351-Z, PETITION NO. 2021-258 BY RD UNIVERSITY OAKS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 64.05 ACRES LOCATED ALONG THE NORTH SIDE OF UNIVERSITY CITY BOULEVARD, EAST SIDE OF NEAL ROAD, WEST SIDE OF INTERSTATE 85, SOUTH OF IBM DRIVE FROM RE-2 (RESEARCH) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Harvey, seconded by Barbee) 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 place type based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Community Activity Center place type at 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: while the petition does not propose a mixture of uses at the site, the larger, surrounding area has an existing mix of uses. The petition adds to the mix of different types of residential land uses in the area. Multifamily residential land uses are compatible with the existing single-family neighborhoods and institutional land uses surrounding the site. The petition commits to a 12-foot multi-use path along Neal Road. The petition commits to enhancing the pedestrian environment on the site. The petition commits to providing an access easement to a future greenway trail with an 8-foot sidewalk.

Councilmember Johnson said I just wanted to acknowledge the developer on this petition. They are conveying land to Mecklenburg County for the greenway. Also, there is going to be a ADA (Americans with Disabilities Act) compliant [inaudible]. There are numerous traffic improvements and pedestrian improvements. So, I want to thank them for adding to the district and working with the district to improve the infrastructure. Thank you. So, I will be supporting.

Motion was made by Councilmember Phipps, seconded by Councilmember Johnson, 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 place type based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Community Activity Center place type at 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: while the petition does not propose a mixture of uses at the site, the larger, surrounding area has an existing mix of uses. The petition adds to the mix of different types of residential land uses in the area. Multifamily residential land uses are compatible with the existing single-family neighborhoods and institutional land uses surrounding the site. The petition commits to a 12-foot multi-use path along Neal Road. The petition commits to enhancing the pedestrian environment on the site. The petition commits to providing an access easement to a future greenway trail with an 8-foot sidewalk.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 123-124.

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ITEM NO. 26: ORDINANCE NO. 353-Z, PETITION NO. 2021-260 BY PROMENADE SHOPPING CENTER, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 27.6 ACRES LOCATED ON THE SOUTHWESTERN CORNER OF THE INTERSECTION OF PROVIDENCE ROAD AND BALLANTYNE COMMONS PARKWAY FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT).

The Zoning Committee voted 5-1 (motion by Barbee, 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 based on the information from the post hearing staff analysis and the public hearing, and because: the plan recommends Community Activity Center 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 addition for a restaurant space is consistent with the community activity center place type and supports the overall goal that is meant to provide goods, services, dining, and entertainment along major roadways. The site is located at an interstate interchange area where retail and drive-thru services are compatible with the surrounding development pattern, given the right design standards. The proposed site plan amendment does not increase square footage and keeps the design standards already established for the site.

Motion was made by Councilmember Phipps, seconded by Councilmember Eiselt, 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 based on the information from the final staff analysis and the public hearing, and because: the plan recommends Community Activity Center 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 addition for a restaurant space is consistent with the community activity center place type and supports the overall goal that is meant to provide goods, services, dining, and entertainment along major roadways. The site is located at an interstate interchange area where retail and drive-thru services are compatible with the surrounding development pattern, given the right design standards. The proposed site plan amendment does not increase square footage and keeps the design standards already established for the site.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 127-128.

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ITEM NO. 25: ORDINANCE NO. 352-Z, PETITION NO. 2021-259 BY INTEGRA LAND COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.57 ACRES BOUND BY THE NORTH SIDE OF NORTH TRYON STREET, EAST SIDE OF WEST 26TH STREET, WEST SIDE OF WEST 27TH STREET, AND SOUTH SIDE OF NORTH CHURCH STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Barbee) 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 place type recommendation of Neighborhood Center based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Neighborhood Activity Center place type at 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 petition is aligned with the growing multifamily residential uses in the area and along the North Tryon Street corridor. The petition is consistent with the more intense development envisioned along this high traffic corridor. While the petition does not propose a mixture of uses at the site, the larger, surrounding area has a growing mix of uses. The petition commits to increasing connectivity by installing an 8-foot sidewalk and 8-foot planting strip on all 4 sides of the site. The proposal of multifamily residential land uses is a compatible use adjacent to the existing, established neighborhoods along this corridor.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map place type recommendation of Neighborhood Center based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Neighborhood Activity Center place type at 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 petition is aligned with the growing multifamily residential uses in the area and along the North Tryon Street corridor. The petition is consistent with the more intense development envisioned along this high traffic corridor. While the petition does not propose a mixture of uses at the site, the larger, surrounding area has a growing mix of uses. The petition commits to increasing connectivity by installing an 8-foot sidewalk and 8-foot planting strip on all 4 sides of the site. The proposal of multifamily residential land uses is a compatible use adjacent to the existing, established neighborhoods along this corridor.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 125-126.

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ITEM NO. 27: ORDINANCE NO. 354-Z, PETITION NO. 2021-268 BY THR HOLDINGS, LLC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.25 ACRE LOCATED AT THE SOUTHEAST INTERSECTION OF DRUMMOND AVENUE AND PINCKNEY AVENUE, SOUTH OF MATHESON AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).

The Zoning Committee voted 5-0 (motion by Russell, seconded by Barbee) 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 policy map recommends Neighborhood 1 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: this parcel is a corner lot along the intersection of Drummond Avenue and Pinckney Avenue, making it an

appropriate location for a slight increase in allowable density. This rezoning would allow for the site to be subdivided into two lots to build out a maximum in two single family homes, a modest increase in the existing allowable density which limits the site to one single family home. This petition is consistent with the area plan's recommendation for single family land uses and promotes diverse housing options.

Motion was made by Councilmember Egleston, seconded by Councilmember Graham, 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 policy map recommends Neighborhood 1 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: this parcel is a corner lot along the intersection of Drummond Avenue and Pinckney Avenue, making it an appropriate location for a slight increase in allowable density. This rezoning would allow for the site to be subdivided into two lots to build out a maximum in two single family homes, a modest increase in the existing allowable density which limits the site to one single family home. This petition is consistent with the area plan's recommendation for single family land uses and promotes diverse housing options.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 129-130.

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ITEM NO. 28: ORDINENCE NO. 355-Z, PETITION NO. 2021-270 BY THE DRAKEFORD COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.09 ACRES LOCATED ON THE NORTH SIDE OF ROCKY RIVER ROAD, WEST OF EAST W.T. HARRIS BOULEVARD, AND EAST OF OLD CONCORD ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (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 (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #5: Safe & Equitable Mobility, #6: Healthy, Safe & Active Communities, and #9: Retain Our Identity & Charm. The site is currently developed as a single-family residence. The rezoning site directly abuts Place Types N1, Neighborhood Center, and Manufacturing and Logistics. This is an appropriate area of transition from N1 to Neighborhood Center. The proposal for residential development is in character with existing residential uses in the area. The proposed townhome community furthers the goal to strive for all neighborhoods to have a diversity of housing options. 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.

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. Plan revised on Sheet 2 to show 10' from existing centerline to proposed back of curb.
2. Plan revised to label storm structure to be relocated (Sheet 1).

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

Councilmember Johnson said I would also like to acknowledge this developer for the improvements that are being proposed such as installing an ADA curb ramps, donating land for multiuse pass and also various improvements to the infrastructure. So, I will be supporting.

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be 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. 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 is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #5: Safe & Equitable Mobility, #6: Healthy, Safe & Active Communities, and #9: Retain Our Identity & Charm. The site is currently developed as a single-family residence. The rezoning site directly abuts Place Types N1, Neighborhood Center, and Manufacturing and Logistics. This is an appropriate area of transition from N1 to Neighborhood Center. The proposal for residential development is in character with existing residential uses in the area. The proposed townhome community furthers the goal to strive for all neighborhoods to have a diversity of housing options. 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, as modified.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 131-132.

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ITEM NO. 29: ORDINANCE NO. 356-Z, PETITION NO. 2021-271 BY 300 EAST 36 DEVELOPMENT HOLDINGS, LLC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.3 ACRES LOCATED ON THE SOUTH SIDE OF CULLMAN AVENUE, WEST OF EAST 36TH STREET, AND EAST OF MATHESON AVENUE FROM I-1 (LIGHT INDUSTRIAL) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER).

The Zoning Committee voted 5-0 (motion by Barbee, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent and consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: the policy map recommends Innovation Mixed-Use for the site which includes uses that are incompatible with the requested zoning district such as light manufacturing and warehousing; and the Innovation Mixed-Use place type supports a number of mixed uses that are allowed in the TOD-UC zoning district. 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 36th Street Station. The TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The site is located directly adjacent to a number of parcels with a TOD designation and is located directly along the LYNX Blue Line. This rezoning would allow for the site to be redeveloped to transit supportive uses. The approval of this petition will revise the Place Type as specified by the 2040 Policy Map (2022) from Innovation Mixed Use to Community Activity Center.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent and consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the policy map recommends Innovation Mixed-Use for the site which includes uses that are incompatible with the requested zoning district such as light manufacturing and warehousing; and the Innovation Mixed-Use place type supports a number of mixed uses that are allowed in the TOD-UC zoning district. 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 36th Street Station. The TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station, or within ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The site is located directly adjacent to a number of parcels with a TOD designation and is located directly along the LYNX Blue Line. This rezoning would allow for the site to be redeveloped to transit supportive uses. The approval of this petition will revise the Place Type as specified by the 2040 Policy Map (2022) from Innovation Mixed Use to Community Activity Center.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 133-134.

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ITEM NO. 30: ORDINANCE NO. 357-Z, PETITION NO. 2021-272 BY BAYBRIDGE GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.35 ACRES LOCATED ON THE EAST SIDE OF JOHNSTON ROAD AND SOUTH SIDE OF CARMEL CHACE DRIVE, SOUTH OF CARMEL ROAD FROM R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-12 MF (CD) SPA (MULTIFAMILY RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT.

The Zoning Committee voted 5-0 (motion by Barbee, 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 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 a portion of an existing single family attached (townhome) community owned by the HOA. the site is vacant, open space and an amenity facility. attached residential is an appropriate use in the Neighborhood 2 Place type. the petition constructs up to 31 single family attached units at a density of 7.12 units per acre, below the density of 12 units per acre allowed in the R-12MF zoning category and relocates the amenity area/open space; limits building height to 40 ft; installs a new buffer along the eastern property line abutting single family homes; the petition provides additional housing options to the area.

Motion was made by Councilmember Driggs, seconded by Councilmember Eiselt, 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 based on the information from the 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 final staff analysis and the public hearing, and because: the site is a portion of an existing single family attached (townhome) community owned by the HOA. the site is vacant, open space and an amenity facility. attached residential is an appropriate use in the Neighborhood 2 Place type. the petition constructs up to 31 single family attached units at a density of 7.12 units per acre, below the density of 12 units per acre allowed in the R-12MF zoning category and relocates the amenity area/open space; limits building height to 40 ft; installs a new buffer along the eastern property line abutting single family homes; the petition provides additional housing options to the area.

The ordinance is recorded in full in Ordinance Book 65, Page(s) 135-136.

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HEARINGS

ITEM NO. 34: HEARING ON PETITION NO. 2022-098 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 71 ACRES LOCATED ALONG THE SOUTH SIDE OF OAKLAWN AVENUE, WEST OF ANDRILL TERRACE, NORTH OF BROOKSHIRE FREEWAY, AND EAST OF BEATTIES FORD ROAD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-5 HD (SINGLE-FAMILY RESIDENTIAL, HISTORIC DISTRICT).

Mayor Lyles said now comes to the time that we want to recognize that many people have joined us tonight in our meeting chamber on this floor. I want to especially recognize my friends from McCrorey Heights. I am sorry guys; I just have to say it. These are people that watched me grow up and get better, and I so much appreciate everything that they have done to contribute to who I am today. So, I want wanted to say that. Thank you on our behalf. Because this is something that is so close to me, I will no longer preside at this, and I am going to turn it over to Mayor Pro Tem and step away from the dias for this discussion. Alright, so with that, Mayor Pro Tem.

Mayor Pro Tem Eiselt declared the hearing open.

David Pettine, Planning, Design & Development said 2022-098 is our first hearing this evening, as mentioned it is a bit of a unique rezoning petition because we are not technically rezoning properties, we are establishing a historic district overlay for the McCrorey Heights neighborhood. That is what is being presented this evening. Just to go through our normal steps. This is about 71 acres located along the south side of Oaklawn Avenue, west of Andrill Terrace, north of Brookshire Freeway, and east of Beatties Ford Road. It is currently zoned R5. The proposed zoning is to maintain that R5 based zoning district, but again to establish the historic district overlay on top of the properties that are identified. The 2040 Policy Map does recommend Neighborhood 1 Place Type for this community which would be consistent, again, we are not changing the R5 zoning, just establishing a historic district overlay. So, just to go through a little bit of background on historic districts because we do not do these very often. We had one go through for Oaklawn Park back in 2020. So, currently the Historic District Commission was established in 1976. We have seven local historic districts, 4th Ward, Dilworth, Plaza Midwood, Wesley Heights, Hermitage Court, Wilmore and of course Oaklawn Park which was the most recent done in 2020. The HDC staff has 3 members in the planning department that serve, and we have the 12-member Historic District Commission. There are over 3000 parcels that are involved in our local historic districts, over 920 acres and staff reviewed 423 applications during 2021, that included 307 staff reviews and 116 commission reviews. All-in-all our historic districts encompass just 0.5% of Charlotte's total land area. This just give you a quick overview map of where are historic districts are, the most recent, again, being Oaklawn Park there just to the north and then of course all the others we got spread out throughout the city, Wesley Heights, 4th Ward, Plaza Midwood, Hermitage Court, Dilworth and Wilmore.

So, the Historic District does establish particular design standards for the properties that are included within that district overlay. If you go to the next slide, you can see some examples of some of the homes that are in the McCrorey Heights' neighborhood. You've got a few are listed here on Clifton Avenue, just to give you an idea of the home types that are included within that community. So, we start with just a local historic designation report that comes with a boundary map, a property-by-property survey, historical development essay and the Historic Commission does review and vote. They did on March 18th of this year on this petition and then the state Historic Preservation Office also weighs in and provides a review and also a letter on their findings on that. Then is goes through a petition of property owners. They have to have a 51% minimum. I believe this petition had 54%, if I remember correctly. After that process comes through, then we go into again the rezoning process, which we are in now, that includes

the community meeting which was held back last month. Of course, our standard process for legal ads for a public hearing, which we are holding tonight. This will go forward to the Zoning Committee also in August for a review and recommendation and then City Council will have a final vote on this, potentially as early as our August 15th meeting.

So, again, just to give you a geographic reference to the McCrorey Heights neighborhood, and just again some example pictures of some of the homes on the left and then just again just a geographic boundary of the area just shown in red. McCrorey Heights, the who and why, neighbors were concerned about development pressure and wanted to establish some protections to preserve character and architecture of the neighborhood. In order to do that you can establish that historic district through a zoning overlay through this rezoning process that we are in currently. The time frame of the rezoning does depend on neighborhood support. This one is ready to go at this time. It took almost a year to get to this point. I think Oaklawn also took almost 12 to 18 months to get through to the rezoning process as well. What does it mean to property owners? It does protect all buildings in the district, just through a local design review process that would include things like new construction, demolition, painting of brick and also property owners in the local historic districts are required to contact the Historic District Commission before they start any work to the exteriors of homes or yards. That would include things like editions, fences or walls, windows and doors, front porch editions, adding sheds or car ports, tree removal, painting brick, adding decks and patios. Those types of things would go through that Historic District Commission review prior to those projects being able to get started.

So, local designation does not restrict use. It does not review anything interior to the structures. It does not require specific paint colors. It does not require specific improvements or changes and it also does not qualify owners for grants or tax incentives. So, this is just an example of the parcel-by-parcel analysis that is done for everything that is involved and included in this historic district overlay. This was an example from Oaklawn Avenue. You can see just the types of homes, the year they were built, the dimensions, what the setbacks are, building heights. All the general details that go into that parcel-by-parcel analysis that has to be put together prior to getting to this point in the process of establishing that historic district overlay. Just to give just a quick overview, this just provides some background on the significance of the McCrorey Heights' neighborhood and why this is up for designation this evening. There are folks in the audience that I know that are going to be presenting and providing a little bit more detailed overview, so I will save that for them to provide a little bit more background.

Then just an example of the signature sheet on the next slide of what goes through and gets submitted to the property owners and how we get that petition signed and sent to us for this step in the process. Then we have the Historic District letter from the North Carolina Department of Natural and Cultural Resources from the state Historic Preservation Office, essentially, also acknowledging and approving the district to move forward through this process. Then we do have a Historic District website that our HDC staff had put together. This is on our Planning Department page at the CharlotteNC.gov website. You can get all information about what goes into this process and what is involved in the McCrorey Heights Historic District. Just some more example pages of what was on that website that our HDC staff put together.

So, that gets us to the staff recommendation, which we do recommend approved of the petition and we do recommend approval of this historic district moving forward. The petition is consistent with the 2040 Policy Map. Again, we are maintaining that Neighborhood 1 Place Type through the R-5 designation and just adding this additional district overlay that would be put on top of all the properties that are included. So, with that I will turn it over to the folks that are here to speak, both in favor and opposition and will take any questions you may have following their presentations. Thank you.

Sean Langley, 1621 Oaklawn Avenue said can everyone from the McCrorey Heights Neighborhood Association please stand up. Everybody wearing red is in support of our

local historic designation. Give yourself a round of applause. Good evening, Council and other elected officials. My name is Sean Langley and I have lived in McCrorey Heights for 16 years. I moved to Charlotte in 1999 to attend Johnson C. Smith University and took a lot of my classes in actually, McCrorey Hall. Fast forward to 2006, I moved into McCrorey Heights into Mrs. Elizabeth Dargan's house located at 1621 Oaklawn Avenue, to be specific. Mrs. Dargan, alongside other McCrorey Heights neighbors helped transform this city and nation. In many respects this neighborhood helped birth many parts of the Civil Rights Movement. They were highly educated men and women who demanded black people be treated with respect and also be accommodated in public spaces in Charlotte. They held top administrative positions in the school system, and they were the driving force in helping dismantle the walls of segregation. They were responsible for making this city open to everyone, including many elected officials today. Their ideas inspired us all and their modest homes are sacred spaces that deserve the local historic preservation. Thank you so much.

Marilyn Twitty Brown, 1725 Madison Avenue said good evening. In 1953, when I was 4, my parents built a house at 1725 Madison Avenue in McCrorey Heights. After high school I left Charlotte, but when I retired, I moved back to the home I grew up in. Upon my return I was shocked to see some of the neighborhoods around me where expensive contemporary modern homes being built. What is happening all over the city, in various neighborhoods, we do not want to happen in our community. As Charlotte Historian, Tom Hanchett wrote, as the Civil Rights Movement heated up, McCrorey Heights' residents emerged as key leaders, not just in Charlotte, but regionally and nationally. Over time the neighborhood has lost some houses along its edges, but it remains remarkably intact. Today 167 dwellings, most of them custom designed brick ranch style houses, line its grid of straight streets. A time capsule of mid-20th Century suburbia. McCrorey Heights is a community whose members have something in common, the preservation of our homes and our history. Thank you.

Rosemary Young, 1616 Patton Avenue said good evening. My name is Rosemary Lawrence Young, and I am proud to call McCrorey Heights my home. For the past 22 years my family and I have owned and lived at 1616 Patton Avenue. Due to concerns about changes we saw in surrounding areas, on July 25th, 2007, our homeowner's association amended its covenant in order to protect the history and the architectural integrity of the neighborhood. This effort was led by our past president, James Turner, and community activist, Edith Shearin. Due to those same concerns, I stand before you today to support the proposed rezoning of the neighborhood as a historic district. Thank you.

Nichelle Hawkins, 1815 Patton Avenue said good evening. I am Nichelle Bonaparte Hawkins of 1815 Patton Avenue. I am in full support of my neighborhood, McCrorey Heights, becoming a local historic district. Doing so will afford this great neighborhood the opportunity to use this designation as a tool for preservation. We must protect McCrorey Heights. As a matter of clarification, First Baptist Church West worked with the neighborhood in requesting to be excluded from the proposed historic designation boundaries and the neighborhood obliged. In the spirit of community and cooperation it should be no issue for us to adjust the proposed map to exclude those six parcels. Thank you.

Toria Burch, 4421 Parliament Court said good evening. My name is Toria Jewelle Burch and I moved into McCrorey Heights when I was 7 years old to live with my grandfather, the Reverend Dr. James W. Smith after the passing of my grandmother. My grandfather graduated from Johnson C. Smith University in 1920 with H. L. McCrorey, Jr. I don't know life without McCrorey Heights. It is all that I know in Charlotte. I went away for school, came back and noticed all of the regentrification going on. I would love for us to please be able to preserve that history. Those Black, African American leaders in our community created a community and it was not easy. We need to preserve this for the future for Charlotte, for the residents of McCrorey Heights and for those in North Carolina and beyond, because it truly is a special neighborhood. Thank you.

Kristi Harpst, Program Manager, Historic District Commission said hello this is Kristi, I do not need to speak, I am staff for the Historic District Commission. I am just here to show my support for the neighborhood.

Kim Parati, 612 Grandin Road said hi, I am Kim Parati. I am Chair of the Historic District Commission, and I am here to speak on behalf of our body. Due to McCrorey Heights' rich historical significance, distinct architectural styles and most importantly desire from the actual members of the community to preserve the neighborhood, we are in full support of this change, and we are very excited. This has been a long time coming. We have had people who live in the neighborhood who also serve on the Historic District Commission who have worked from the inside to help educate and usher in this new opportunity for the neighborhood and again, as part of the HDC we are fully in support of this.

Denise Bridges, 1911 Washington Avenue said I am in person, and I am also in red. I am Denise Bridges, and I inherited the property 1911 Washington Avenue, and I too am very excited about the changes of rezoning including all the homes there. However, I am also a member of First Baptist Church West and am on the Board of Directors and we have been speaking with the neighborhood association, of course. It is not really an opposition. We initially had planned for First Baptist not to be involved in the rezoning and the neighborhood was in agreement with that and the map shows that too. I went online last night and saw that the parcels belonging to First Baptist were still included. So, I just want to make sure that it is very clear that First Baptist does not want to be included, but as a homeowner, I do want to be included at 1911 Washington Avenue I am very excited about the changes. Thank you.

Councilmember Egleston said I love the enthusiasm for preservation and the support of the effort. The question for staff would just be, at what point, you mentioned the staff that we have, and the number of cases they hear, can we set some markers, as, this will be the second in two years of these that we have added. Do we have a sense of what the number becomes, in terms of the number of hearings that they have each year for staff or for the commission itself, before we start to add more staff members to that team?

Mr. Pettine said thank you Councilmember Egleston. Kristi if you are still on would you like to respond to that one.

Ms. Harpst said of course. Well, first I just want to thank Council because in your budget for this year you added a position for staff in recognition of the increased work load and we are going through the hiring process right now to add a fourth HDC staff member. So, thank you and we may be asking for more in the future should our program continue to grow.

Mr. Egleston said yes that is what I am getting at. Did we give you an extra staff person and now we are stretching you beyond the capacity of that staff person will add or do you think that with that new staff position that was added in the budget, you will be able to absorb the new workload that you will get from potential next district?

Ms. Harpst said we are going to try, but again, I might be asking for maybe a more entry level staff person to help more with being the first point of contact, especially to help with McCrorey Heights and the Oaklawn. We try to do a lot of hand holding for these new districts, so in answer to your question, it remains to be seen.

Mr. Egleston said alright, thank you.

Councilmember Graham said I too wanted to take this opportunity to thank the residents of McCrorey Heights for coming down tonight and advocating on behalf of their neighborhood for the historic designation. I think it is really important. A lot of texts I'm getting tonight about McCrorey Heights now being in District 1 and that was because of the redistricting. We had to move about 60 neighborhoods in all and McCrorey Heights was moved from District 2 to District 1. So, I passed it to my good

friend Councilmember Egleston to get it across the finish line. I enjoyed working with the residents to get it to this point. Obviously, I will be very supportive of the neighborhood and the community. We did something similar with Oaklawn last year when they came for the same type of designation, and I thank the residents for the work that they have done to advocate for themselves to take pride in their neighborhood and their communities to preserve it and to restore it. Beatties Ford Road is known for its history and its tradition and certainly McCrorey Heights is a shining example of everything that is right with the city of Charlotte. So, I want to thank all of my friends for coming down tonight and providing the presentation. I look forward to supporting it when it comes for a decision. Thank you.

Councilmember Johnson said I would also like to applaud the residents for coming down and advocating for your neighborhood and trying to combat the gentrification. So, I think this was a great model that other neighborhoods should take a look at. Specifically, neighborhoods like Hidden Valley and other traditional African-American neighborhoods or just historic neighborhoods that want to maintain the character in some way to combat the gentrification and the redevelopment of the entire city. I had a meeting earlier with some folks from UNCC and some community leaders about how HOA bylaws can be changed, and residents can fight back against this explosive development and developers buying up all the neighborhoods, the corporate buying, and all of that. So, kudos to these neighborhood leaders and these residents. This is what it's going to take to balance out this explosive development and gentrification in the city. I would like, if someone from the staff, could just share information on what neighborhoods leaders can do to get this process started in case someone is watching and would like for their neighborhood to be considered. I will be supporting this petition. Again, I think it is something more neighborhoods should take a look at doing.

Mr. Pettine said I was going to follow up and ask if you wanted us to respond to that this evening or in a follow up, but either way I would defer to Kristi to maybe talk a little bit about it at high level on how this process gets started and how folks might be able to take advantage of it.

Ms. Harpst said sure. Dave, would you flash my information up on the screen please. I think it was right before this. There you go. Contact me. The conversation starts with Historic District Commission staff, and we are having ongoing conversations with a number of neighborhoods. I am glad to walk a neighborhood through what is entailed and also walk them through all the options. We do have, as part of the pending UDO (Unified Development Ordinance) the option for a street side historic district which would be just the first 50 percent of the structures and we are also adding a neighborhood character overlay which would be the box that new construction could fit in. So, through the UDO we are adding some more tools in response to what Ms. Johnson had asked about and I am always glad to have those conversations with neighborhood leaders. Thank you.

Councilmember Phipps said I have a question for. I was wondering does the 71 acres include the Oaklawn Park neighborhood or is that a separate distinct community that is outside of these boundaries.

Ms. Harpst said Dave would you flip back to the map.

Mr. Pettine said yes.

Ms. Harpst said It is a separate distinct neighborhood. I totally understand the confusion. Oaklawn Avenue separates the two neighborhoods. So, on the southwest side of Oaklawn is McCrorey Heights and on the northeast side is Oaklawn Park and they do not share any boundaries or overlap.

Mr. Phipps said okay. Thank you.

Councilmember Watlington said I just wanted to say this is a great example, as Councilmember Johnson said, of neighbors coming together and really exercising their agency over what happens in their communities and as we think about the changes in

our city. I will at least speak for myself; I have heard loud and clear across the district and from other neighbors throughout the city that they have a desire to retain their neighborhood character. As we think about policy changes that are upcoming, I challenge us to really, really be clear about who it is that we believe that we are representing because by and large our residents have said we want to preserve our way of life, providing opportunities for the American Dream, if you will, for all residents, no matter what they look like, how much they make. I just want to say hats off to the McCrorey Heights Neighborhood for getting organized and for using the system to get what you wanted. I hope that more neighborhoods are able to take advantage of these kind of tools as we think about the upcoming UDO and the neighborhood overlay district and our anti-displacement tools that come out of the next committee. Really making sure that they actually deliver for the residents, and not just in word, but indeed. And so, once again, congratulations to McCrorey Heights. I will be supporting this all the way through. As a Chair of Great Neighborhoods, I just want to say congratulations. Thank you for setting an example.

Councilmember Ajmera said I agree with some of the comments made by my colleagues. I enjoyed listening to some of the history shared by speakers today. One of our goals in our 2040 goals is to retain our identity and retain our charm. So, it is great to see this being implemented as part of our 2040 goals and to see this follow through. Certainly, I appreciate how we have emphasized preserving the history as one of our goals of 2040. Thank you, neighbors.

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

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

Rohit Patel, heavenproperties@hotmail.com

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ITEM NO. 35: HEARING ON PETITION NO. 2021-242 BY ROBERT D. DOWDY, LLC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.19 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF EAST 35TH STREET AND NORTH MCDOWELL STREET, NORTH OF CHARLES STREET FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said 2021-242 is just under 0.2 acres on the corner of 35th and North McDowell Street in the NoDa community. It is currently zoned R5. The proposed zoning is for MUDD, Mixed Use Development Optional. The 2040 policy map recommends this for a Neighborhood 1 Place Type for this site, which we will get into a little bit here in the presentation. The proposal is to maintain the existing commercial building that is in operation and also to cap the expansion of that at around 3000 square feet with a maximum building height of 40 feet. It does commit to 600 square feet of outdoor seating in the front and about 2600 square feet of outdoor seating in the back. It does allow for nonresidential uses permitted under prescribed conditions in MUDD. There are a list of uses that have been further restricted. Some of the more undesirable uses like drive-through and other things in MUDD have been written out. It does restrict outdoor uses from 7:00 a.m. to 10:00 p.m. and does limit outdoor music and entertainment to Sunday through Thursday from 8:00 a.m. to 8:30 p.m. and then Friday and Saturday from 8:00 a.m. until 9:30 p.m. It commits to a 10-foot landscape screening along abutting single family areas. You can see that area in green.

It does commit to transportation improvements and construction of an ADA compliant corner ramp and other improvements to sidewalks and planting strips where feasible. Optional provisions are being proposed with this and that is really to maintain the

existing building and let that remain, but also to be modified with some of the conditions as listed on the site plan. The building may also be replaced in a materially similar form to the existing structure in the event that that building is permanently removed from the site and the site would be fully redeveloped and the parcel shall be rezoned. Once again, it also requests required parking spaces be reduced to zero and allows changes to the existing parking. Currently there are just some pull-in spots off of East 35th Street. It does also request that the petitioner not be required to meet the parking screening requirements. Building renovations may encroach into areas labeled on the site plan as outdoor seating.

Existing sidewalks will remain with no new planting strips or curb modifications and that existing building would be exempt from MUDD set back requirements, although editions or new buildings would comply with the ordinance standard. As mentioned, staff does recommend approval of this petition upon resolution of outstanding issues related to transportation site, building design and environment. The petition is consistent with the 2040 Policy Map recommendation for Neighborhood 1 Place Type. Some of y'all may be scratching your head going how is that consistent with Neighborhood 1. The Neighborhood 1 Place Type does envision adaptive reuse of buildings and does allow for this exact scenario for existing commercial buildings to be adaptively reused in continuing their use, particularly when they are community serving. This also is a corner parcel which also is envisioned in some of the Neighborhood Place Types for neighborhood-based commercial similar to this type of outcome. So, it is consistent with that policy map recommendation and again staff does recommend approval upon resolution of some outstanding issues related to transportation site, building design and environment. We will be happy to take any questions following the presentation by the petitioner and the community members. Thank you.

Russell Fergusson, 933 Louise Avenue said good evening Mayor, Council and Committee. I am Russell Fergusson. I am representing the petitioner. Patty Dowdy is here with me tonight to answer any questions, but won't be presenting as property owner, and Chad Maupin from the NoDa Neighborhood and Business Association will be speaking in support. I want to start with some of the major points, mostly rezonings that come before you, although notably not the last one, which was awesome. Most of the rezonings that come before you are about change, but this one is about preservation. It is about preserving the existing building, the character and charm of it, preserving the existence business Local Loaf, which you see on the screen right there. This petition is seeking a rezoning to provide a viable path forward for this business, and therefore the building. The building was previously the regional location of NoDa Bodega, which has moved over to 36th Street. Before that it was South Side Seafood. It is an unbroken chain of commercial use that goes back to before the term NoDa was being commonly used. This history is why this business is still operating as a legal nonconforming use and the purpose of this rezoning is really to clarify that to make it clear, as various departments have different opinions about what the scale and scope of operation is allowed to be, because legal nonconforming uses are in a gray area that looks at what the continuation of the use is and limits it in its expansion.

Another big point, I do not have to tell you guys this, but Good Land Use Policy is not always popular as a personal or even neighborhood policy. This rezoning is, again, unique in this respect. It is really good land use policy, I believe. I think it is supported by staff and Mr. Pettine just got into it a little bit. This [inaudible] 10-minute neighborhoods and this business is a great example of what makes a place like NoDa great. This rezoning really retains the character and charm. This building has been here operating through the many decades. It is not vulnerable to that question of what happens if this becomes an establishment. It is an establishment and has been an establishment and it has come right along with the neighborhood. I also want to say this rezoning is nearly identical and the restrictions that are placed on it and the conditional rezoning is nearly identical to other rezonings, including one that was just voted on unanimously tonight. I think a lot of the wisdom that staff has gained, that professionals like myself have gained in working on these adaptive reuse projects is already reflected. It is not a new or first case situation. We really, really respect and appreciate the time staff has spent with us working on this. We have a general agreement on all the outstanding issues. It is a little tougher with these buildings. This building is too close to the curb to fit the

modern setbacks, that is reason for some of those exceptions and options. The parking isn't really safe, so we are going to remove it and replace it with some bicycle items.

We get some context of the area that is used by coloring. The green square is where this location is. That closest yellow square up towards 36 is in pink. All of the yellow components here are commercial uses within this neighborhood. That's an institutional use to the south with the school, coworking place, a similar rezoning soda shop that you all recently approved and the [inaudible] there is a multistory, multiuse, commercial use bottom, residential building that is visible from the site that we are talking about tonight.

Up there on the left the aforementioned construction project, this is taken from right here at these picnic tables and a little insight of what is going on right now and what has been happening with some COVID outdoor dining. It was some enforcement related to this that has led to this rezoning. It gets you a little feel. The tree on the right is a tree that we have been working to try to save and it is part of what some of the exceptions on the sidewalk are, to avoid removing that blacktop and somehow disrupting it. It is one of the most beautiful trees around and something that we all agree on, including the opposition tonight. We are very committed to trying to protect that.

Small overview. I have covered most of this, mostly going back to this as a continuation of what is a favorable part of the community, making, clarifying the noncompliant uses to make it clear, to make enforcement possible going forward, dealing with the nonexistent parking and doing the best to make this an appropriate fit. Again, as mentioned, the soda shop is right down the street and in that public hearing before you all a few months back, one of the opposition speakers to that event said this would be different if this was a petition for Local Loaf and this is that petition. It is different because it has been here, and it is established. A few more pictures show there is an existing fence, a little bit of unique street scape components. The existing site plan, we intend to continue that buffer up beside the building. We just need to really clarify exactly what the distance is there. These trees marked here are an existing group of Cypress Trees that are established and mature. There is some existing screening that is not shown yet that will show. This business has opted to use small business trash pickup and it has been working well. It is the same type of trash pickup that happens at residential businesses, and it is trying to stay at that scale to keep it minimal and reduce the noise. A little bit of scene on the bottom left, the aforementioned Cypress Trees. That is looking directly at the adjacent neighbor that faces 35th Street.

The idea of what this business is and where it is at is similar in scale to what the prior businesses were. Ten-minute neighborhoods! We have been joking with a few of the neighbors that area supportive of this, that it is a 10-second neighborhood for them because they can walk right out their door and come over and have a sandwich or grab a beverage. I have covered a lot of these, so I will go on to the next slide please. Getting to kind of the gist of the matter and this is often the sticking point of this is what are the restrictions? As mentioned before, because this is a continuation, we think it merits a little bit of a different consideration than a new business coming into a building that could be used for commercial purposes, because it has been continued to be used for commercial purposes. It is currently open and licensed to serve alcohol, to serve food. It does not have particular restrictions. This residential overlay came on top of it and so it is in that gray area. The Charlotte Noise Ordinance applies. It has to follow the rules regarding all the other alcohol consumption, but it is licensed and operating. We ask you to consider that and to look at what the appropriate conditions are for this rezoning. Outdoor activities limited to 7:00 a.m. to 10:00 p.m. and those outdoor activities right now consist of a farmer's market on the weekend, a few bicycle groups that meet outside and we are talking about a very small-scale neighborhood-friendly operations. With the discussion with the neighbors, we further restrain what outdoor entertainment, music, etc. We are using the terms of EDEE, eating, drinking, entertainment, establishment, language that you guys are familiar with to try to clarify what that is and to restrict that even further, but it to make it operational, to make it viable for this business to be able to function, but also for there to be enforcement should they violate these conditions. We conditioned the timing of any outdoor noise to less and giving it time to clear people out in the natural flow of things.

This is a list of some of the additional considerations. A lot of these came about from staff's recommendations. We have restricted this to a list of uses as similar projects have in the past. So, we are no longer open to all MUDD uses with exclusions. We now have a list of permitted uses. Here is a list of some of the times, restricting glare, working on the planting area, that we do have the existing fence and are going to commit to maintain that. I think we have a few more questions. We are available for your questions. I was going to pass to Chad Maupin from NoDa MBA is with you. I am going to hand it off to him, but just remind you that, in summary of all this, it is an existing business and has an existing great relationship. It is a very popular petition for me, who have worked on petitions in the past that are not as receptive, this has been a great experience. We think we have the right mix of conditions per staff's wisdom from recent rezonings right down the street even. I am going to hand it off to Chad to let him explain the neighborhood perspective. Thank you for your time. We will be here for rebuttal and questions.

Chad Maupin, 1109 East 35th Street said my name is Chad Maupin I am a member of the NoDa Neighborhood Board, and I am here speaking on behalf of the board. We sent a letter to Council two months ago, in May, in support of this petition. We listed four specific reasons for our support. Number one, the building preservation. They are reusing the existing building and making limitations on future growth beyond that footprint. Number 2, the land use is consistent with its current use. There was already an existing restaurant business there and they are making it viable for that business. Number 3, there are limitations on the business types and business hours and outdoor music and amplified sound. This is very important to the neighborhood to create reasonable restrictions to protect surrounding neighbors. Number 4, there is tree preservation both on the property for the existing Leyland Cypress Trees and also for the neighboring parcels, a Heritage Oak Tree. For these reasons the neighborhood supported the petition.

Sam Wazan, 804 East 35th Street said thank you. I was actually prepared to say something else, but in light of the comments made I will change a little bit, so excuse me for being a little improvisational here. First of all, I want to credit the City Council for my genius in real estate. Over the years you have done a wonderful job, great job. My home, I built it for \$235,000 dollars and yesterday I looked on Zillow and it is valued at \$939,000. I am a rich man. Thank you. That was due actually to something that no one saw in NoDa, a light rail, a new pathway. That actually brings me to a story I want to tell that I learned from Steven Covey in the 90s. It was a story about a group of people who were creating a new pathway in a jungle and some of these workers were hacking the undergrowth. Managers were meeting schedules and at the same time encouraging the machete wielders for making progress. Eventually the leader in the group climbed up the highest tree, the tallest tree and shouted, wrong jungle and the managers from below shouted, shut up we are making progress. So, I think that we are looking at the wrong jungle here frankly. I think the pathway has already been built, the light rail. I think that businesses need to be magnetized there, where they experience more success. The store that I live right next to and my house abuts it. The trees that were shown in the pictures touch the roof of my house and I could not renew the home insurance until I had to trim them myself. I have four bedrooms facing that property that is being rezoned.

What is actually being asked is for this to be a music venue serving liquor and it is actually not surrounded by any multifamily property and not by any business within 90 yards. It is all homes, within 90 yards. So, I do not know if we got familiar with the ordinary and we want to show progress, respectfully, and get moving with this. This property, yes, has been a store historically, agreed. I have been there when it was that. This property had drive by shootings and there were bullet holes before they cleaned up the siding and it mutated repeatedly over the years. It was a seafood restaurant or place. Now after that there was a drive-by. After that, there was somebody who operated it selling beer to underage kids, cigarettes as well and forging lottery tickets until that was revoked. Right now, today, they are violating the rules. They are serving liquor on the street. Those pictures don't show the story. I have the pictures and I had plans to prepare a presentation, but there are plans and there is life. If you will please

look out for a presentation, there is more I would like to show you, which has the actual pictures of all the violations that exist.

So, my concern today is that if rules are being broken today, with oversight by the landlord, the attorney and the operator, what gives us assurance that those rules will not be broken in the future. If anybody is trying to exploit others for their prosperity, this is not the right place for it. There are children who live right across the street from that property, girls, I met them and their parents and I am really surprised not to see them here, but I will not surprise, if we in the future, if this is approved to be a music venue, I will be surprised if it will not experience incidents and calls to the police to contain problems like bars, on the streets where there are bars and where two guys want to compete for a woman and get into a fight. I think that would be the eventuality of a music venue with liquor. So, they say, today, no way of them no putting a canopy to stop that, to put a canopy in the back like neighbors are suffering with all my soul. There is no limit on sound amplification. When I first immigrated to the United States, I was always shocked at how people in the United States at parties raise up the stereo and then raise their voices higher and say turn down the stereo a little bit so I can hear you. So, people are going to speak louder than the music, no matter what the decibel meter will say. So, do you want to call the police about controlling the amps of people talking? That is going to create more problems than solutions. I would like to ask that you reconsider that this is the pathway that has been created for these businesses to go somewhere else and for this to be a neighborhood for people to put their kids to sleep at 8:00 p.m. as they raise them, or 9:00 p.m. at the latest, like I child reared my children and understand if you will, respectfully, that I am asking you to look into the fast forward of this and the mutations beyond perhaps the good intentions of the current operator or the landlord. I will be frank with you; I do not know why they keep bringing up the tree. They don't own it. They keep talking about, hey we are going to let you keep it. Mr. Russell said in the beginning that it has gained a lot of popularity, this topic in the neighborhood. If one other person, other than me, attended the Community Planning Meeting, as popular, then we have our value system all twisted. I will follow up with you and I appreciate your time. Thank you. May peace prevail in Charlotte and may peace prevail in the world.

Councilmember Winston arrived at 6:50 p.m.

Mr. Fergusson said I want to say to Mr. Wazan that we have met on multiple occasions. He has attended the committee meeting and I thank him for his cordiality and polite and appropriate demeanor in our interactions. I think his concerns as a neighbor are valid and we have tried to listen to him and we have tried to incorporate them to the best we can, while incorporating the viability of retention of this building and the business. This is a mom-and-pop shop. It is not designed to go to the scale that was mentioned there. Just to say our office has received overwhelming positivity and I think that is evidenced by one voice being here. We are considering some additional conditional changes in the interim. We have reached out.

There are about nine direct neighbors to this because of the more dense modern urban housing right across the street and catty-corner, so we have done a lot of outreach and we have received a lot of positive response from the neighbors and they are certainly not here speaking against it. We also did present twice to the NoDA MBA and for those, I know, Councilmember Egleston understands this, but it is a very active community association. In their attendance online, I think the first presentation had 60 or 70 people and at the vote there were in the 30s to 40s. We did get a lot of spread in our outreach and we did that first meeting with NoDa very early in the game to try elicit those comments and start that conversation. Again, we certainly respect Mr. Wazan and his opinions, and this is definitely the venue to speak to them. We thank you for your time. We thank everyone and we both think you will be joining the staff and the neighborhood in supporting this petition.

Councilmember Egleston said I think this is a popular business in the neighborhood. I think NoDa's support of this speaks volumes as a neighborhood organization. Obviously, there is never a unanimous opinion in NoDa about rezoning, but I think it is

important, and I can appreciate when we do these that the speaker in opposition is saying he does believe there is probably good intent on the part of the current business owner but has concerns about when maybe a different business is operating in that space. I think that is why it was important, as was outlined in Mr. Fergusson's initial presentation, that instead of just having a few limitations of what is prohibited, it really very clearly drilled down to only the list of things that are allowed and so it is for that reason, I think, that they went that route, to say, we want to give assurances to the immediately adjacent neighbors of what this could be, not just now, but in the future. So, if someone wanted to come in and do something different thereafter it would require an entirely new rezoning process which would give a future council the opportunity to consider the changes that someone else might want to make beyond what is being asked here.

I am certainly supportive, always, of adaptive reuse of having business that are appropriate to be integrated into neighborhoods, integrated into our neighborhoods. I think that is one of the things that makes NoDA unique. It is one of the things that makes the Belmont Community unique, is that they have businesses that are part of the fabric of the interior of these residential areas. Again, it would not be appropriate if it were actually trying to be a live music venue [inaudible] Amos and Southend, but it is not. We are talking about hour restrictions that would prevent a successful music venue of that nature from operating at that location. Mr. Fergusson, I know you will continue to work with the neighbors concerns and if there are tweaks needed to things like the hours that amplified music or any sort of outdoor performance can take place, I think there is a reasonable conversation to be had there about what the appropriate time frames to shut that sort of stuff down is in the evening, and/or start it up in the morning, but generally speaking this is a good petition with broad support. We can just keep tweaking those details, particularly around the sound impacts and the time frame that outdoor sound is allowable, then I think we end up in a good place next month when we come back for a vote.

Councilmember Driggs said thank you Mayor. Mr. Wazan made some pretty serious allegations about criminal activity and public safety, so I would just like to request that CMPD (Charlotte Mecklenburg Police Department) provide us a record of calls for service at that location so we can try and get an objective metric about what that issue really is. That can be done later. Thank you.

Councilmember Eiselt said this is really more for staff. Let me back up. Could you repeat what Mr. Fergusson said about or Mr. Fergusson if you could repeat what you said about the outdoor music?

Mr. Fergusson said, Okay. I think I understand what you are getting to. So, working within the confines of the EDEE, so Eating/Drinking/Entertainment/Establishment language of the current code, the term entertainment is a defined term. So, we would use that as defining that to between 8:00 a.m. and 8:30 p.m. on weekdays and 8:00 a.m. and 9:30 p.m. on weekends and really the reason we are holding that line is because NPR played over speakers and a drummer playing a drum set, NPR over speakers is amplified noise and a drum set is an acoustic thing and one of them is disruptive. So, there are some differences as to how those two overlaps. So, we have tried to retain the ability to have, essentially, music-type noises because you do not recognize how important background music is in an establishment and everybody in the service industry knows this, but there is always background music and when it is not there it is glaringly obvious and the clankiness and the din of conversation is different and loud and more abrasive. So, really there is no intent. I have to say this. There is no intent from the current planned owner or the current tenant to have a live music venue. There is no recent history of criminal activity or engagement. I think a lot of that is referenced to about 15 to 20 years ago.

The intent is to have a quiet place, like a European-style café dining experience. The current tenant bakes bread and would like to be able to have sit-down dinners and be able to serve wine. It is a beer and wine licensed establishment. I am not sure if I got to the point there, but there is no intent to go there and I think, as Mr. Eggleston suggested,

we may just kind of look to layer a third tier in there with: 1. with outdoor operations. 2. with any sort of outdoor entertainment or noise period, and then 3. Maybe a further refinement to codify what I am saying here, because right now it is not there. So, I do not want to misdirect that. Right now, we do not have a codification of live music versus the quiet speakers. Currently, there are speakers. The front of this building opens. So, they have multiple doors that are set up as windows and they open up to open air and there is not currently a restriction. So, they do have music over speakers now. It is not like they cannot do it now. I know I am rambling here. We will look into that and we will look at adding an additional layer, as I spoke with Mr. Wazan, we will try to continue moving towards a place where we can agree, even if we cannot get to his support, we are going to try to make it in a way that he feels better about it at every step of the way.

Ms. Eiselt said okay, that is an important piece to me because it goes back to this whole issue that we seem to have a problem within Charlotte, and that is enforcement. So, we do these things and then we assume CMPD is going to enforce them, and we have had problems with this issue, in particular with great little drinking establishments, frankly, like Ed's Tavern. I remember the neighbor across the street came to the Council, a few times at least to say it is not even a band outside, it's the football games or whatever games, it is the televisions that are on and they never could get a resolution on that, and so I do think that is really important from a quality of life standpoint. I love having, I mean I live in Dilworth. I love having little places that you can walk to and I hear the bands, we hear that, but that is part of living in a neighborhood closer in where you do want to walk to venues likes this or at least not have to drive home from venues like that. So, the tighter that you can make that I think is better and I would look forward to hearing about that. Thank you.

Mr. Fergusson said thank you.

Councilmember Johnson said this question is for staff. About a year ago we had a petition in NoDa, and I don't know if it was 35th or 36th Street, but they kept referring to this establishment, to Local Loaf. They kept referring that it was similar to that or that the rules were similar to that and now I don't know if we are moving the bar or changing or expanding the allowances for this establishment. If Zach could send me a copy of that petition or if someone knows it that off the top of their head, that would be great. I want to compare what was approved [inaudible] that establishment was to this establishment because I remember there being pushback from the residents about that one, and I do not know if we are increasing the amount of noise on that street or what the cumulative impact will be to the residents by changing the zoning on this one. I cannot remember the petition number, but I know it was implanted in the residential neighborhood. There was a lot of concern and there was a lot of reference to this establishment. So, if someone can just get me that petition number so that I can refresh my memory and we can take a look at that. Thank you.

Mayor Lyles said before we leave this, I agree with Mayor Pro Tem. I think about this and music on Sunday through Thursday from 8 a.m. to 8:30 p.m. and Saturday until 9:30 p.m. I think sometimes, in summertime, that is great because everybody is out and moving around, but at night during the winter, I wonder if it is the same thing. It just needs, I think, a little bit more clarity as Mr. Egleston and the Mayor Pro Tem have said, that if this is going to be someplace that is going to have music and entertainment live recorded and if Mr. Fergusson described it as a café versus a music venue, I want to understand what that is, but I think there is some room for some work here to make that possible for everyone to walk away feeling like they have been heard.

Motion was made by Councilmember Egleston, seconded by Councilmember Driggs, and carried unanimously to close the hearing.
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ITEM NO. 36: HEARING ON PETITION 2021-257 BY LENNAR CAROLINAS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 52.67 ACRES LOCATED ON THE SOUTH SIDE OF OLD DOWD ROAD AND THE EAST SIDE OF AMOS SMITH ROAD FROM MX-2 (INNOV) LLWCA (MIXED USE, INNOVATIVE, LOWER LAKE

WYLIE CRITICAL AREA) TO MX-2 (INNOV) LLWCA SPA (MIXED USE, INNOVATIVE, LOWER LAKE WYLIE CRITICAL AREA, SITE PLAN AMENDMENT).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said 2021-257 is 52.67 acres located with frontage on both Old Dowd Road and Amos Smith Road. It is currently zoned MX2 innovative. There is a Lower Lake Wylie Critical Area on with that as an overlay. The proposal is to amend that MX2 innovative site plan that was originally approved, maintain the Lower Lake Wylie Critical Area overlay as well. The adopted place type from the 2040 Policy Map does recommend Neighborhood 1. The proposal with this petition is to allow up to 316 single-family attached units, that comes in at around 6-dwelling units per acre. Maximum building height would be 40 feet. They do have innovative provisions that specify minimum lot widths could be 19 feet. Minimum individual lot area could be 1700 square feet and minimum building footprint of 1600 square feet. Also, minimum individual unit heated area would be 1200 square feet and a minimum side set back width of 10 feet adjacent to right of ways and alleys. Those are all innovative provisions that vary from the ordinance standards. It does commit to a 35-foot Class C buffer along the southern property boundary. You can see that in green. Also, it commits to a 50-foot Class C perimeter buffer which could also be reduced to 37.5 feet with a berm or fence or wall along the other property boundaries that are not adjacent to that right of way. Also, it provides for 2.5 acres of common open space with amenities such as a clubhouse, pool, landscaping, mail kiosk, dog park and other similar amenities. It does commit to architectural standards related to pitched roofs, raised entrances, and recessed garage doors.

Transportation improvement have also been incorporated into this project that includes an 8-foot sidewalk, an 8-foot planting strip along Old Dowd as well as an 8-foot planting strip and 6-foot sidewalk along Amos Smith Road. A 100-foot protected driveway stem would come off Old Dowd Road and then eastbound and westbound left turn lanes with 150 feet of storage would be constructed on Old Dowd Road at McGarry Trail in access area A. Also signal phasing and modifications at the future traffic signal which would be installed by others, would occur at Old Dowd and Sam Wilson Road and then also a southbound left turn lane on Amos Smith Road at access point B with 150 feet of storage would be provided. Staff does recommend approval of this petition upon resolution of outstanding issues related to site and building design and transportation. Petition is consistent overall with Neighborhood 1 Place Type recommendation per the 2040 Policy Map. I will be happy to take any questions following presentations by both the petitioner and members of the community. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you. Madam Mayor, council members, Collin Brown on behalf of the petitioner, Lennar Carolinas. A good overview by Dave. As Dave mentioned, this is in the ETJ. This is really a pretty interesting piece of property and opportunity. So, a very high-level map here, you can see where this is in proximity to the airport, proximity to I-485 and the river. So, this is an area where we are seeing kind of rapid gains in employment. As you all know we are facing challenges in providing housing, especially housing that is affordable. What is interesting about this property, as you can see on this map, you can see the names of streets within the property. This had been a mobile home community. It was a mobile home community for many years. It ceased being a mobile home community, I think in the mid to early 2000s and there was a plan to convert into a single-family residential community. It had an interesting mobile home overlay. Here is a closer look so that you can see the streets that were actually in place for the mobile home lots. Lennar would be using totally new streets but trying to keep some of the same access points, so generally it would feel the same as it has in the past. There is a look from Old Dowd, the property there on your right. Here is a look from Amos Smith. So, that is one of the old mobile home roads that you can see there, so it would be using the same access point. Interestingly in 2008 or so, prior to the last great recession, the development team came into this property, rezoned it from the mobile home community. You can see that RMH, that is residential mobile home, which was heavily in this area and rezoned it to the current MX zoning to accommodate a redevelopment. So, this is the existing zoning

plan. It was using the streets that were there for the mobile home community and it proposed to a 240-lot residential development. For whatever reason that did not come to fruition, when the downturn came through and so Lennar now has an opportunity to develop this property.

As you probably know, the market has changed significantly. If this were developed as 240 single family homes it is almost impossible to deliver a new single-family home at a price point less than half a million dollars and so in order to provide some more attainable affordable housing, Lennar's plan is to ask for a little more density, though pretty similar, not a great differential, but an increase. So, again this is the zoning that is in place today for 240 single family lots. Lennar's plan would be to do something that is a little more affordable and attainable, we think still consistent with Neighborhood 1, so this would not be a high-density development, but is incorporating some of these townhomes, multifamily dwelling types. So, this is the updated plan. It looks very similar, access points are the same, but you have townhome community layout. Lennar is showing three different types of townhomes so there could be different price points within the neighborhood and this plan shows 316 units. So, again about a 76 unit increase over the current zoning, bringing this in at about 6-dwelling units per acre. We think it is a good fit for the site. I can go back to some of the other visualizes.

Again, we are proposing MX zoning and adjacent to the site, if you can see, there is actually a rail behind us that will separate from a community called the Vineyards. You will notice the parcels adjacent to us on the south side of the rail are zoned and being developed with townhomes. So, we do think this is a good transition. There is a robust single-family neighborhood down there along the rail corridor. They have townhome components and therefore we think ours, continuing townhomes up there would be a good transition. We think this is a good land use. It is a good opportunity to provide some attainable housing in an area of town where housing is certainly needed, and we are seeing rapid employment and development in the area. Here is just a look. We've put the arial on top to show you kind of context. You can see here the developments that I was pointing out just to the south do have townhomes, so this would be townhomes to townhomes and then having our access point on Amos Smith and another out to Old Dowd.

As Dave mentioned there are some significant transportation improvements planned. Interestingly I think when you compare the traffic generation from 240 single family homes, that are currently allowed, versus the 316 townhomes that we are proposing, I think it is pretty much a wash. However, the Lennar team has engaged DRG (Date Review Group). They have continued to work with C-DOT (Charlotte Department of Transportation) as we move forward. I know we have some speakers tonight and I think their concerns are primarily transportation concerns. We have certainly heard a number of those and we will continue working with C-DOT on those as we move forward. Here are sample elevations of different product types. As I mentioned our current plan is showing three different, everything is a townhome, but different level of townhomes, from entry level on up to provide even a diverse housing type within this development. I will pause there. Matt Pannell from Lennar is on. Matt feels free to weigh in if I have missed anything or you want to correct something. Otherwise, Madam Mayor we will recede the rest of our time and follow up with you after we hear from the other speakers.

Jan Slaven, 6411 Amos Smith Road said. Hi, my name is Jan Slaven and I represent Catawba Colony on Amos Smith Road and Midsomer all the way to the dead end of two-lane Amos Smith Road. Our primary concerns are health, safety and traffic. Our only ingress and egress on this peninsula are via Amos Smith Road over the bridge, over the railroad tracks. Let me begin with our requests and then I will explain the rationale behind them. We would like for Lennar to make all road improvements up front. We would like to keep all traffic from the Lennar Community off Amos Smith Road to alleviate further congestion. We would like to coordinate the traffic flow on Wilkinson Boulevard with Belmont, and that's the city of Belmont, and we would like to have the city develop implement an emergency access for Amos Smith Road. In 2005 we worked on the Vineyards rezoning and successfully worked with the developer on an agreed to

1030 homes. The petitioner also agreed to build another bridge after 480 home sites were platted. In 2014 the petitioner did another rezoning and asked to drop the bridge requirement. The city approved leaving us no emergency access point for first responders. The takeaway here is that we would like to see this petitioner build the road improvements up front.

With regard to the road improvements, out of the 1030 homes for the Vineyards, parcels D and E are just starting to be built. They total 215 additional homes. Parcel G2 across the street on Amos Smith has just started clearing and that will be an additional 158 homes. Just below the Vineyards, but not included in the Vineyards, D. R. Horton is under contract for property on Amos Smith Road and wants to build another 70 homes and they are not subject to rezoning. That is a total of 443 homes that will be built over the next five years or so and does not include the homes currently in process in the Vineyards. This will drastically add to our existing congestion. It also does not include the new industrial sites under construction on Old Dowd just beyond Steelfab or the River District Project up Dixie River Road. There are several times during the day that we cannot get off of Amos Smith Road. Two-daily shift changes at Amazon cause significant congestion in addition to the rush hour traffic. At rush hours and sometimes even earlier, Old Dowd Road is backed from Wilkinson to Sam Wilson and in some cases beyond the two railroad tracks on Old Dowd Road. Once on Old Dowd, making a left at Old Dowd to go towards Wilkinson, and making a left, I am sorry, at Old Dowd and Wilkinson is extremely difficult as Wilkinson is backed up from Belmont. Sometimes all the way back to Little Rock Road.

Even the proposed road improvements such as the light at Sam Wilson and Old Dowd and the additional left turn lane from Old Dowd onto Wilkinson will not be helpful unless the traffic is coordinated with Belmont, especially through the first two lights in Belmont at East Catawba and the one at 273. So, again, our request are to make all the road improvements up front given our experience with the last rezoning we went through, to keep all traffic from the Lennar Community off Amos Smith Road to alleviate congestion, to coordinate the traffic flow on Wilkinson with Belmont so that we can actually turn onto Wilkinson and not sit and also to have the city develop and implement an emergency access for Amos Smith Road. I thank you all for your time.

Mr. Brown said thank you. I am just trying to see if I can draw on the screen, so you are able to see. So, my understanding, if you can see to the south here, there is our development and then south of that. It does not look like I am marking on the screen. The speaker's comments have to do with their main access point to the south here, takes them up Amos Smith, which is a small road. What I would point out to you, and what we do think will benefit them as well, is our development has an access point on Amos Smith, because it historically has and that it also has an access point on Old Dowd Road. So, we believe that the majority of our traffic would use the Old Dowd Road access point. Secondly it does provide another way for residents that live south of the tracks, as the speaker does, and all this new development, they would also have another access point to Old Dowd Road when our development is completed. It builds out that network so that brings it through. We have had some conversations with the neighbors about not making our connections at Amos Smith until our development is completed, trying to keep construction traffic off their road. We are talking with C-DOT about some improvements that were mentioned tonight about access to Amos Smith. So, I think that our development, again, based on our current entitlements and what we are asking, I do not think we are generating much more traffic. We certainly do not think our folks are going to be on Amos Smith Road, but we do think that our development, the new network connections and the improvements we are doing will provide some relief, and we will continue conversations with these adjacent property owners and C-DOT.

Councilmember Winston said I just have a request for staff, and we can follow up with this offline. I would like a list of all the rezonings in the ETJ that have had organized neighbors involved. We can talk about those parameters offline. Thank you.

Councilmember Phipps said will this be a phased project?

Mr. Brown said I think it would. At this number of units it would just take multiple years to build this out Councilmember Phipps.

Mr. Phipps said is that Norfolk Southern Rail Line, is that an active rail line.

Mr. Brown said, I believe it is, yes.

Mr. Phipps said in our books they have a sentence in here relative to shallow water that this proposed rezoning has a potential to significantly impact the capacity of the local sanitary sewer collection system. Do we have anyone in here from Charlotte Water?

Mayor Lyles said there is not.

Mr. Phipps said, one of the questions I would have, is that we have a lot of projects that have statements like this in them that require some interaction with Charlotte Water. I am interested in knowing, for these projects, what is Charlotte Waters role? Will they have to help design the sewer system? Given their other projects that they have, which is a boatload of projects, how does this interface with these rezonings, how does this impact Charlotte Waters ability to oversee their existing projects, let alone some of these other requirements that are necessitated by some of these rezoning requests? That is what I am trying to get a feel for. So, maybe I can get some response to that maybe offline from Charlotte Water.

Mr. Brown said we will have them follow up and get some information for you on how they review these petitions and then how they look at it from a system-wide perspective.

Mr. Phipps said thank you.

Mayor Lyles said I would like to ask about the emergency access. I know that Fire did not reply to that, but could we pull the 2014 rezoning and see how that was adjusted and what was the rationale and how it fits into what is being asked for today. Then I think the other question that I have is, as much as this is being phased in and done over a series of time, have we actually looked at this as a place where we should have an ADA compliant bus pad at some place along this way so that as we look at pedestrian access, if we get to that place that we have a bus that serves the airport or for work. I just think that ought to be planning for that for the future, if that is possible. I just really heard a lot about this idea of road improvements, and it would be great to have a history of what was in that prior rezoning and change so that we can really monitor what is different from what was committed to and what is on the ground now. We ought to be continuously looking at the compliance there and if we are changing the compliance having a rational for it.

Mr. Winston said the neighbors who spoke in opposition, are they in the city limits now or are they in the ETJ as well?

Mayor Lyles said they are in the ETJ as well.

Mr. Winston said alright thank you.

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

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

Laurie McElveen, laurie.mcelveen@gmail.com

Jan Slaven, janmark@bellsouth.net

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ITEM NO. 37: HEARING ON PETITION NO. 2021-280 BY THE DRAKEFORD COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.30 ACRES LOCATED SOUTH OF JOHNNETTE DRIVE, EAST OF LAWRENCE ORR ROAD, AND WEST OF EAST W.T. HARRIS BOULEVARD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO MX-1 (INNOV) (MIXED, INNOVATIVE).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said, okay, 2021-280. It is 15.3 acres located south of Johnnette Drive, East of Lawrence Orr Road and west of W. T. Harris Boulevard. Current zoning is R-3. Proposed zoning is MX-1 innovative. The 2040 Policy Map does recommend Neighborhood 1 Place Type for the site. The proposal is for up to 64 residential units that would have to be split into no more than 34 single family detached and 30 multifamily units. That is due to the MX-1 zoning district, half of the development that would be approved has to be single family detached and so that gets into the next statement of minimum of 50 percent of the units to be detached lots per MX-1 standard. It limits the building heights to 40 feet. It does request the following innovative standard that would be providing a minimum of 20-foot rear yard throughout the site as generally depicted on the rezoning plan. Access would be provided via an internal street network with public streets that have 6-foot sidewalks and 8-foot planting strips and that connects to existing Harvest Hill Drive. You can see that just at the bottom corner of the plan. It does construct ADA curb ramps at the proposed intersection of Harvest Hill Drive and Road A and accessible ramp at the beginning of the cul-de-sac bulbs. Corner and end units with facades facing the public or private street will have a porch or stoop that wraps around a portion of the front and side of the unit, or provide, excuse me, a blank wall provision to limit the maximum blank wall expanse to 10 feet on all building levels. Garage doors fronting a public or private street will minimize visual impact by providing a setback of 6 to 12 inches from the front wall plane or additional architectural treatments like translucent windows or projecting elements over the garage door opening. Also limits the number of dwelling units in a building to a maximum of 6 per building or fewer when they front a public street and also provides a Class C buffer if townhome style units are proposed adjacent to single family residential zoning. Staff does recommend approval of the petition. We do have some outstanding issues related to transportation as well as site and building design to work through. It is consistent with the 2040 Policy Map recommendations for the Neighborhood 1 Place Type. We will be happy to take questions following the presentation by the petitioner and the community members. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said good evening. Madam Mayor, council members, I am Collin Brown on behalf of the petitioner, the Drakeford Company. Mr. Drakeford is having some technical difficulties. I actually have him on speaker phone so my phone is sitting on my laptop so hopefully he can hear. If you have questions we will see if we can relay back the answers. Thank you again for your time. Good overview by Dave. Kind of a big view, here is the property location, kind of in the Hickory Grove area. Another interesting parcel here, as there is not much open land left in Charlotte, so every time we have a property like this it is always interesting. Here, I think, we have a prime piece of property and I think the Drakeford Company has done a really good job in proposing a reasonable development plan that checks a lot of boxes. We have all talked about the need for housing with a mixture here of some single-family homes and townhomes really fitting in.

You can see the parcels. There are a lot of things going on around us. To the west there you see predominantly a single-family neighborhood and you do see here that Harvest Hill Drive, which is a public street that stubs to this property and that is what would serve the property. So, I think if there is a contentious aspect to this, this is probably it. Folks that live on that street, of course if you have a dead end, you think it is a cul-de-sac. But as we know the city of Charlotte has been setting up for years to make these connections and this is one of those. To the south of us you can see a multifamily apartment community and then to the north and west the large institutional campus of Hickory Grove.

So, we have a variety of things going on in the area. Again, as Dave mentioned, just over 15 acres and this would be the access point. So, this is Harvest Hill Drive. You can see it in its current condition. You see the barricades at the end of the street. That was put there to serve this parcel. So, it would be opened up to serve the parcel there. Again, we are requesting an MX-1 innovative. We have a couple of different housing types. The 2040 Plan calls for Neighborhood 1, which as you know encourages a mixture of housing types and a lot of times, I will have conversations with you all, and say gosh we are getting so many townhomes, could you do some single family and so the Drakeford Company, on this project, has a mixture of both, single family and towns. So, you can see the site plan here. Originally when we filed, when we went into the community meeting, we were proposing up to 90 homes. That has dialed back, now with the commitment to these single-family homes. On this, over 15 acres, there are only 64 lots proposed. Over half of those being single family lots. On the south side of the site here, next to the multifamily apartments, is where we would have 30 townhomes. So, that density is just over 4 dwelling units per acre, which, I am sure you know, is very low, so we think that is a very reasonable number and a site plan that is thoughtful to the environmental features.

You can see a large portion of the site would be natural areas and open space. Then to the north we have single-family homes and then the pocket of townhomes there adjacent to the multifamily community. Laying it there on the arial you can see how this works. Main access points, again, would be to Harvest Hill. At the community meeting there was an interest in making sure that we could have a future connection. So, there is a stub connection to the multifamily to the south. Currently there is not an access point available, but if that were to be redeveloped, we would have a street access point there. That connection could be made in future, to build out that neighborhood. We have just some concepts. We have not made commitments to visualizes, but showing what some of the townhomes and single-family homes might look like on this site. I will pause there. Bobby if you are able to hear us and want to add anything we can see if that works.

Mayor Lyles said Mr. Drakeford we can't hear you.

Mr. Brown said, try one more time Bobby.

Robert Drakeford, Drakeford Company said can you hear me now.

Mayor Lyles said we cannot hear you. Mr. Brown we cannot hear him.

Mr. Brown said sorry Bobby they are not hearing you. Okay.

Mayor Lyles said okay.

Mr. Brown said they are not going to hear you. Okay. I will tell you what, we will go ahead, and we will let the other speakers speak. I will catch up with Mr. Drakeford and make sure I have his information to pass on.

Beth Leyland, 4682 Harvest Hill Drive said thank you for having me. My name is Beth Leyland. For 38 years I have lived on the corner of Harvest Hill Drive, one block street. I bought it because it was very family, very quiet and very safe and I was told at the time, by Sam Johnson, who owned that land, that it was a wetland behind us and would not be built on. Which I have heard several times over the years. At any rate, when they built Delta Crossing up on Harris Boulevard, which is about a quarter mile behind my house, my house and our block on the low side flooded about five times and the city finally got involved and it was taken care of pretty well. Now next to us is 15 acres of woods. When they take that down, the flood zone is going to be dramatic. Nothing has been told us other than they would take care of it. Well, I have heard that one before. Also Harvest Hill is a one block street with three blocks of neighborhood leading into it. If there is only one entrance and exit to this building, all the emergency vehicles will be coming down that way. People are parked on both sides, and I don't see, we are not being told what is going to be done about anything. The last thing I have to say is I live

15 feet, probably, from where they are going to start the new road. There are going to have to be stop signs or stop lights somewhere. We back down our driveway and that is all we can do. There are other single people, like myself, in the same situation. I wish people would give it a lot of thought. It is our homes. Thank you for your time.

Robin Taylor, 5306 Harvest Hill Drive said my name is Robin Taylor and I live right next door to Beth on Harvest Hill Drive at 5306, and I have lived there for approximately 32 years. I am concerned about the appropriateness of this land for development building. I had several conversations with the lead person who came out to do the surveying of the land and also have had a conversation with the person who came out to do the soil samples. The reason I had sort of extensive conversations with the lead person to do this survey, is when he came out, which was maybe nine months ago or something, I do not know, I had lost a kitten. So, I was concerned that the kitten had gone into the woods, something like that. I was talking with him because he had seen my kitten and my kitten had really taking a liking to him. I said, okay, when you go into the woods, I said please look for my kitten, but that is a little bit off track, but that is the reason I had several conversations with him. So, then we started talking about the surveying of the land. He told me, he said I really do not recommend this land to be built upon. This is an oral conversation, so I know it is going to be viewed as hearsay, but I am telling the truth of what he told me. He said he does not recommend it and he came out several times and I would always ask him to look for my kitten. He said I don't know why they keep asking me to come out here to survey this land, he said because it is not appropriate to be built upon. So, in detail, he talked about a sewer easement and he said some other things, but I cannot remember what they were now, but that is one of my concerns. Also, I am also concerned about the water drainage, because my husband and I, who will speak next, we have spent thousands of dollars on trying to correct all the water that is coming into our yard and into our crawl space from mainly the building of Delta Crossing and the drainage was not handled well as Beth Leyland referred to. When there is a hard rain, which we have had a lot of those in the past week or so, it is like a creek coming through our street, and I am not exaggerating. It's really bad. Then the other thing I was going to ask about was the proposed 90 homes, but now it has been dialed back to 64, which is better, and I guess that's about the sum of my concerns. I would like to know about the secondary access that he referred to for the townhomes. Thank you.

Paul Taylor, 5306 Harvest Hill Drive said thank you very much for your time. I am thankful that is up there because I had not had a chance to take pictures. But like the previous speakers have said, this area up here, that is a wetland, and you get water in it. If you looked at a topographical map you would see you get water from here that drains into here.

Unidentified said we cannot here the presentation.

Mayor Lyles said I think he is trying to point out on the map.

Mr. Taylor said I have looked at the topographical maps for this area and that area receives water from Walgreens at Hickory Grove Road and W. T. Harris, the Delta Center, and the Landing which is a townhome. That big area, that brown area, that water is coming to that area. We have got water coming from Hickory Grove Baptist Church, from there, let's see, there parking lot, from the Station 23, from, what is it, the Hispanic church. We are getting water from Delta Crossing. It is not just surface water. They have cisterns where the water flows into, excuse me, and that water goes into the ground water. The water table raises, and the water comes out, well, at our homes, but it also comes in there. That pond, that is not the size of that pond. That is much bigger. The only reason why they can show that pond is that small is because the dike has been breached, and now that pond which used to serve the airport as water retention is no longer serving as water retention and needs to be rebuilt. Now these people are going to build townhomes. They are going to scrape out all the trees, take the trees, take the bushes, take the leaf litter, take the topsoil and they are going to put all these townhomes. When water comes in that is going to wash a whole bunch of stuff away and we need to keep water in the city of Charlotte. We need to keep our water, our

streams and things clean. Now, I am not against people having homes. I am all for it. I did not come here for that brown area and say not there, but there are going to be many houses built there and all that water is going to come our way. That area there is an area that is going to help to keep water from going into what I guess is called Delta Creek now and keeping it from flooding, but with that proposed building we are not going to have any flood control. That is a headwater for creeks downstream like Campbell Creek and on down and so I am very much against that. Now if they had proposed that they rebuild that pond so that we can have some better erosion control, I am for that. If they said let's build a needed recreational park, I am for that, but erosion control is going to be gone and we are going to have serious problems with that.

Mr. Brown said I think Holly was trying to coordinate to get Mr. Drakeford on audio. Bob are you there? Holly did we have any luck getting Bobby access? Okay. I think most of the comments we heard were directed at stormwater impacts. What I would like to point out to you is on the site plan you see, everything in the darker green or grey would-be areas that do not have impervious surface on them. Certainly, this is something that we are aware of, the wetlands on the site. A lot of the development that some of the folks mentioned was prior to our current stormwater ordinances. So, we had a lot of old development that came and had no water quality or water quantity control. This development very much set up to acknowledge some of the wetlands on the site and set up to control the stormwater that would be created by this development so that it does not impact the folks down stream and that is what you can see here as a majority, probably even half the site being undeveloped and then showing some ponds that are current, existing and then on the bottom left, closest to Harvest Hill, you can see those would be the DMPs (Dry Matter Production) which would be installed by the development team to catch and treat any of the stormwater coming off of our site. With regards to the question about the access point, again the main access point is on Harvest Hill. If you can see there on the south we have a stub to the adjoining apartment community, so that that could, if that property is redeveloped, there would be a connection. There is not a connection point now. Frankly I think if there were a connection point we would have more cut through traffic and maybe more negatives as everyone would be flowing that way over to W. T. Harris.

Councilmember Newton said my first question is more of a request confirmation. So, the petition is for up to 64 units, but the material that we have tend to or seem to ask the question as to whether or not [inaudible] the type of plan to further specified. Mr. Brown you had mentioned the possibility [inaudible] for confirmation of sticking to that 64 number.

Mr. Brown said 64 will be the maximum allowed under our revised plan.

Mr. Newton said ok. [inaudible]

Mayor Lyles said Mr. Newton we cannot hear you, you are breaking up. You have to, I do not know what. Maybe cut your video.

Mr. Newton said can you hear be better now?

Mayor Lyles said yes, we can hear you better now.

Mr. Newton said, okay. So, with this site plan, the streets, will those be public streets or private streets?

Mr. Brown said I think we currently have them designed to be private built to a public standard.

Mr. Newton said, okay. So, would they receive the same [inaudible] of other streets within the city of Charlotte receive or would that be the responsibility of the [inaudible]. Would that fall upon the residents within this proposal?

Mr. Brown said sorry, Mr. Drakeford can't speak but he can hear and he has texted me to confirm they would all be public streets Councilmember Newton.

Mr. Newton said public streets. Okay. I know we have had some recent issues with some of the older developments within the city [inaudible] being private streets that fall into disrepair, a tremendous burden upon those residents to get the [inaudible] so they can be included within the city. Now having said that these are going to be public streets, I just wanted to ask you about that 6-unit limit and maybe it is just my ignorance, but I am looking at the townhomes [inaudible] unit numbers 3 through 20 [inaudible]. Are those all going to be connected [inaudible] increments of 6 or less.

Mr. Brown said they could be connected. Our conditional notes said that in a run of townhomes you would not have more than 6 units in a row. You are certainly not seeing a wall of 20 townhomes, no.

Mr. Newton said okay. So, it might [inaudible] appears to be the case within the site and that is not necessarily how it will play out?

Mr. Brown said that is correct.

Mr. Newton said okay. [inaudible] ask, so something that I [inaudible]

Mayor Lyles said Mr. Newton you are still breaking up. I am not quite sure what it is with your internet connection, but we cannot hear you. It is crackling. You want to try taking off the video and just using your microphone.

Mr. Newton said [inaudible].

Mayor Lyles said we cannot hear you. Mr. Newton we cannot hear you. Even now we cannot hear you.

Mr. Newton said can you hear be better now.

Mayor Lyles said yes, now. We can hear you better now, but we haven't heard what you have said for the last 2 minutes.

Mr. Newton said okay. So, a public street that would have no less than 6 units combined at any given place. My next question is regarding a concern that was raised in some of the community meetings, the [inaudible] meeting as well via email and that is emergency vehicle access with the one entry in and that being the only exit out as well, which is somewhat unusual for this area. Do we have comments? So, this a question directed towards staff, do we have comments from our fire department as to emergency vehicle access in and out? I did not see that in our materials and that is why I ask.

Mr. Pettine said I do not believe we had any comments from our fire staff on this one. I will go in and take a look, while we are looking if we find anything we will certainly send them as a follow up, but I am not aware of any comments from them that relate to the question that you asked, but I will take further look and see if I can find anything on file.

Mayor Lyles said if not ask them to comment. Mr. Pettine if they didn't, ask them to.

Mr. Pettine said okay.

Mr. Newton said that would be fantastic. Then also from the standpoint of the concerns that were raised by residents who just spoke, regarding the topography of the area, impervious surfaces that might be created and stormwater runoff, if we could get a look at more of the information from Stormwater Services. I can see in our materials that the comments from Stormwater Services is no outstanding issues, but I would like to know if there has been a real analysis, so any sort of assessment or analysis done and if so I am hopeful that can be provided both to me and to residents as well. I wanted to also ask Mr. Brown about the tree save. It is my understanding that the notes require 1.65

acres. I can see where on the site plan it designates 1.59, which is shy of the 1.65. I just want to ask where is that included elsewhere on the site?

Mr. Brown said, so the tree save, I think for the most part, would be on your right-hand side of the screen where you see that little bit of a different shaded color. Right now we are still at zoning so engineering is still a little bit preliminary. It is possible that as the site is engineered and the DMPs are sized, there could be an opportunity for more natural area to remain undisturbed.

Mr. Newton said so is that something that is specifically designated. Once again, I guess what I am getting at is, it does seem to be falling short of the required tree save. Is that something that is required to be designated, that gap or that difference and has that been.

Mr. Brown said it must be met. There is not a way not to comply with this. I think on the current version there is still a bit of engineering going on, so in the revised plan we may have some adjustments to the areas that you see, but yes, that tree save area will be met.

Mr. Newton said okay. In as much as a revision might be necessary here, I had one final question for Mr. Pettine. Is that something that can be done, say through council approval and maybe not going back to planning or zoning or would that require more oversight and impossibility of maybe more procedural measures taking place in the interim, between now and maybe next month or when this might come back.

Mr. Pettine said, I am not sure I understood the first part of the question. You mean changes to the tree save areas?

Mr. Newton said, yes, so changed to tree save in particular. Possibly any other measures of course, but from the standpoint of those changes being designated. Would that be considered minor, I guess is what I am asking.

Mr. Pettine said right, so there's still the ability to make changes to the plan and take those changes formally to the Zoning Committee in a few weeks and that could include changes that are requested or come to light during this public hearing. So, if those are things were we would say hey we want to move some of the tree save area to the frontend of the site or you want you to think about relocating the lots to another area of the site, that can be done between now and Zoning Committee and Zoning Committee would evaluate those and their recommendations. Now if those changes happen after that meeting, then that is where we have to take the additional step, like we did with some decisions this evening, present what those changes are and then decide whether or not they are large enough for them to go back to Zoning Committee again or we are comfortable with them and move forward to agree, those changes are minor and then make a final decision on it at a subsequent council meeting, but changes that are requested now during the hearing or come up as a result of community input or council input, those can be made prior to Zoning Committee on August, I believe August 2nd.

Mr. Newton said okay, thank you so much. I really appreciate the answers and I do look forward to more information regarding the assessment by the fire department and then also Stormwater Services. That is all I have now Madam Mayor. Thank you.

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

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ITEM NO. 38: HEARING ON PETITION NO 2021-252 BY WP EAST ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.10 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF SEIGLE AVENUE AND EAST 10TH STREET, NORTH OF CENTRAL AVENUE, AND EAST OF INTERSTATE 277 FROM

B-2 (GENERAL BUSINESS) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said thank you 2021-252 is just over 3 acres at the intersection of Siegle Avenue and East 10th, just north of Central Avenue and just east of Interstate 277. It is currently zoned B-2. The proposed zoning is TODNC, transit-oriented development neighborhood center. The adopted place type on the 2040 Policy Map does recommend Neighborhood 2 for the site. Just to give some additional background, if we can stay on this slide, the petitioner originally started out, as some folks may know, as a MUDD optional to construct a multifamily building on the corner of 10th and Siegle Avenue and as we continued to review the petition and work with the petitioner and staff we did get additional information that was in a lot more detail from our partners in CATS (Charlotte Area Transit System) about a potential stop area or station area for the Silver Line that would essentially come really up to this parcel's property lines and almost within the property.

So, as we worked through what those implications could mean, we evaluated the petition also for a TOD type of development which essentially the MUDD-O that we were looking at originally was somewhat bringing forward and decided that the TOD would also give us a similar outcome and also give CATS some ability to work with the petitioner on any kind of corridor and things that they may need for future development of that station area that would connect then down to a station that would be proposed on, I believe, Central Avenue, or just a little bit further down from the site. So, that is what precipitated the transition of this petition from the MUDD optional to TOD.

As far as I understand the community is continually supportive of this petition under the TOD district change from that MUDD-O. If we go to the next slide, staff is recommended approval of the petition. It is inconsistent with the Neighborhood 2 at the site. We were continuing with the MUDD optional that we had originally. We would deem the petition consistent, but since TOD does have some additional uses that are allowed outside of just residential, it would fall within that inconsistency, but do feel that it would make for a reasonable outcome on the site. The area does have a lot community activity center recommended for it, just on the other side of East 10th Street, so it would be generally consistent with what that activity center would envision. So, just wanted to give you a little bit of background on that one and just move forward with, what again, the staff recommendation is, which is approval of the petition. It is conventional so no site plans or conditions or outstanding issues at this point. We will take any questions you may have followed Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said I am Collin Brown on behalf of the petitioner. If our slides are up, there is just one interesting one that I thought I would share, which is what CATS provided to us. As Dave mentioned we were proceeding with a MUDD zoning here. John Howard's team reached out to us and we very much appreciate it. Proactively they are very early on in their design, but I think it is appropriate they are engaging with the development teams that might be impacted. [inaudible] these are early concepts, but they are public records. Our site is here where the school is, kind of your left-hand side. You can see that the thinking there is that the central station may be an elevated station and they are working on a lot of things to ramp the station up. Certainly, this really changes the dynamic, to have the opportunity for such great access to a potential light rail station and it certainly made sense for us to change gears and go with the TOD zoning. It is not necessarily allowing us to do a lot more development, so I do not think there is concern as well if the station does not come to fruition, let the horse out of the barn. I do not think that is case. It does provide some higher design standards and really, I think makes things work if this happens. So, this is a again, now it is a conventional, so we do not have a site plan to go along with it, but I wanted you to see this plan so you can see what we are thinking might happen in the area. Also having some greenway connections here, so this site just becomes incredibly well located and we think is appropriate for a TOD zoning and that enhanced design standards. Happy to take any questions.

Councilmember Egleston said I said as Mr. Brown said in this particular location, I do not think I have any qualms. Also, Mr. Carmichael I think you need to mute.

Mayor Lyles said Mr. Carmichael you need to mute. Thank you.

Mr. Egleston said I do not have any qualms about the TOD here regardless of what ends up happening or not as it relates to the Silver Line because it is right up against 277 and it is right up against uptown, the Cross Charlotte Trail. This makes sense for this level of density, but I just kind of raise the flag to those of you will be continuing on beyond next month's rezoning meeting, I do think there needs to be some additional thought given, not on this parcel, but I think it brings up the point of, we have a long way to go before we realize, or even start to put a shovel in the dirt on the Silver Line and we have even recently had conversations about adjusting the alignment of the Silver Line from what we sort have been currently using as the vision for where that would go. So, I think that here it is appropriate to go TOD, but as I think as you east from here, out towards Matthews, I think it is worth some additional consideration as to whether we want to be this far out in front of even the beginning of the Silver Line much less the end of it and rezoning things out in the eastern parts of the cities, towards Matthews with a density in mind, assuming that the Silver Line is coming before we are sure that it is. So, just more of a philosophical point, but I think TOD is appropriate here, so motion to close.

Councilmember Phipps said, I guess this is a question for staff. I noticed in our decisions we had six instances where the recommendation was inconsistent with the prescribed place type mapping, and we also have a couple of instances in these hearings that we are into right now. I just wanted to know is the place type mapping just a guide or recommendation that can be easily amended depending on a situational preference or how can you explain the different inconsistencies with what the place map says and what the recommendation is? I think people would want to know, in as much as we approved the mapping plan guidelines earlier that already we are seeing numerous inconsistencies there. So, can you explain the rationale behind maybe making amendments to what the suggested place types are?

Mr. Pettine said, yes, certainly. I think in some ways we are handling some of the more minor inconsistencies of things similar to how we have always kind of processed them and that's really taking a look at what other land use recommendations, or in this sense, place type recommendations are now around that parcel, if we are looking at Neighborhood 1 to a Neighborhood 2 or in this case a Neighborhood 2 to an activity center, do we have those place types also within close proximity, either adjacent or within a short distance away. In this case we have a community activity center just across the street. In some instances, you know, the place type map, we knew we would not get every parcel specifically correct. I think some of them also picked up existing zoning so Neighborhood 2 at this site was, I think, more derived from some of the existing land use in the area, but what we are looking at essentially, with the place type map and policy map is, again that context of things in some areas, does it make sense to make a recommendation to essentially recommend something that is not consistent with that place type. In cases where there is enough of a context or enough of an area where we looked at it on a block level, but looking at it parcel specific it makes some sense to deviate a bit from it. I think that is where staff is a little bit more comfortable getting into that area and saying we think it makes some sense to make that change, but I think as we continue to move forward and we see large scale deviations, like a Neighborhood 1 going to a commercial or a manufacturing logistic type of place type, that is where staff, I think, is going to give that a little bit more pause and really evaluate whether or not we are comfortable making a recommendation against that policy map place type recommendation as well.

So, I think we are handling it in a similar way that we always have, but I think we are putting a lot more credence and credibility to the policy map because we just spent all that time working on it. We got a great deal of public input to develop it, but we also know we are going to further refine it with community area plans. So, I think we are being cautious as we go through it now until we get to those community area plans, but

I also think we need to understand that there was no way we would get every parcel and every recommendation correct. We are going to see inconsistencies and now I think, our approach is to evaluate those based on what else is going on, on that policy map, around that subject property and make sure that does it makes sense to make that transition to a different place type or do we have to kind of hit the pause button and really think through this and have some hard conversations about where we are with our recommendations. That is a general kind overview of how we approach it currently. An intermediary plan, I think, will certainly help refine a lot of that. I think as we get further into that we will start to see, hopefully, those inconsistencies go, and we will see less of those essentially is what I am trying to say there.

Mr. Phipps said thank you.

Councilmember Winston said I would like to follow up on Mr. Phipps question again for colleagues in the public. That the policy map that we just passed was to translate the status quo, so that we can, as Mr. Pettine referred to, the next step is after the UDO is passed is that community area planning process and in order to go through that community area planning process we had to get the status quo map with the new language of the Comp 2040 Policy. So, the idea is that the current map is not predicting necessarily the future state because, again, the community, staff and council are going to through to really apply the specifics of the plan and match them up with the regulations in the UDO to, again go through that planning approach to implementation of the Comp 2040 Plan. Things will change is the big takeaway. Thank you.

Motion was made by Councilmember Egleston, seconded by Councilmember Eiselt, and carried unanimously to close the hearing.
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ITEM NO. 39: HEARING ON PETITION NO. 2021-266 BY SERE VENTURES FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.13 ACRES LOCATED ON THE SOUTH SIDE OF ROZZELLES FERRY ROAD AT YELLOWSTONE DRIVE FROM I-1 AND B-2 (LIGHT INDUSTRIAL AND GENERAL BUSINESS) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said 2021-266, just over 8 acres on Rozzelles Ferry, Rozzelles Circle as well as Yellowstone Drive dissecting part of the site there. It is currently zoned I-1 and B-2. The proposed zoning is UR-2 conditional. The adoptive future land use for the adoptive place type, is for innovation – mixed use for the place type for the site. The proposal to develop up to 95 single family attached residential dwelling units at a density of 11.69 DUA (Dwelling Units per Acre). Maximum building height would be 52 feet. It reserves 6 percent of the units for a period of 10 years with monthly rents restricted for households earning less than 80 percent of the area median income.

It does also allow for additional building and units to be added if the existing greenway easement would be relocated. It does commit to providing for an 8-foot planting strip and 8-foot sidewalk along the frontage of Rozzelles Ferry Road and also Rozzelles Circle and Yellowstone Drive. So, 8-foot planting strip and 8-foot sidewalk along all those street frontages. Also dedicates and conveys to C-DOT 28-feet of right away from the centerline of Rozzelles Circle and also commits to preferred architectural standards including prominent pedestrian entrances along public streets, pitched roofs, recessed garage doors, limits detached lighting to full cut off type and 16 feet in height and also commits to the following improvements to Martin Luther King Park which would pressure wash sidewalks, stairs, rails, benches and basketball goals, sand and repaint benches and rails and resurface basketball court and replace the nets there. Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation, environment, site and building design. It is consistent with that innovative

mixed use place type recommendation on the policy map. Will be happy to take any questions after the petitioner's presentation. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 3300 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. I am Keith MacVean with Moore & Van Allen, Jeff Brown of our firm and our assistant Sere Ventures, LLC with this petition. With me tonight online representing the petitioner is Justin Coulter and Martin Pawlik. They are the founders of Gordon Road Capital, the parent company for Sere Ventures, LLC. They are available to answer questions. Next slide please. That is just a little background on Justin and Martin. As Dave mentioned, just over 8 acres on the west side of Rozzelles Ferry Road, but on both sides of Yellowstone Drive currently zoned I-1 and B-2. We have been working closely with the following groups that are neighborhood representatives in this area of the city, Five Points Community, Collaborative, Seversville, the Gleneagles neighborhood as well as Historic West End. We are happy to report that the Five Points Community Collaborative and Seversville have sent a letter in support of the petition. We appreciate their input and their willingness to meet with us and help us get this petition to this point. As Dave mentioned we are consistent with the 2040 place type for innovative mixed use. We meet a number of the place type goals as enumerated in the staff analysis.

This is our proposed plan. I think, as Dave mentioned, up to 95 townhome units fronting on Rozzelles Ferry Road, Yellowstone and Rozzelles Circle. There will be interior alleys and a private lane that will provide access to the garages that serve each unit. There will be private open space that may include a dog park as part of the community. We are abutting Stewart Creek Greenway which is currently under development by Mecklenburg County and we will hopefully have access to that in future. As Dave mentioned, subject to the approval of Mecklenburg County Parks and Recreation we will be making improvements to MLK Park, to the basketball courts, the benches, seating, railing and other items within the park itself. The site is in close proximity to that, and as Dave also mentioned we are setting aside 6 percent of the units for a minimum of 10 years at 80 percent of MAI or below. We will be happy to answer questions.

Councilmember Phipps said yes Mr. MacVean where are the stormwater retention basins on this site?

Mr. MacVean said they will be underground. Underground, at this point underground is what is being considered. That has not been fully completed at this time.

Mr. Phipps said as far as the open space, are you saying that all of that green space, that is part of the site that is going to be open?

Mr. MacVean said the darker green is actually the greenway area, but then the lighter green and the areas between the buildings, sort of in the middle of the larger site, that will be the private open space for the community itself. I don't know if I can point to that, but there will be private open space within the community itself.

Mr. Phipps said I noticed that there are a lot of streets labeled private alleyways. Is that synonymous with private streets?

Mr. MacVean said they are different cross sections than a private street. They are slightly narrower, so an alley and mainly used, as, like I mentioned, to access the garages that serve these units. The main spine road that connects Rozzelle Circle to Yellowstone is a private lane which is a little different street than units actually front on that. There are sidewalks on both sides, street trees and so forth, so the alley is a little different cross section, but they are private, yes sir.

Mr. Phipps said so who is the maintenance responsibility for those streets going to be?

Mr. MacVean said the communities. It will be the developer and then the community's responsibility, the owner and whoever maintains and owns the community itself will be

maintaining the streets, the internal streets. Not unusual for a small townhome community like this.

Mr. Phipps said that could be expensive, huh?

Mr. MacVean said it could be, and that's why there will be dues and money set aside to take care of all of that.

Mr. Phipps said thank you.

Mr. MacVean said yes sir.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2021.273 BY HUTTON ST 21, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.66 ACRES BOUND BY THE SOUTH SIDE OF WYALONG DRIVE, WEST SIDE OF IDLEWILD ROAD, WEST SIDE OF MARGARET WALLACE ROAD, AND NORTH SIDE OF MINTWORTH AVENUE FROM NS (NEIGHBORHOOD SERVICES) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said we are going to have John Kinley present this one.

John Kinley, Planning, Design & Development said thank you. This is 1.66 acres bound by the south side of Wyalong Drive, west of Idlewild Road and Margaret Wallace Road and the north side of Mintworth Avenue. You can see the site is currently vacant. There are really no trees at all on the site and I will bring back to that point in a second, but it is an out parcel in an existing shopping center. Current zoning is neighborhood services, and the proposed zoning is B-2 general business- conditional. The 2040 Policy Map recommends commercial for the site. It is to allow a car wash with one building up to 4,600 square feet. Vehicular access would be from the shopping center's internal driveways and connect out to the public streets from there. There is a transition for the bike lane that is on Idlewild Road, to transition that to a multiuse path along the site's frontage and that would meander to preserve an existing large tree that is on that street frontage as well. It would provide a minimum of 10,846 square feet of area on the northern end of the site for tree replanting because of the site being currently void of trees and then provides architectural standards related to exterior building materials and limits on blank wall expanses, root design and screening. Staff recommends approval of the petition upon the resolution of the technical revision related to C-DOT's transportation item. It is consistent with the 2040 Policy Map recommendation for commercial use and I will take any questions if there are any.

Eddie Moore, 3430 Toringdon Way, Suite 110 said good evening, Madam Mayor, council members and Zoning Committee members. I do have a slide deck and hoping that can be pulled up. While that is on its way up, my name is Eddie Moore with McAdams. We are assisting Don Young with Hutton. Hutton is a national development firm that owns, develops, and operates shopping centers, multifamily developments and self-storage facilities. ModWash is an automated car wash brand that is owned and operated by Hutton. It is relatively new. They have built this for themselves, and they would not build it for other like businesses. They should have 100 stores open by the end of 2022. We were before you back in January for similar rezoning off of North Tyron. Next slide please. This is just the site itself. The whole property of the shopping center was rezoned to NS back in 2004 and the site has been on the market for approximately 18 years. As John mentioned, this 2040 Policy Map recommends

commercial land use. We are requesting B-2CD since the existing zoning does not permit car washes. We do have conditions associated with rezoning and architectural commitments. Next slide please. This is the site plan and Idlewild Road is to the top of the page, Wyalong is to the left, Margaret Wallace is to the right. The access to the site would be achieved internally through the existing shopping center so there will not be any new driveways along Wyalong or Idlewild Road.

The improvements, the public improvements that are being proposed, John touched on briefly, is including or continuing the bike lane along Idlewild that will start in the existing pavement that will make its way onto a 12-foot multiuse path. Currently there is a 6-foot sidewalk, but that will be increased to 12 feet. So, the bike lane will continue to make its way all the way to the intersection of Margaret Wallace and Idlewild. We are also proposing a sidewalk connection from the multiuse path that runs kind of top to bottom on the left site. That will actually connect to an existing sidewalk that is internal to the, within the parking area of the Harris Teeter Shopping Center. Next slide please. This is just kind of an aerial showing the positioning of the building and the parking in relation to Harris Teeter that is on the bottom. The area that is to the left that's void. That is done on purpose.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2021-276 BY MCCRANEY PROPERTY COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 44.95 ACRES LOCATED ON I-85 SERVICE ROAD SOUTHWEST OF THE I-85/I-85 INTERCHANGE FROM R-3 AIR LLWPA (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) TO I-1 (CD) AIR LLWPA (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said 2021-276. It is just under 45 acres. It is located on I-85 Service Road, southwest of the I-85 and I-485 interchange. The current zoning is R-3. It has the airport overlay as well as the Lower Lake Wylie Protective Area overlay. The proposed zoning is to go to I-1 conditional and maintain both the airport noise and Lower Wylie Protective Area overlays on the site. The adopted 2040 Policy Map recommends commercial place type for this site. You can see there are some manufacturing logistics in purple on the other side of the interchange as well as just to the west on Lane Road and Airpark West Drive. The proposal is for up to 335,000 square feet of gross floor area of use as permitted in the I-1 District. It does prohibit things like automobile, truck and utility trailer rental, automobile service stations and repair garages, barber and beauty shops, financial institutions, EDEEs type 1 and 2, retail establishments, shopper centers, business, recreation services, and adult establishments. All of those would be prohibited. It does limit the amount of office space to 25 percent of the total square footage. That would be about 83,750 square feet. It limits the number of principle buildings to 2 and also commits to improvements to the south I-85 service road between Sam Wilson and the site requested by NC-DOT during the permit process. Also commits to dedicate a 100-foot swim buffer to Paw Creek, to Mecklenburg County for future greenway purposes.

Petitioner would work with Mecklenburg County to ensure that any crossings at Paw Creek can accommodate a future greenway trail and provides a Class A buffer around the perimeter of the site where it is adjacent to residential use and zoning, that is the area shaded in green. Staff does recommend approval of this petition upon resolution of outstanding issues related to site and building design and transportation. As mentioned, it is inconsistent with that commercial place type recommended on the policy map, however, we do feel that some of the ongoing manufacturing logistics place types and existing uses in the area do make this a reasonable transition from that recommended place type of commercial to more of that manufacturing logistics that we see in the

general area. So, we will be happy to take any questions following the petitioner's presentation. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Madam Mayor, Madam Mayor Pro Tem and members of City Council and the Zoning Committee. My name is John Carmichael and I represent the petitioner. With me tonight are Joe Curley and John Pottinger of the petitioner and Bryan Linton the petitioner's engineer. The site contains, as Mr. Pettine said, about 45 acres and is located at the eastern terminus of the south I-85 service road on the southwest quadrant of the I-85/I-45 interchange. The site is east of Sam Wilson Road. Next slide. This is an arial photo of the site. Directly across I-85 is a light industrial building that was developed by the petitioner and Prologis has an industrial building to the west of the site and then there are industrial uses to the southwest of the site as you can see. This site is currently zoned R-3. The site is located within the airport noise disclosure overlay district. Petitioner is requesting the site be rezoned to the I-1 CD light industrial zoning district to accommodate a Class A office, warehouse, distribution and light industrial business park on the site. It would contain 2 buildings at a maximum of 335,000 square feet of gross floor area. The petitioner is an experienced industrial and light industrial developer. Petitioner has a strong presence in the Carolinas. This slide shows 2 of its development projects that are located in Rock Hill and 2 that are located in Charlotte. Next slide. This is the Airport South Logistics Park in Charlotte that was developed by the petitioner. Next slide. This is the site plan. As you can see it provides for 2 buildings.

The site would be accessed from the I-85 south service road. Petitioner would make whatever improvement to the service road that are required to be implanted by the North Carolina Department of Transportation. There is a good bit of green space and as Mr. Pettine stated, the petitioner would dedicate land to Mecklenburg County for the future greenway. Next slide. This is the prior land use plan for the site that was effective just before the 2040 Policy Map. It is the Dixie Burial Strategic Plan. It recommends office, retail and light industrial on the site. Next slide. This is the 2040 Policy map. As Mr. Pettine stated, it suggests or recommends a commercial place type for the site. Given its location at the terminus of the service road, its proximity to the interchange and the surrounding or nearby manufacturing and logistic uses, we think this is an appropriate use for the site. We appreciate the planning steps, favorable recommendation.

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

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ITEM NO. 42: HEARING ON PETITION 2021-278 BY DREAM ACRES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.33 ACRES LOCATED ON THE EAST SIDE OF HARRISBURG ROAD, NORTH OF PARKTON ROAD, AND WEST OF CEDARBROOK DRIVE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-6 (SINGLE-FAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said I will turn it over to John Kinley to present this one.

John Kinley, Planning, Design & Development said approximately 6.33 acres on the east side of Harrisburg Road, north of Parkton Road and west of Cedarbrook Drive. It is currently zoned R-4 single-family residential. Proposing R-6 single-family residential. The 2040 Policy Map recommends a Neighborhood 1 Place Type for the site. Staff recommends approval of the petition. It is consistent with the policy map recommendations, and I will take any questions.

Councilmember Phipps said this relates to the question I asked earlier about Charlotte Water. In our packet they have a paragraph that says that due to limited treatment

capacity Charlotte Water will not accept applications for plan review. It goes on to say some other things. I just want to get an idea of what, in layman terms, does this mean for this particular petition as it relates to Charlotte Water? So, if I can get an explanation for that when I get the other, that will be good.

Mr. Kinley said we will follow up.

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

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ITEM NO. 43: HEARING ON PETITION NO. 2021-283 BY LANE CLONINGER FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.60 ACRE LOCATED ON THE WEST SIDE OF KESWICK AVENUE, NORTHWEST OF NORTH TRYON STREET, AND EAST OF NORTH GRAHAM STREET FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (SINGLE-FAMILY RESIDENTIAL).

Mayor Lyles declared the hearing open.

John Kinley, Rezoning Planner said I will take this one. It is 2021-283 for 0.6 acres at the west side of Keswick Avenue, northwest of North Tryon Street and east of North Graham Street. The current zoning is R-5 single-family residential and proposed zoning is R-8 single-family residential. The 2040 Policy Map recommends Neighborhood 1 for the parcels. Staff recommends approval of the petition. It is conventional. There are no outstanding issues and it is consistent with the 2040 Policy Map. I will take questions.

Lane Cloninger, 3033 Sunset Drive said can you hear me. I just decided to join. I did not think I had anyone opposing at the time, but I just figured I would be online in case anyone has any questions.

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

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ITEM NO. 44: HEARING ON PETITION NO. 2022-001 BY WHITE POINT PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.99 ACRES LOCATED ON THE WEST SIDE OF YANCEY ROAD AND SOUTH SIDE OF EAST PETERSON DRIVE, EAST OF SOUTH TRYON STREET FROM R-8 (SINGLE-FAMILY RESIDENTIAL) AND I-2 TS-O (GENERAL INDUSTRIAL, TRANSIT SUPPORTIVE - OPTIONAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

Mayor Lyles declared the hearing open.

John Kinley, Rezoning Planner said this is 2.99 acres on the west side of Yancey Road, south side of East Peterson Drive, east of South Tryon Street. It is basically on 3 parcels on either side of Old Mecklenburg Bridge if you are familiar with the area. Next slide. Current zoning is R-8 single-family residential per 2 of the parcels on east Peterson Drive and I-2 transit supportive optional for the parcel on Yancey. Proposed zoning is TODNC transit-oriented development, neighborhood center. The 2040 Policy Map recommends community activity center for the parcel on Yancey Street and Neighborhood 1 for the 2 parcels on East Peterson, but you can see on the map that they are adjacent to that community activity center designation. Staff recommends approval of the petition. It is both consistent and inconsistent with 2040 Policy Map as noted with parcels on Peterson Street. The site is within one mile of the walk of the Scaleybark Station. The TODNC district can be applied to parcels within that one-mile walking distance of a rapid transit station. It is immediately adjacent to sites and a number of those that are already zoned TODNC representing an ongoing shift in the

area to a more transit supportive redevelopment in that area. A portion of the site is inconsistent with the Neighborhood 1 Place Type, but immediately abuts areas that have that community center place type designation. The use of conventional TODNC zoning applied standards and regulations to create a desired form and intensity of the development near a transit station and TOD standards include requirements for appropriate street scape, treatment, building setbacks and street facing building walls, entrances and screening. The approval of the petition would revise the recommended place type for the portions of the 2 parcels that are on Peterson Drive from Neighborhood 1 to community activity center. I will take any questions.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown on behalf of petitioner White Point Partners. Great overview by John. I do not really have a lot to add. I would point out that this is almost like a phase 2 rezoning that we handled last year, really bringing this area into uniformity with some of the zoning that we placed out there recently. I think updating and good overview from John. This is a conventional set up that I had to show you, but I think you are all familiar with White Point Partners and their focus on adaptive reuse of some of these buildings. We think they are a good fit and happy to have staff support. I will be happy to answer any questions you might have.

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

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ITEM NO. 45: HEARING FOR PETITION NO. 2022-002 BY CAMERON CLT SOUTH END OWNER, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.50 ACRES LOCATED ON THE WEST SIDE OF SOUTH BOULEVARD, EAST OF OLD PINEVILLE ROAD, AND NORTH OF EAST WOODLAWN ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

Mayor Lyles declared the hearing open.

John Kinley, Rezoning Planner said this is 12.50 acres on the west side of South Boulevard, east of Old Pineville Road and north of East Woodlawn Road. It is currently zoned I-2 general industrial, and the proposed zoning is TODNC transient-oriented development neighborhood center. The 2040 Policy Map recommends community activity center for the site. Staff is recommending approval of the petition. It is conventional and it is consistent with the 2040 Policy Map, and I will take any questions.

Collin Brown, 1420 East 7th Street, Suite 100 said that was a succinct summary from Mr. Kinley. We will be happy to answer questions if you have them.

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

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ITEM NO. 46: HEARING ON PETITION NO. 2022-054 BY CAROLINA FARM TRUST FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.37 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH HOSKINS ROAD, EAST OF WELLING AVENUE, AND WEST OF ROZZELLES FERRY ROAD FROM B-D (CD) (DISTRIBUTIVE BUSINESS, CONDITIONAL) TO B-2 (GENERAL BUSINESS).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said the last petition on the agenda this evening is 2022-054. It is approximately 2.37 acres located on the south side of South Hoskins Road, east of Welling Avenue and west of Rozzelles Ferry Road. It is currently zoned BD-conditional. The proposed zoning is just to B-2 conventional. The

policy map does recommend neighborhood center place type for this site. It is conventional petition. Again, staff is recommending approval of it. We do feel it is consistent with the overall intended neighborhood center place type recommended as per the 2040 Policy Map. The uses that are proposed are generally consistent with retail land uses typically found in that neighborhood center and things such as retail, restaurants, personal services, institutional multifamily and offices are all indigenous as part of that place type. So, again it is a conventional petition. No outstanding issues. No site plans. Staff is recommending approval. I will be happy to take any questions following the petitioner's presentation. Thank you.

Zack Wyatt, 9627 Willow Leaf Lane, Cornelius said thank you Madam Mayor, City Council and the Zoning Planning Commission. My name is Zach Wyatt with Carolina Farm Trust and I just wanted to make myself available for any questions.

Councilmember Graham said great project.

Councilmember Egleston said I second Mr. Graham's comments about the project.

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

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ADJOURNMENT

Meeting was adjourned at 8:49 p.m.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 29 Minutes
Minutes Completed: November 21, 2023