

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Tuesday, January 16, 2024, at 5:07 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Council members present were Danté Anderson, Tariq Bokhari, Tiawana Brown, Ed Driggs, Malcolm Graham, Lawana Mayfield, and Marjorie Molina.

ABSENT: Councilmember James Mitchell.

ABSENT UNTIL NOTED: Councilmembers Dimple Ajmera, Renee Johnson, and Victoria Watlington.

* * * * *

Mayor Lyles said welcome to the January 16, 2024, Zoning Meeting of the Charlotte City Council. I now will call this meeting to order. We begin our meeting with an invocation, which is entirely to help us solemnize the work that we do to work together to actionize those things that make our City a better place.

* * * * *

INVOCATION AND PLEDGE

Councilmember Johnson arrived at 5:08 p.m.

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

* * * * *

EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

* * * * *

INTRODUCTION OF THE ZONING COMMITTEE

Douglas Welton, Chairman of the Zoning Committee said thank you, Madam Mayor, and thank you to Council. Hi, my name is Douglas A. Welton, and I am the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce the fellow members of our Zoning Committee. Here with me tonight are Rick Winiker, Terry Lansdell and Shana Neeley. Also, on the commission are Will Russell, Clayton Sealey and Rebekah Whilden. The Zoning Committee will meet on Tuesday, January 30, 2024, at 5:30 p.m. At that meeting, the Zoning Committee will meet to discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome to that meeting, but please note, it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you are welcome to contact us and provide input. You can find contact information for each petition on the City's website at charlotteplanning.org.

* * * * *

DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to defer: a decision on Item No. 23, Petition No. 2020-071 by 3G Investments and Developments, LLC to February 19, 2024; a decision on Item No. 24, Petition No. 2021-085 by Raven Property Group, Inc. to February 19, 2024; a decision on Item No. 25, Petition No. 2021-209 by Coastal Acquisition Entity, LLC to February 19, 2024; a decision on Item No. 26, Petition No. 2023-037 by Shinnville Ridge Partners LLC/Courtney Sloan to February 19, 2024; a decision on Item No. 27,

Petition No. 2023-091 by Mecklenburg County to February 19, 2024; a decision on Item No. 28, Petition No. 2023-122 by Empire Communities to February 19, 2024; a decision on Item No. 30, Petition No. 2022-099 by Levine Properties, Inc. to February 19, 2024; a decision on Item No. 34, Petition No. 2023-069 by Ravin Partners to February 19, 2024; a hearing on Item No. 35, Petition No. 2022-079 by Wells Pappas Corporate Parcel Owner, LLC to February 19, 2024; a hearing on Item No. 36, Petition No. 2022-121 by RK Investments Charlotte, LLC to February 19, 2024; a hearing on Item No. 37, Petition No. 2022-154 by Real Estate Properties Holding, LLC to February 19, 2024, a hearing on Item No. 38, Petition No. 2023-033 by CRD Elizabeth, LLC to February 19, 2024; a hearing on Item No. 39, Petition No. 2023-138 by Dianna Ward to February 19, 2024; a hearing on Item No. 40, Petition No. 2023-018 by NVR, Inc. to February 19, 2024; a hearing on Item No. 41, Petition No. 2023-132 by Mark Talbot - Freedom Communities to February 19, 2024; and a hearing on Item No. 54, Petition No. 2023-107 by Penmith Holdings, LLC to February 19, 2024.

CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 22 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.

Mayor Lyles said is there any request to have a separate vote on one of the consent items?

Councilmember Mayfield said thank you, Madam Mayor. I would like to pull item number 10 and item 21.

Mayor Lyles said alright, so with the exception of Item 10 and Item 21, please note that the remaining items that we have, Items 5 and 7 are not included on the consent agenda due to the deferral of those items, and the motion just previously taken.

David Pettine, Planning, Design & Development said Madam Mayor, one point of housekeeping. Sorry, that's a carryover from our last month's item. So, it is three through 22, with just the exceptions of 10 and 21 that were requested to be pulled by Councilmember Mayfield.

Motion was made by Councilmember Bokhari and seconded by Councilmember Driggs to approve the Consent Agenda as presented with the exception of Item No. 10 and Item No. 21 which were pulled for a separate vote.

Councilmember Molina said I just wanted to make a comment on one of them, and I am absolutely not in opposition. I'm really excited about Item Number 10 in District 5.

Mayor Lyles said Item 10. That was pulled. Ms. Mayfield asked for a separate vote on that.

Ms. Molina said okay.

Mayor Lyles said alright, so you will have an opportunity to speak to that.

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

The following items were approved:

Item No. 3: Ordinance No. 696-Z, Petition No. 2022-116 by Carmel Hills, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 14.46 located along the southeast side of Carmel Road,

west of Colony Road, and east of Mooreland Farms Road from N1-A (Neighborhood 1 - A) to INST(CD) (Institutional, Conditional).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Campus Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible with the Campus Place Type as it allows for the renovation and expansion of an existing senior living facility while maintaining buffers and landscaping that helps to integrate the facility into the single-family residential character of the area. Approval of this petition would result in zoning that is better aligned to the Campus Place Type than the existing Neighborhood 1 zoning district. The facility has easy access to the future Colony Road urban trail that, when complete, will connect the Four Mile Creek, Briar Creek, and future McAlpine extension greenways. The facility is located within a quarter-mile walk of the CATS (Charlotte Area Transit System) 62X express commuter bus. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 512-513.

Item No. 4: Ordinance No. 697-Z, Petition No. 2022-161 by Pulte Group amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 29.33 acres located at the southwest intersection of Steele Creek Road and Parkside Crossing Drive, south of Sledge Road from N1-A (Neighborhood 1 - A) to UR-2(CD) (Urban Residential, Conditional).

The Zoning Committee voted 7-0 (motion by Russell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is within half mile of a Community Activity Center, providing services within a 10-minute walk or bicycle ride. The proposed single family attached dwellings are compatible with the adjacent single family attached dwellings to the south and approved cottage court neighborhood to the north of the site. The proposed single family attached dwellings would provide an additional housing option in close proximity to a Community Activity Center. The petition commits to dedicating 3.5 acres to Mecklenburg County for future park development. The petition commits to improving the pedestrian and bicycle infrastructure on the site's public street frontage by implementing a 12-foot multi-use path along both Steele Creek Road and Parkside Crossing Drive. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 place type to Neighborhood 2 place type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 514-515.

Item No. 5: Ordinance No. 698-Z, Petition No. 2023-012 by Pope & Land Enterprises, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 20.44 acres located in three development areas. Development Area A includes 16.01 acres and is located south of Yorkmont Road and west of Price Lane. Development Areas B and C total 4.43 acres and are located north of Tyvola Road and south of National Avenue from MUDD-O (Mixed-Use Development District-Optional) to MUDD-O SPA (Mixed-Use Development District-Optional, Site Plan Amendment).

The Zoning Committee voted 7-0 (motion by Russell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be mostly inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The northeastern portion of the petition is inconsistent with the 2040 Policy Map recommendation for Neighborhood 1 place type. The southwestern portion of the petition is consistent with the 2040 Policy Map recommendation for Community Activity Center 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 site is already zoned MUDD-O and allows for a mix of non-residential uses including retail, office, and hotel. The petition would add mostly non-residential uses to the City Park development, which would complement the existing residential uses. The petition's transportation commitments would enhance mobility for residents in the vicinity of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type of the northeastern portion of the site as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Community Activity Center Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 516-517.

Item No. 6: Ordinance No. 699-Z, Petition No. 2023-045 by Grubb Properties amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 10.6 acres bound by the south side of Abbey Place, east side of Park Road, west side of Hedgemore Drive, and north side of Mockingbird Lane from MUDD-O (Mixed Use Development District, Optional) to MUDD-O SPA (Mixed Use Development District, Optional, Site Plan Amendment).

The Zoning Committee voted 7-0 (motion by Winiker, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is in a Community Activity Center, which is a priority area to accommodate future growth in an urban, pedestrian-oriented development form. The site plan implements the desired mixed-use development concept by committing to ground floor retail space at the corner of Park Road and Mockingbird Lane and by allowing additional ground floor retail space within office and multi-family buildings. The development supports walkability by committing to a mix of residential and non-residential components with street level access. It also improves pedestrian mobility by providing a pedestrian crosswalk at Park Road and Mockingbird Lane and a network of internal sidewalks connecting the sidewalk along the public streets to buildings, dwelling units, and the centralized public open space. The proposal enhances connectivity by adding new streets, which will supplement the existing network. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 518-519.

Item No. 7: Ordinance No. 700-Z, Petition No. 2023-076 by Discovery Development, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 4.5 acres located along the east side of Old Statesville Road, south of I-485 from N1-B (Neighborhood 1 - B) to N2-C (Neighborhood 2 - C).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency:

This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map 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: This petition is appropriate and compatible as the site is within an area designated by the 2040 Policy Map for the Neighborhood 2 Place Type. The site abuts a multi-family residential development and is located in close proximity to an existing office/distributive/warehouse business park. The site is directly across the street from acreage approved to allow up to 420 residential units and up to 45,200 square feet of non-residential uses via approved rezoning petition 2022-070. The parcel has frontage along Old Statesville Road, a state-maintained major arterial. The 2040 Policy Map recommends the Community Activity Center Place Type for acreage directly across Old Statesville Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 520-521.

Item No. 8: Ordinance No. 701-Z, Petition No. 2023-083 by Nicole Frambach amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.4 acres located on the west side of Mayfair Avenue, south of Seymour Drive, and north of Markland Drive from N1-C (Neighborhood 1 - C) to N2-B (Neighborhood 2 - B).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: A portion of the site is already developed with a quadraplex building, creating a legal nonconformity. The petition would resolve the nonconformity. The petition would establish one zoning district on a parcel that is currently split-zoned. The properties to the north and south of the site are zoned N2-B and developed with triplex and quadraplex buildings. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 522-523.

Item No. 9: Ordinance No. 702-Z, Petition No. 2023-084 by Clachan Properties amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.682 acres located along the west side of Hawthorne Lane, north of Central Avenue, and east of Louise Avenue from ML-2 (Manufacturing and Logistics 2) and MUDD(CD) (Mixed Use Development District, Conditional) to TOD-NC (Transit Oriented Development - Neighborhood Center).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Winiker) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing commercial development and recent redevelopment occurring in the area. The former industrial uses in this area have recently been transitioning into uses compatible with the TOD designation, aligning this proposal with the policy for this area. The TOD-NC district may be applied to parcels within a one-mile walk of an existing rapid transit station and within

a one-mile of and exiting streetcar stop. The site is located within a half-mile of the Sunnyside Lynx Gold Line streetcar stop. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development 5: Safe & Equitable Mobility, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 524-525.

Item No. 11: Ordinance No. 704-Z, Petition No. 2023-101 by 3100 Baucom Road, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.704 acres located along northeast side of Baucom Road, the northwest side of Wisdom Lane, north of Mallard Creek Road from O-1(CD) (Office District, Conditional) to N2-B (Neighborhood 2-B).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent 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: This petition is appropriate and compatible as the site is within an area designated by the 2040 Policy Map for the Neighborhood 2 Place Type. The site is in an area with a range of uses, within a 10-minute walk of employment opportunities, grocery store, medical, institutional, a variety of retail uses. The proposed zoning would help to increase the housing availability in the area. The site has access to two major thoroughfares. The site is located along the route of the CATS number 22 local bus providing service to Uptown and the JW Clay Park and Ride, adjacent to UNC Charlotte with transfers to the Lynx Blue Line. And within a 10-minute walk of the CATS number 50 and 54, local buses providing transit access to Concord Mills, University City, and the Wells Fargo Campus. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 528-529.

Item No. 12: Ordinance No. 705-Z, Petition No. 2023-102 by Tri Pointe Homes Holdings, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 9.07 acres located along the northeast side of Lawyers Road, south of Albemarle Road from OFC (Office Campus) and CG (General Commercial) to NC (Neighborhood Center).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is currently zoned for commercial, and campus uses. Neighborhood Centers are typically smaller, mixed-use areas that provide convenient access to goods, services, dining, and residential for nearby residents. Neighborhood Center at this location is a less intense center and offers an appropriate transition from residential uses to nearby retail, office, and warehouse uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 530-531.

Item No. 13: Ordinance No. 706-Z, Petition No. 2023-105 by MJM Group Managers, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.83 acres located along the east side of Speer

Boulevard and the northeast side of West Tyvola Road from MUDD-O (Mixed Use Development District, Optional) to CAC-1 (Community Activity Center-1).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be 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 Community Activity Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition supports additional access to goods, services, amenities, and diversity of housing types. The proposed site would be supported by bus transit as it fronts the CATS bus line and is less than a half mile from the nearest CATS bus stop. The proposed site is also supported with sidewalks and a bike lane along Speer Boulevard. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 532-533.

Item No. 14: Ordinance No. 707-Z, Petition No. 2023-108 by Beacon Partners amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 8.6 acres located along the west side of Berryhill Road, north of Freedom Drive, and east of Camp Greene Street from ML-1 (Manufacturing and Logistics 1) and ML-2 (Manufacturing and Logistics 2) to IMU (Innovation Mixed-Use).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for the Innovation Mixed Use place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The location of the site aligns with IMU goals because the surrounding area is a vibrant area of mixed-use and employment, that capitalize on Charlotte's history and industry with uses such as light manufacturing, office, studios, research, retail, and dining. The site is already surrounded by office, research and development, light manufacturing, and multi-family residential. In the surrounding area of the site, is retail, personal services, restaurants, and bars, with limited warehouse and distribution associated with light manufacturing and fabrication. The purpose of IMU is to reuse buildings and low to midrise single-use structures to integrate uses in a pedestrian-oriented environment. Arterial streets such as Freedom Drive close to the site support walking, cycling, and transit use by providing a safe and comfortable environment to reach transit stops, jobs, or nearby destinations. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 534-535.

Item No. 15: Ordinance No. 708-Z, Petition No. 2023-109 by 123 E 27, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.89 acres located along the northeast side of East 27th Street, southeast of North Tryon Street, north of the LYNX Blue Line from ML-2 (Manufacturing and Logistics 2) to IMU (Innovation Mixed-Use).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be 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 calls for innovation mixed use. 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 North Graham Street/North Tryon Street (NGNT) is one of six identified corridors in the Corridors of Opportunity (COO) program which aims to revitalize areas with a mix of uses that provide critical resources and businesses to its neighbors, creating more prosperous and safe communities. This rezoning would allow the site's entitlements to be shifted away from industrial uses to a more balanced mix of uses that could better align with the goals of the NGNT Corridor. The innovation mixed-use zoning district is intended for sites such as these that may have formerly been reserved industrial developments but are situated in areas that are transitioning to an array of commercial, residential, and artisan industrial uses among others. The subject site is not adjacent to any sensitive land uses or place types that would be incongruent with development under the IMU district. Rezoning this site would bring it into alignment with the proposed Innovation Mixed-Use Place Type and allow more flexibility in the uses that may be developed. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 536-537.

Item No. 16: Ordinance No. 709-Z, Petition No. 2023-110 by Savalex Homes, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.871 acres located along the east side of Susanna Drive, north of Hart Road, and west of Rozzelles Ferry Road from N1-A (Neighborhood 1-A) to N1-D (Neighborhood 1-D).

The Zoning Committee voted 7-0 (motion by Russell, seconded by Winiker) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible as the site is within an area designated by the 2040 Policy Map for the Neighborhood 1 Place Type. The petition could help facilitate the goal of providing a variety of housing types within an area where single-family housing is the predominate land use. The Neighborhood 1 Place Type calls primarily for single-family detached and attached dwellings. Additionally, this Place Type recommends development of parks, religious institutions, and neighborhood schools. The N1-D zoning district could facilitate these plan goals. The development pattern prescribed by the Neighborhood 1 Place Type and permitted by the N1-D zoning district is consistent with the character of this area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 538-539.

Item No. 17: Ordinance No. 710-Z, Petition No. 2023-115 by Eastgroup Properties, L.P. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 5.716 acres located along the north side of Entrance Drive and the east side of Gable Road, south of Shopton Road from I-1(CD) ANDO (Light Industrial, Conditional, Airport Noise Overlay District) to ML-1 ANDO (Manufacturing and Logistics 1, Airport Noise Overlay District).

The Zoning Committee voted 7-0 (motion by Winiker, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for the Manufacturing and Logistics Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed rezoning is consistent with the adopted land use recommendations for this site and surrounding area. The surrounding parcels are all zoned for industrial uses. The ML-1

zoning district is intended to accommodate a range of warehouse/distribution and light industrial uses which aligns with the surrounding area uses. The site backs up to other industrial zoned parcels, with no residential uses in proximity. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 540-541.

Item No. 18: Ordinance No. 711-Z, Petition No. 2023-116 by Stanley Martin Homes amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 10.003 acres located along the west side of Steele Creek Road, north of Long Talon Way, and south of Hamilton Road from N1-A (Neighborhood 1-A) to N2-A (Neighborhood 2-A).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for 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 Neighborhood 2 Zoning Districts are intended to accommodate a mixture of moderate to high-intensity residential development types and also serves as a transition between less intense residential development and higher intensity mixed-use centers. The N2-A Zoning District is intended for the development of multi-family attached dwellings with lower-intensity residential dwellings, including single-family, duplex, triplex, and quadraplex dwellings are also allowed in the zoning district, subject to the standards of the N1-E Zoning District, or as components of a multi-dwelling development. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 542-543.

Item No. 19: Ordinance No. 712-Z, Petition No. 2023-118 by City of Charlotte amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 38 acres located north of the intersection of Wilkinson Boulevard and Little Rock Road, west of Stafford Drive and east of Barry Drive from ML-2 ANDO (Manufacturing & Logistics 2, Airport Noise Disclosure Overlay), ML-1 ANDO (Manufacturing & Logistics 2, Airport Noise Disclosure Overlay) to RAC ANDO (Regional Activity Center, Airport Noise Disclosure Overlay).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be mostly consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Regional Activity Center place type for the majority of the site and Innovation Mixed Use place type for a small portion of the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed RAC zoning district is consistent with the Regional Activity Center place type for the majority of the site. The site is located at the intersection of Wilkinson Boulevard and Little Rock Road at the gateway to Charlotte Douglas International Airport. This is a logical location for an intense mix of uses supporting the airport. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type for a portion of the site as specified by the 2040 Policy Map, from Innovation Mixed Use Place Type to Regional Activity Center Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 544-545.

Item No. 20: Ordinance No. 713-Z, Petition No. 2023-119 by Lockstar, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.593 acres located along the north side of Cannon Avenue and the east side of North Graham Street, south of Oneida Road from N1-B (Neighborhood 1-B) to N2-A (Neighborhood 2-A).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map calls for Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This portion of the North Graham Street corridor hosts industrial and commercial uses among small pockets of residential areas. The subject site is not situated in a large tract of single-family homes; and given the adjacent commercial and industrial uses, a rezoning for this parcel to a Neighborhood 2 district would not be very disruptive to the existing residential area. Moderate intensification of uses is appropriate for corner lots such as this so that uses that differ from the existing single-family core are limited to the periphery where the parcels already abut commercial and light industrial uses. The Neighborhood 2, A zoning district is largely limited to residential and some commercial uses under prescribed conditions. Although the petition is inconsistent with the Policy Map recommendation for Neighborhood 1, applying the least intense Neighborhood 2 zoning district to the site would not differ drastically from the uses allowed with the current entitlements. If the rezoning is successful, it would establish a more obvious transition and buffer between noxious uses to the south and west and the single-family area to the north and east. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 546-547.

Item No. 22: Ordinance No. 715-Z, Petition No. 2023-141 by Fifth Third Bank amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.434 acres located along the east side of Beatties Ford Road, south of Holly Street, and north of Dr. Webber Avenue from NC (Neighborhood Center) to CG (CD) (General Commercial, Conditional).

The Zoning Committee voted 6-1 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map calls for Neighborhood Center. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This rezoning site is located along the Beatties Ford Road/Rozzelles Ferry Road Corridor of Opportunity and is in an area that is dominated by various commercial uses that service nearby residents. The Corridors of Opportunity (COO) program aims to revitalize areas with a mix of uses that provide critical resources and businesses to its neighbors, creating more prosperous and safe communities. The Corridors of Opportunity Workforce Analysis (2021) found that the number of residents in the Beatties Ford Road Corridor that work in the business and finance industry exceeds the number of jobs that the corridor offers for this sector. This indicates a lack of business and financial institutions in the area that could employ and service local residents. The 2021 study also found that the vast majority of residents within the corridor and broader 28216 zip code work outside of their community, with only 4% of the corridor residents finding employment within the 28216-zip code. Nearly every occupation identified in the study had more resident workers than jobs available in the 28216-zip code. This rezoning could provide job opportunities to residents of the corridor, facilitating a small mitigation to the imbalanced flow of labor in the area. The Urban Main Transformation Strategy Report, Beatties Ford/LaSalle Corridor (2020) was

created in collaboration with the corridor's business district community to take inventory of areas for improvement and the strategies that may be employed to address them. The report recommended targeting the corridor with the Neighborhood Goods and Services strategy to bolster healthy entrepreneurship that provides robust commercial enterprises that benefit the community. More specifically, the report outlined a number of commercial uses that encompass the Neighborhood Goods and Services strategy including but not limited to banks, auto repair facilities, restaurants, grocery stores, and gas stations. The range of uses listed in the report for this strategy fit better with the general commercial zoning district than the neighborhood center district. The proposed general commercial zoning district aligns with the adjacent uses as well as the historical uses on the site. Unlike previous legacy districts however, the UDO's general commercial district builds in stricter standards for facilities such as drive-throughs and automotive-oriented businesses. The development standards of this rezoning build in preferred drive-through facility design standards by prohibiting drive-through lanes and circulation between the street and building façade. The required landscape yard for this parcel if developing under the general commercial district would be a Class B Landscape Yard along any property boundaries adjacent to the Neighborhood 1 or Neighborhood 2 Place Types. This 25-foot landscape yard, which cannot be reduced in width, will help to screen any development along the site's eastern boundary as well as a portion of the parcel's southern boundary. This site was previously zoned B-1, neighborhood business, under the legacy ordinance. It was translated on June 1, 2023, to NC due to the pedestrian overlay. This rezoning to allow commercial uses would not be out of alignment with the site's previous entitlements. Redevelopment at this site would trigger pedestrian improvements along the Beatties Ford Road frontage, which would help further the goals of the recommended Neighborhood Center Place Type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity, 10: Fiscally Responsible. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood Center to Commercial for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 550-551.

ITEM NO. 10: ORDINANCE NO. 703-Z, PETITION NO. 2023-086 BY STEVEN IMOBERSTEG AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.47 ACRES LOCATED ALONG THE EAST SIDE OF CASTLETON ROAD, WEST OF CRAIG AVENUE, AND NORTH OF NORTH SHARON AMITY ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N1-C (NEIGHBORHOOD 1-C).

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be insert consistency from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition is appropriate and compatible as the site is within an area designated by the 2040 Policy Map for the Neighborhood 1 Place Type. The Neighborhood 1 Place Type recommends neighborhoods with a variety of housing types, where single-family housing is still the predominant use. The N1-A through N1-E zoning districts allow for the development of single family, duplex, and triplex dwellings on all lots. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

Councilmember Mayfield said Mr. Pettine, the question I had on this, looking at the plan, I just to clarify if this would allow for a multi-family development to be built right between two residential homes?

David Pettine, Planning, Design & Development said thank you, no. So, the N1-C district would only allow lot widths of 50 feet in 6,000 square feet or greater, and then the only residential uses would be single-family detached duplex or triplex units.

Ms. Mayfield said thank you.

Councilmember Molina said actually, I'm excited because of the new zoning that it's actually going to be changed to, because the area that surrounds it, from what I can see, is completely conducive, and I feel like that's why there was really no opposition to it. So, it's one of the ones that I'm actually excited about, so I just wanted to put that on the record, and I'm in full support of it.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be insert consistency from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible as the site is within an area designated by the 2040 Policy Map for the Neighborhood 1 Place Type. The Neighborhood 1 Place Type recommends neighborhoods with a variety of housing types, where single-family housing is still the predominant use. The N1-A through N1-E zoning districts allow for the development of single family, duplex, and triplex dwellings on all lots. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 526-527.

ITEM NO. 21: ORDINANCE NO. 714-Z, PETITION NO. 2023-121 BY CHRISTIAN BROTHERS AUTOMOTIVE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.72 ACRES LOCATED ON THE WEST SIDE OF STEELE CREEK ROAD, SOUTH OF SHOPTON ROAD, AND NORTH OF INTERSTATE 485 FROM CG (GENERAL COMMERCIAL) TO CG (CD) (GENERAL COMMERCIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Commercial place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed minor vehicle repair facility is a permitted use in the CG district only with a conditional rezoning approval. The proposed CG (CD) district is consistent with the recommended Commercial place type. All adjacent properties on the west side of Steele Creek Road are both zoned CG and recommended for Commercial place type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Anderson, and seconded by Councilmember Graham, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Commercial place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed minor vehicle repair facility is a permitted use in the CG district only with a conditional rezoning approval. The proposed CG (CD) district is consistent with the recommended Commercial place type. All adjacent properties on the west side of Steele Creek Road are both zoned CG and recommended for Commercial place type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

Councilmember Mayfield said Mr. Pettine, do we have any commitments, or in our updated UDO language, to ensure that vehicles are not stored say over 30 days, or are in disrepair for over 30 days, because we see a lot of it throughout the City, even if they are screening to ensure, with this development, that we're not opening the door of more of it?

David Pettine, Planning, Design & Development said so, the vehicle repair facility that's being proposed, and would be potentially approved through this rezoning, is for a minor vehicle repair facility. So, there's a couple conditions that go along with that. Repair of the vehicles is prohibited outdoors. Merchandise, parts and supplies have to be stored in an enclosed structure. The facilities have to be screened from interior side and rear lot lines. No partially dismantled, wrecked or junked or discarded vehicles may be stored outdoors on the premises. So, it wouldn't apply to something that's under repair that they just move out for a day to wait for parts, but if it's not operable then it can't be stored outdoors. No vehicles may be stored on site for more than 90 days.

Councilmember Ajmera arrived at 5:20 p.m.

So, that is a standard that's in this zoning use as well. The sale of new or used vehicles is prohibited, so they couldn't turn around and resell them, and then no work may be conducted in any kind of public or private street.

Ms. Mayfield said thank you for that clarification.

Councilmember Brown said I am looking at Petition 2023-121, and I'm looking from the street view and where it's going to be located, but I think Councilmember Mayfield did ask the question I'm concerned about of the eye sores in the storing of the vehicles, because there's nothing like that in that area. I'm not opposing. I'm just asking a question, but it was already addressed. Just looking at the area, that it is coming down 160 on that corner. There's not really a lot of traffic in that area, so I'm not opposed with that.

Councilmember Watlington arrived at 5:22 p.m.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 548-549.

* * * * *

DECISIONS

ITEM NO. 29: ORDINANCE NO. 716, PETITION NO. 2023-130 BY CHARLOTTE PLANNING, DESIGN, & DEVELOPMENT FOR A TEXT AMENDMENT TO MAKE MINOR CHANGES THAT WILL RESULT IN BETTER FUNCTIONALITY OF THE

UNIFIED DEVELOPMENT ORDINANCE (UDO). CHANGES ARE PROPOSED IN 23 OF THE 39 ARTICLES. THESE CHANGES INCLUDE UPDATED LANGUAGE TO PROVIDE GREATER CLARITY, UPDATED GRAPHICS, NEW AND UPDATED DEFINITIONS, ADJUSTMENTS TO USE PERMISSIONS AND PRESCRIBED CONDITIONS, REVISED USE NAMES, AND MINOR CHANGES AND ADDITIONS TO STANDARDS.

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

Motion was made by Councilmember Driggs, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan based on the information from the final staff analysis and the public hearing, and because: The petition could facilitate the goals of the 2040 Comprehensive Plan; and a major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions. 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 text amendment will make the UDO a more user-friendly ordinance and result in better functionality.

Councilmember Mayfield said Mr. Pettine, we have a number of updates, which are really good to our current process. Question for you. Have you and staff had any conversations regarding clarifying when we don't have to have a site plan? Because right now, we have a pretty big umbrella to possibly reduce that to say, within these 10 items this is what it can be, because we have a number of items tonight that we just approved that had no site plan associated with it. For us to be able to communicate with the residents what may be coming next door to them or across from them. Have there been any conversations regarding that type of update?

David Pettine, Planning, Design & Development said so, it likely wouldn't be something we would incorporate into the UDO, because that wouldn't be something that's an ordinance requirement, as to when a site plan may be required. In some instances, we can look at a project and, if it's consistent with our adopted Policy Map, typically we start that process with looking at it through a conventional lens. One of the things we found on a couple of petitions that have started that route, community conversation has then led to conditional requests. So, I think that change that we implemented last year, is working the way we kind of envisioned it. We don't have a set of parameters when we determine if we want to ask for a conditional or conventional. We have some guidelines we look for. If it's inconsistent, we generally ask for a conditional plan of some sort, if we know there's community concerns, or if it was a previous conditional plan, do we need to carry any of those over, but we haven't really memorialized them, and we wouldn't want to do that in a regulatory document. I will say we are looking at some items to bring forward through TPD (Transportation, Planning and Development) and to present to ya'll, as far as how we're looking at petitions, how we're evaluating inconsistent petitions when we are looking at some of the conditional versus conventional. So, I think you'll start to see some of those conversations come through that committee process over the next few months. So, that's where they will likely more live, than in a regulatory document like the UDO.

Ms. Mayfield said because I think that might be helpful, because again, some of the items that we approved earlier with no site plan, and not having conditions on there, we have a pretty broad umbrella of what could go. If we can try to figure out how to narrow that down a little to be a little clearer, mainly for those who live in the City, you know what's coming across the street from you, next door to you, opposed to it can be any of these 45 projects. Thank you.

Mr. Pettine said right, okay.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 552-553.

ITEM NO. 31: ORDINANCE NO. 717-Z, PETITION NO. 2022-134 BY MUHSIN HUMAMMAD II AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.48 ACRES LOCATED ALONG STEELE CREEK ROAD BETWEEN INTERSTATE 485 AND OUTLETS BOULEVARD FROM O-2(CD) LLWPA (OFFICE, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA), NS LLWPA (NEIGHBORHOOD SERVICES, LOWER LAKE WYLIE PROTECTED AREA) TO O-2(CD) LLWPA SPA (OFFICE, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA, SITE PLAN AMENDMENT), NS LLWPA SPA (NEIGHBORHOOD SERVICES, LOWER LAKE WYLIE PROTECTED AREA, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Rhodes, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Commercial Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The commercial uses proposed are consistent with the recommended commercial place type. The petition seeks to make minor modifications to a previously approved rezoning petition. The site is adjacent to other commercial place types with drive through uses. The petition seeks to simplify zoning on the southern corner of the site by rezoning a small remnant parcel from O-2(CD) to NS to match the larger adjacent parcel. The petition could facilitate the following 2040 Comprehensive Plan Goal: 1: 10 Minute Neighborhood, 8: Diverse & Resilient Economic Opportunity.

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

1. The petitioner modified the site plan to show the proposed Steele Creek Road right-of-way at 2 feet back of curb with a sidewalk utility easement at 2 feet behind the sidewalk.
2. The petitioner revised the site plan and conditional notes to install curb and gutter along the Steele Creek Road frontage between Outlets Boulevard and Trojan Drive.
3. The petitioner verified that the tree save area matches the previously approved plan.

David Pettine, Planning, Design & Development said those were three technical changes that needed to be cleaned up prior to decision, they're fairly minor, and staff does not feel they warrant additional review by the Zoning Committee.

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

Motion was made by Councilmember Brown, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Commercial Place Type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The commercial uses proposed are consistent with the recommended commercial place type. The petition seeks to make minor modifications to a previously approved rezoning petition. The site is adjacent to other commercial place types with drive through uses. The petition seeks to simplify zoning on the southern corner of the site by rezoning a small remnant parcel from O-2(CD) to NS to match the larger adjacent parcel. The petition could facilitate the following 2040 Comprehensive Plan Goal: 1: 10 Minute Neighborhood, 8: Diverse & Resilient Economic Opportunity, as modified.

Councilmember Mayfield said this one I just wanted to briefly speak to, that we started this conversation back in 2017, so I'm glad to see that we've finally gotten to the point to move this proposal forward.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 554-555.

* * * * *

ITEM NO. 32: ORDINANCE NO. 718-Z, PETITION NO. 2023-013 BY TOLL BROTHERS APARTMENT LIVING AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 19.75 ACRES LOCATED ON THE NORTH SIDE OF CHOATE CIRCLE BETWEEN LEGREE LANE AND FRESHWELL ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-1 (motion by Winiker, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Community Activity Center place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed multifamily residential use is consistent with the land uses envisioned for the Community Activity Center place type. The petition will provide a 50-foot Class C buffer and six-foot vinyl coated chain link fence on the eastern side of the site where adjacent to single family residential. The petition is committing to several transportation improvements including a roundabout at the site access point as well a 12-foot multi-use path along Choate Circle, eight-foot sidewalk along the internal public street, and six-foot sidewalk offsite on the opposite side of Choate Circle. The petition is committing to developing a dedicating a 21,780 square foot public dog park to Mecklenburg County. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility.

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

1. The petitioner added a note committing to provide ten diverse price point housing units, five of which would be set aside for residents earning 80% Area Median Income (AMI) or less, and five of which would be set aside for residents earning 120% AMI or less. These income restricted units would be preserved for a period of no less than 15 years.
2. The petitioner altered building and parking configurations and reduced the maximum number of stories to three.

David Pettine, Planning, Design & Development said so that's, I think, a positive change to the site plan, and again, staff believes that they're minor, don't really warrant additional review, as they didn't really change the overall outcome of the project. We'll be happy to take any questions.

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

Motion was made by Councilmember Brown, and seconded by Councilmember Anderson, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Community Activity Center place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed multifamily residential use is consistent with the land uses envisioned for the Community Activity Center place type. The petition will provide a 50-foot Class C buffer and six-foot vinyl coated chain link fence on the eastern side of the site where adjacent to single family residential. The petition is committing to several transportation improvements including a roundabout at the site access point as well a 12-foot multi-use path along Choate Circle, eight-foot sidewalk along the internal public street, and six-foot sidewalk offsite on the opposite side of Choate Circle. The petition is committing to developing a dedicating a 21,780 square foot public dog park to Mecklenburg County. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, as modified.

Councilmember Ajmera said so I remember as we were going through discussion, there was a question about park dedication. Could you just get me up to speed on what transpired after that?

Mr. Pettine said yes, I do believe everything was addressed from a Park and Rec standpoint. Let me just take a quick look and make sure.

Mayor Lyles said I think this says petition is committing to several transportation, including a roundabout, as well as a multi-use path and a sidewalk along there. It's in that green block. I'm not sure that I see something that's more direct.

Ms. Ajmera said I didn't see that in the [inaudible].

Mr. Pettine said so, if you flip over the 11 x 17 that's in front of you, there should be a pretty large printout. It should be right in front of your chair. It's just a loose piece, yes. So, on the back of that, Note 10 is dedication of a portion of the site to Mecklenburg County for use as a park, and it went through all the notes that Park and Rec were looking for. There's approximately over 20,000 square feet.

Ms. Ajmera said so, that was addressed. Yes, I just wanted to make sure that was addressed. That was one of the outstanding concerns, and I appreciate Zoning Committee's work on that, and pushing for, I appreciate your work on that. Thank you.

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

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

NAYS: Councilmembers Driggs, and Watlington

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 556-557.

* * * * *

ITEM NO. 33: ORDINANCE NO. 719-Z, PETITION NO. 2023-032 BY THE KEITH CORPORATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.43 ACRES BOUND BY THE SOUTH SIDE OF LAMAR AVENUE, WEST SIDE OF PARK DRIVE, NORTH SIDE OF CLEMENT AVENUE, AND EAST SIDE OF EAST 5TH STREET FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT-OPTIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Campus 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 adds a health institution to the list of allowed uses on the site. The petition carries forward all the entitlements and conditions from the previously approved rezoning. The proposed development is consistent with the mix of primarily institutional and office, and residential developments in the surrounding area. The parcel is within 535 feet of the Hawthorne/5th Stop on the LYNX Gold Line. The project commits to eight-foot sidewalks and eight-foot planting strips along abutting rights-of-way. The site lies adjacent to Independence Park. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhood, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Activity Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity.

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. In the event access is not provided through the building and onto Lamar as generally depicted, access may be provided to Park Drive. The exact location shall be subject to CDOT approval.

David Pettine, Planning, Design & Development said so again, it's just giving some access flexibility. Staff believes that it's a minor change and doesn't warrant additional review. We'll take any questions you might have.

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

Motion was made by Councilmember Anderson, seconded by Councilmember Molina, 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 2040 Policy Map recommends the Campus 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 adds a health institution to

the list of allowed uses on the site. The petition carries forward all the entitlements and conditions from the previously approved rezoning. The proposed development is consistent with the mix of primarily institutional and office, and residential developments in the surrounding area. The parcel is within 535 feet of the Hawthorne/5th Stop on the LYNX Gold Line. The project commits to eight-foot sidewalks and eight-foot planting strips along abutting rights-of-way. The site lies adjacent to Independence Park. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhood, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Activity Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity, as modified.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 558-559.

* * * * *

HEARINGS

ITEM NO. 42: HEARING ON PETITION NO. 2022-216 BY QUIK TRIP CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.55 ACRES BOUND BY THE EAST OF SIDE OF LAKEBROOK ROAD, NORTH SIDE OF CENTERGROVE LANE, WEST SIDE OF SAM WILSON ROAD, AND SOUTH SIDE OF INTERSTATE 85 FROM N1-A (NEIGHBORHOOD 1-A) AND CG (GENERAL BUSINESS) TO I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said good evening, Mayor Pro Tem, City Council. Petition 2022-216 is bound by the east side of Lakebrook Road, north side of Centergrove Lane, the west side of Sam Wilson Road, south side of I-85. The site is approximately 3.55 acres and is currently undeveloped. The site is currently split-zoned CG, General Commercial along Sam Wilson Road, and N1-A at the rear of the site. The proposed zoning is I-1 (CD), a conditional legacy district. The 2040 Policy Map recommends the Manufacturing and Logistics Place Type for this site. The I-1 (CD) District is consistent with the M & L Place Type. The proposal calls for the development of a convenient store, not to exceed 6,000 square feet, gasoline and diesel fuel pumps, as well as any incidental or accessory uses. Staff analysis incorrectly stated that there would be four diesel pumps located on the site, but it should state, the number of diesel fuel bays located on the site serving tractor-trailers shall be limited to four, so that a maximum of four tractor-trailers may receive diesel fuel at one time. That distinction is needed, because tractor-trailers actually use two pumps at once.

The plan specifically prohibits parking of tractor-trailers, overnight parking of vehicles, truck washes, shower facilities, truck stops, drive-thrus, and industrial uses. Transportation improvements include a 12-foot multi-use path, an eight-foot sidewalk along Sam Wilson, six-foot sidewalk and eight-foot planting strip along the site's frontage just with Centergrove Road and Lakebrook Road. Dedication of a permanent sidewalk easement, dedication of required right-of-ways prior to the issuance of the first Certificate of Occupancy. Architecturally, the building will be limited to 25 feet and design and materials will match the renderings included in the Rezoning Petition. Staff recommends approval of this petition upon resolution of outstanding issues, as the petition is consistent with the M & L Place Type. The property is currently zoned for commercial. It is abutting an exit of I-85, and the M & L Place Type calls for automotive services while supporting other modes of transportation. Happy to take any questions following Mr. Carmichael's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you, Madam Mayor Pro Tem, members of City Council and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. With me tonight are Mark Horton of the petitioner; Duane Ensor, the petitioner's engineer; and Randy Goddard of Design Resource Group. As Mr. Oliver stated, the site contains about 3.5 acres. It's located at the intersection of Centergrove Lane and Sam Wilson Road, on the southwest quadrant of

the Sam Wilson Road/I-85 interchange. The site is located next to the northbound I-85 off-ramp. This is an aerial photograph of the site. You can see I-85 to the north. The site's currently zoned a combination of Commercial General and N1-A. Petitioner is requesting that the site be rezoned to the I-1 (CD) zoning district to accommodate the development and operation of a convenience store, with gasoline and diesel fuel sales for passenger vehicles, including tractor-trailer trucks. The maximum size of the convenient store building will be 6,000 square feet, and the maximum height would be 25 feet.

The Charlotte Future 2040 Policy Map places this site in the Manufacturing and Logistics Place Type. The request is consistent with that Place Type. This is the site plan. Access into the site would be from Centergrove Lane and Lakebrook Road. There'd be three access points. Right turn lanes would be installed to serve each access point. Additionally, there'd be a traffic signal installed in the intersection of Sam Wilson Road and Centergrove Lane, as well as there'd be traffic signals installed on Sam Wilson Road at the ramps. These traffic signals would have to be put in place prior to the CO (Certificate of Occupancy) for the store. An eight-foot wide planting strip and a 12-foot wide multi-use path would be installed along the site frontage on Sam Wilson Road. An eight-foot planting strip and six-foot sidewalk will be installed along the site's frontages on Centergrove and Lakebrook. This is the convenient store building here. The gasoline fuel pumps will be located at the front of the site closer to Sam Wilson Road. The diesel fuel pumps, that would serve passenger vehicles, and trucks, as well as tractor-trailer trucks, will be located to the rear of the site. A maximum of four diesel fuel bays may be located on the site that would serve tractor-trailers, so that a maximum of four tractor-trailer trucks could receive fuel at one time. There'd be no overnight parking of trucks or vehicles, other than employee vehicles. Truck washes and shower facilities would not be permitted. This would not be a truck stop. Additionally, a car wash would not be permitted, nor would accessory drive-thru windows. We appreciate the Planning staff's recommendation of approval. We will address the outstanding issues this week, and we're happy to answer any questions that you may have. Once again, we have Mr. Goddard, Mr. Horton and Mr. Ensor here to answer those questions. Thank you.

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

Mr. Carmichael said thank you.

* * * * *

ITEM NO. 43: HEARING ON PETITION NO. 2022-224 BY SRL CENTRAL AVENUE PROPERTIES LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.23 ACRES LOCATED IN THE NORTHEAST QUADRANT OF THE INTERSECTION OF CENTRAL AVENUE AND MORNINGSIDE DRIVE, SOUTH OF ROLAND STREET FROM MUDD-O (MIXED-USE DEVELOPMENT-OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT-OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2022-224 is located on the northeast quadrant of the intersection of Central Avenue and Morningside Drive, south of Roland Street. The site is approximately 1.23 acres and is currently developed with a small shopping center. The site is currently zoned MUDD-Optional, which is Mixed-Use Development District Optional. The proposed zoning is MUDD-O SPA, Mixed-Use Development District Optional Site Plan Amendment. The 2040 Policy Map recommends the Neighborhood Activity Center and the N-1 Place Type for the site. The petition is inconsistent with the N-1 Place Type located at the rear of the site, but is consistent with the Neighborhood Activity Center Place Type along Central Avenue. The site plan amendment calls for the addition of residential uses to be allowed, increase the total square footage from 44,000 square feet up to 45,000 square feet, and adds optional provisions regarding accessory structures. The project commits to an eight-foot

sidewalk and eight-foot planting strip along Central Avenue and a six-foot sidewalk and six-foot planting strip along Morningside Drive, plus a 10-foot wide landscape area adjacent to the single-family lots planted to a Class C buffer standard along the back of the site. Staff recommends approval of the petition upon resolution of outstanding issues related to environment, transportation and site and building design. Happy to take any questions following Mr. Fergusson's presentation.

Russell Fergusson, 933 Louise Avenue said Madam Mayor Pro Tem, Council, committee. Russell Fergusson on behalf of the petitioner. This petition makes a few changes to allow residential uses here, but has otherwise remained copacetic with the 2021 Petition that was approved by this Council a few years ago. The neighbors are still on board. We had a meeting last week, and we're quite confident that we'll work through the final technical issues with staff, and I'm here for any questions you have. In the spirit of brevity, I'll leave it at that. Thank you.

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

* * * * *

ITEM NO. 44: HEARING ON PETITION NO. 2023-015 BY TRIBEK PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.54 ACRES LOCATED IN THE SOUTHWEST QUADRANT OF THE INTERSECTION OF WILKINSON BOULEVARD AND REMOUNT ROAD, NORTH OF PARKER DRIVE FROM ML-2 (MANUFACTURING AND LOGISTICS, 2) TO TOD-NC(CD) (TRANSIT ORIENTED DEVELOPMENT, NEIGHBORHOOD CENTER, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is 4.5 acres, along the south side of Wilkinson Boulevard and Remount Road, and it's also important to note here that this site will be bisected by the future Silver Line in the current alignment plans by CATS. It's currently zoned Manufacturing and Logistics 2, and they're requesting to go to Transient Oriented Development, Neighborhood Center, conditional, and the intent of this plan proceeding as a conditional rezoning is to commit to reserve right-of-way for the future Silver Line, and that was the request by CATS. This plan is consistent with the recommendation for Community Activity Center. The proposal itself would allow for all uses permitted by-right and under prescribed conditions in the TOD-NC district, but like I mentioned, the portion, the gray on that plan there, would be the reserved right-of-way for the future Silver Line. If any portion of that reserved area is removed by CATS or the Metropolitan Transit Commission, from the adopted transit plans, then the petitioner may elect to remove that reservation of the area through an administrative amendment of the rezoning if the rezoning is approved. Staff recommends approval of this petition upon the resolution of those outstanding issues related to transportation. The site would be within a quarter-mile walk of the proposed Remount Station along the future Silver Line, and this petition accommodates future needs for a critical transportation project by reserving space for CATS. I'll take any questions following the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you, Madam Mayor Pro Tem. I'm John Carmichael. I'm here on behalf of the petitioner. With me tonight are Scott Bortz and Sean Paone. Ms. Cramer did a very thorough job of going through the rezoning request, so I'll be really brief. The site is 4.5 acres, corner of Wilkinson and Remount Road. Its zoned ML 2, and the request is to go to TOD-NC (CD), which is consistent with the 2040 Policy Map. The Silver Line Transit Station and the Light Rail Line itself will bisect the site, as Ms. Cramer stated. This started out as a conventional request, but at the request of CATS, it was converted to a conditional rezoning to provide the right-of-way reservation that CATS has requested and is being provided on the conditional rezoning plan. We're happy to answer any questions that you may have.

Councilmember Mayfield said I have a question for staff. Ms. Cramer, help me understand why, whether it was by the recommendation of CATS or not, are we starting to approve for TOD, when we have not committed, we do not have the financial commitment yet for a Silver Line that may or may not happen? More importantly, in an area that has seen major gentrification. The city's TLC by CLT (Targeted Rehabilitation Program is a pilot program established to assist in revitalizing non-thriving communities) Housing Rehab Program started in Camp Greene. Camp Greene is a part of Remount and Wilkinson Boulevard. We have seen major displacement throughout that area, where homes were purchased for \$35,000 to \$70,000 in the early 2000s, and today are selling for over \$700,000. So, help me understand how this compliments what this Council has said is our commitment to aging in place, to diversity in housing, and to having equitable opportunities for our residents.

Ms. Cramer said okay. Well, I will just note that the site is currently vacant, so there wouldn't be any displacement of existing tenants or residents on the site.

Ms. Mayfield said not my question but keep going.

Ms. Cramer said TOD-NC and TOD-TR can be applied to areas along the Silver Line, because it's four areas that have been adopted to have a station, but haven't necessarily been funded, and this is anticipating future needs of the area. We know that TOD-NC is consistent with that Activity Center Place Type recommendation. So, between those items, we just felt that it was an appropriate petition.

Ms. Mayfield said so, as this Council is looking at this hearing and future hearings that's coming forward, as well as our committee, I need us all to take into consideration the amount of financial investment that has already been committed by previous Councils to help stabilize neighborhoods. Let's look at South Boulevard and look at the Blue Line, and conversations years ago that were supposed to create diversity in the housing stock. Mainly the workers, who really could benefit from having a Light Rail, no longer live anywhere near it. They have been displaced many miles to the point of being outside of city limits. If we're going to have conversations about approving any TOD along an area where we do not have the funding for the transportation, not having very clear commitments of making sure we have various price points in any housing that comes up, especially looking at an area that has already seen major displacement, because of our language, because we have said, "You can do this under this umbrella," without it being very specific of what the expectations are. Yes, this lot is vacant. This lot is vacant for a reason, because this lot was not vacant within the last decade. So, our language opened the door for this development to happen, which is great, we want development, but we also need very clear language when we're talking about updating, especially around TOD, to ensure that we do not see a continuation of what we see all along South Boulevard in South End, and what we're seeing along University area, where the workers who would more than likely use our public transportation system, do not have access, because they cannot afford the housing that is directly accessible to the Light Rail.

Councilmember Watlington said I share many of the views that Councilmember Mayfield just mentioned. We had a long conversation over and over about Wilkinson Boulevard in particular. We know that it's a corridor that separates Center City from the airport. That said, for all of the reasons that she just mentioned, our Corridors of Opportunity program is going to be incredibly important, that what we do here is in conjunction with our anti-displacement work. So, when we talk about which neighborhoods need to be accelerated through the process, or which neighborhoods are going to need Council action to initiate their overlay district process, these are the very same neighborhoods that are going to be most impacted.

So, what concerns me is, I look at TOD going down corridors that are in our Corridors of Opportunity, is everything that she just mentioned, plus the fact that we've got an opportunity to do something about it, and sitting at this dais last year we did not. So, I would ask that as it comes back through the Housing Safety and Community Committee, that we do something different there, and we look at the remaining

neighborhoods. There's 36 of them. I believe there are five going through the process now. That means we've got about 31 left, several of which are going to fall into this category. So, let's work in concert with this, so that we have more opportunity to preserve land and develop in a way that makes good sense for all the people in our community.

Ms. Cramer said I will just add that TOD-NC typically does correspond with Corridors of Opportunity and the intent of those Corridors. I completely understand the concern or lack of detail in TOD, and especially TOD districts when you're allowing all uses by-right and under prescribed conditions. So, I appreciate that perspective, but the current zoning ML 2 does not reflect the intended future Place Type of this area, as designated on the Policy Map, and ML 2 doesn't also reflect the Corridors of Opportunity intent and goals, and we think that TOD-NC better fits those two.

Ms. Watlington said I appreciate that. I stand on what I just said. Thank you.

Ms. Cramer said thank you.

Mayor Pro Tem Anderson said thank you. I also just want to remind us, this is a great discussion, but we're bleeding into policy within a Zoning Meeting, and I want to make sure that we stay within the guardrails of a Zoning Meeting, and not bring policy up in this meeting.

Ms. Mayfield said so, I think what I heard is for a request, if the Mayor was sitting here, a request to have this referred to the committee for further discussion, but for this particular proposal, of which we've had plenty of conversations. You know where I stand, but I think we need to have clarification from staff of understanding that it is our language that this Council approves, that opens the door for the unintended consequences, because there is no such thing. If you ask the right questions and you get clarification on the front end, you clearly know what the intent and what the impact is going to be. We don't have to guess it. We see it all along South End. We see it throughout West [INAUDIBLE]. We see what our language has opened the door for development to happen. Again, development is good, but not to the detriment of displacement.

My question still went back to, and where I have a concern with this as far as staff and committee, is to be approving potentially a TOD rezoning for an area where we do not have the funding, we do not have the plan. We have the idea that we want Light Rail, so that is letting the corporate and business community know that this may come, so come in and purchase and buy up everything now. That is going to be a direct contradiction to what we have invested in, and it's going to be much more expensive for us to try to get those investments done later. So, if this coming before us in a hearing, I want to make sure that we have a clear understanding of exactly what are the goals you're looking at, as well as the goals of staff and understanding what the policies that came out of Council are and are we in conflict or are we in solidarity with how we want the City to grow.

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

* * * * *

ITEM NO. 45: HEARING ON PETITION NO. 2023-017 BY LIBERTY HEALTHCARE PROPERTIES OF NORTH CAROLINA, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.04 ACRES LOCATED ON THE NORTH SIDE OF PROVIDENCE ROAD WEST, WEST OF COMMUNITY HOUSE ROAD, AND EAST OF OLD ARDREY KELL ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO INST (CD) (INSTITUTIONAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said good evening. Petition 2023-017 is just over 7 acres located on the north side of Providence Road West, west of Community House Road, and east of Old Ardrey Kell Road. Current zoning is N1-A. Proposed zoning is Institutional, conditional. The 2040 Policy Map recommends Neighborhood 1 Place Type. The proposal is for a senior living community containing up to 125 dwelling units. A minimum of five of those units must be assisted living or skilled nursing units. The community would include a secure entrance, clubhouse with a wellness and/or fitness facility, central meeting area, dining area, computer resources, and a recreation social director. Limits floor area ratio to 0.5, and a total of 153,396 square feet of gross floor area. Limits building height to 48 feet. Establishes a 38-foot Class C buffer along the sites northern, eastern, and western property boundaries. Commits to implementing an eight-foot planting strip and eight-foot sidewalk along the site's Providence Road West frontage. Commits to providing both eastbound and westbound left turn lanes with 100 feet of storage at the site's primary entrance. Also commits to installing an unsignalized pedestrian crosswalk across Providence Road West with accessible ramps that would connect to an associated senior living facility across Providence Road West from the site. Despite the inconsistency, the proposed senior living community would provide another housing and care option for seniors in South Charlotte. Also, would complement the associated facility across Providence Road West. Staff recommends approval, and I'll take any questions after the petitioner's comments.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you, Madam Mayor, members of Council, and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. Thad Moore and Philip Hobbs are with me tonight. The site contains about 7 acres located on the north side of Providence Road West between Old Ardrey Kell Road and Community House Road. The site is located across Providence Road from Brightmore of South Charlotte, which is a senior living community with age-restricted independent living units and multiple levels of healthcare support that is owned by the petitioner. Site zoned N1-A, Brightmore South to south of the site is zoned Institutional (CD). Petitioner is requesting that the site be rezoned to the Institutional (CD) zoning district to accommodate a senior living community that would have a maximum 125 dwelling units that would be comprised of age-restricted independent living units, and dependent living units comprised of assisted living units and/or skilled nursing units and associated amenities. A minimum five of those units would be the healthcare units. The building would contain the amenities that Mr. Mangum described, and this building would be a part of the Brightmore South Charlotte senior living community located across Providence Road West.

There'd be two access points into the site from Providence Road West. The petitioner would install a left turn lane on Providence Road West at this access point. The building would have two three-story wings, connected by one-story structure, a minimum 38-foot-wide Class C buffer will be located along the northern, western, and eastern boundary lines of the site. Tree save areas would also be located along these boundaries of the site. Petitioner met with area residents on two occasions and walked the site with adjacent property owners on another occasion. One of the results of those meetings is that the petitioner agreed to install additional landscaping to enhance the screening of the site. Petitioner would install continuous rows of evergreen shrubs here and offer supplemental plantings in the northern part of the buffer, consisting of evergreen shrubs and small evergreen trees. Petitioner would install an unsignalized pedestrian crossing across Providence Road West to allow pedestrian connectivity between this building and the Brightmore South Charlotte senior living community. There are no outstanding issues. We appreciate the Planning staff's recommendation of approval, and we're happy to answer any questions that you may have.

Councilmember Ajmera said this looks beautiful, especially the continuous flow. I haven't seen many of these, especially the landscaping. In the housing mix, is anything affordable?

Mr. Carmichael said no, ma'am. I would invite you to look at Brightmore South. It's gorgeous, particularly the interior portions thereof, the dining facilities, and all that.

Ms. Ajmera said what's the tree save area here?

Mr. Carmichael said it's 30 feet in width. The tree save area is here, and that's the buffer.

Ms. Ajmera said this is beautiful.

Mr. Carmichael said oh, thank you.

Ms. Ajmera said thank you.

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

Mr. Carmichael said thank you.

* * * * *

ITEM NO. 46: HEARING ON PETITION NO. 2023-034 BY CAMBRIDGE PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.90 ACRES LOCATED ON THE WEST SIDE OF NORTH TRYON STREET, EAST OF J.W. CLAY BOULEVARD FROM CC (COMMERCIAL CENTER) TO MUDD(CD) (MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-034, it's approximately 4.9 acres located on the west side of North Tryon Street, east of J.W. Clay Boulevard, near the J.W. Clay Blue Line Station and UNC (University of North Carolina) Charlotte. Current zoning is Commercial Center. Requested zoning is MUDD, conditional. The 2040 Policy Map recommends Regional Activity Center Place Type. The proposal is for up to 400 multi-family dwellings, and 91,500 square feet of nonresidential uses. It would prohibit the following uses, auction sales, auction houses, automotive service stations, bus passenger stations, equipment rental, leasing group homes, subdivision sales office, adult establishments, bed and breakfast boarding houses, building material sales, commercial rooming houses, nursing homes, rest homes, homes for the aged, shelter short-term care facilities, stadiums, colosseums and arenas. It would limit the maximum building height to 100 feet. It provides architectural standards related to exterior building materials, building placement and orientation, a percent of building frontage, building modulation, articulation, expanses of blank walls, roof design and screening of mechanical equipment. It prohibits parking except on the street between buildings and the access drive, entrance drive in North Tryon Street. Indicates potential vehicle entrances, one on the primary entrance drive, and two along the access drive to the rear. Installs an eight-foot planting strip and eight-foot sidewalk along the site's frontage of Olmstead Drive and maintains the commitment for phase 1 redevelopment to construct an eight-foot planting strip and eight-foot sidewalk along the new private access drive off of Olmstead Drive and the primary entrance drive off North Tryon Street. The proposal is consistent with the Regional Activity Center Place Type recommendation. Staff recommends approval, and I'll take any questions, following the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you, Madam Mayor Pro Tem, members of Council and Zoning Committee. I'm John Carmichael here on behalf of the petitioner. With me tonight are Jay Priester, the petitioner, Terry Williams and Nick Bushon and Randy Goddard of Design Resource Group. The site contains about 4.9 acres. It's located on the west side of North Tryon Street between J.W. Clay

Boulevard and Grove Lake Drive. The site is located across North Tryon Street from UNCC, and the site's located approximately 500 feet to the north of the J.W. Clay Transit Station on the Blue Line. The site is currently zoned Commercial Center. The site is surrounded by parcels that are zoned Commercial Center, MUDD (CD), B1 S(CD), TOD-CC, TOD-MO, and IC-1. Petitioner is requesting that the site be rezoned to the MUDD (CD) zoning district to accommodate the development of a vertical mixed-use building that would contain a maximum of 400 multi-family dwelling units and 91,500 square feet of ground floor commercial uses.

Access to the site would be from Olmstead Drive and North Tryon Street, as well as from the parcels to the east of the site. Mr. Mangum mentioned that eight-foot planting strips and eight-foot-wide sidewalks would be installed along the site's internal streets. On-street parking spaces would be provided on Grove Lane Drive. The mixed-use building would wrap a structured parking deck that would serve the building. Architectural standards are a part of the rezoning plan. This will be a pedestrian-friendly development with easy access to Light Rail. The Policy Map places this site in a Regional Activity Center. This rezoning request and the proposed vertical mixed-use building is consistent with a Regional Activity Center Place Type. The petitioner has been communicating with Mr. Stanley of University City Properties about this proposed project and the rezoning, and we do have a letter of support that I can forward to you from Mr. Stanley expressing his support of the project and providing that, in his opinion, the project is in line with University City Partner's vision for the area. We appreciate the Planning staff's recommendation for approval. There are no outstanding site plan issues, and we're happy to answer any questions that you may have.

Councilmember Ajmera said Mr. Carmichael, what is currently at this site?

Mr. Carmichael said thank you for asking. This site is part of Mallard Pointe Shopping Center.

Ms. Ajmera said so, is that where Food Lion is?

Mr. Carmichael said yes, there's a Food Lion, that's right. Then, this is the site outlined in red. There's a retail building and surface parking here, and there's a Food Lion in Mallard Pointe. Did I answer your question, Councilmember Ajmera?

Ms. Ajmera said so, you mentioned pedestrian access. So, what exactly are the improvements?

Mr. Carmichael said well, you already have an existing planting strip and sidewalk here. Then, there will be eight-foot planting strips and eight-foot sidewalks along these internal streets that will connect out to Olmstead Drive and North Tryon Street. Then, there's going to be an urban form, so the building will be pulled up to the street creating a nice pedestrian environment. This is phase 1 of the reimagining of Mallard Pointe. This is phase 2. This is phase 1 to the north.

Ms. Ajmera said so, phase 1, is that the multi-family?

Mr. Carmichael said phase 1 is to the north here, and then what we're discussing tonight is the rendered plan here.

Ms. Ajmera said so, phase 2, that includes apartments and commercial, so retail?

Mr. Carmichael said right, ground floor commercial, and then a residential above.

Ms. Ajmera said got it. So, would there still be a grocery store option, because I know a lot of students use that Food Lion just to walk across the street?

Mr. Carmichael said I'm going to let Mr. Priester answer that.

Jay Priester, 831 East Morehead Street, Suite 245 said yes, that's a great question, and that's very important to us, is to keep our grocery store here, and so that's part of the 91,000 square feet of retail. We're strategically locating, or hope to relocate, Food Lion out of a traditional shopping center to the first floor of a vertically integrated multi-use building, which is the plan here.

Ms. Ajmera said alright, thank you.

Councilmember Johnson said so hello. That was my question also, and when we spoke, I asked you about the location, because part of that shopping center, there are about 10 small businesses. So, when we spoke, you said that Food Lion had a long-term lease. So, it's nice to hear that they might be moved into the mixed-use building, because I actually spoke to Mr. Stanley to see if there was any way that we could help Food Lion kind of with refacing or something like that. So, I like that idea, but I want to know exactly what building that we are talking about. Is it the building with Food Lion and the early voting location, is that the building, or can you tell us exactly which part of that shopping center?

Mr. Priester said so, those are good questions. So, phase 1 is the former Kohl's, and that is being used temporarily during the voting. So, that would be prime. It would have some retail on the ground floor, and that's what's already been approved. The second phase would include more retail, which is what we're here tonight talking about, phase 2. So, Food Lion would move out of here potentially. Again, as a part of this process, we had to work with Food Lion to be building in the parking lot. There's a lot of legal documents that we've worked through to get to this point, and this is a little bit newer for Food Lion to go on the first floor of what could be potentially a five-store building. They have since come around to the concept. It's a great store. It's a great location. They very much want to be a part of this new development. So, they would move over here. The existing tenants, we've got about 26,000 square feet in this box here that's existing, we would try to relocate those tenants within this development as well. So, 91,000 feet of retail. The Food Lion would be about 35,000 square feet. So, that would leave us with a balance of, kind of what I would call, more local retail and restaurant tenants.

Ms. Johnson said okay, because there are some small businesses, some are probably mom and pop stores. I can think of a seamstress, alterations. So, I think as a Council, when we talk about displacement balancing with improvement, that we want to think about, of course, our homeowners and renters, but also our small business owners. So, we've spoken, it sounds great, and we don't want to get in the way of progress, but these are folks that have been in this location when the spotlight wasn't on the area. So, I just want to make sure we, as a Council, are considering that, and thank you. It's nice to see you in person.

Mr. Priester said yes, thank you. Good to see you, as well.

Ms. Ajmera said Mr. Priester, just a follow up. So, you said five-story building, first store Lion is exploring that space. So, where would be the parking?

Mr. Priester said so, good question. So, the first floor would be the potential Food Lion and additional retail shops that we just spoke about. They would all park on the first level. So, that would be dedicated to retail. Then, the second level would be for the multi-family above. So, it's very intentional to keep the parking separated between the multi-family and the retail.

Ms. Ajmera said yes, because right now in the front, it's just a lot of parking. So, it's good that you're activating this space, and this is perfect for greater density with UNC just across the street. Thank you.

Mr. Priester said thank you.

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

* * * * *

ITEM NO. 47: HEARING ON PETITION NO. 2023-047 BY GUSTAFSON PARTNERS COMMERCIAL REAL ESTATE FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.25 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF NORTHLAKE CREEK DRIVE, WEST SIDE OF REAMES ROAD, AND SOUTH SIDE OF WEST W.T. HARRIS BOULEVARD FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO B-2(CD) SPA (GENERAL BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright 2023-047, it's about 2.25 acres, it's on Reames Road and W.T. Harris Boulevard in the area of the Northlake Mall. The existing zoning is B-2, conditional plan, and they are proposing a Site Plan Amendment to that B-2 conditional plan. The adopted Place Type from the Policy Map does recommend, you can see Regional Activity Center for the majority of the area, including the north side of W.T. Harris around the mall itself. So, the proposal would be for the following uses, retail, general medical offices, personal services, as well as an EDEE (Eating/Drinking/Entertainment Establishment) Type 1 and 2, both with and without accessory drive-thru windows, financial institutions with and without accessory drive-thrus, and other permitted principle accessory uses in the B-2 district. It does have prohibitions on uses for things like outdoor entertainment, automotive service stations, sales and repairs, pest control, offices, residential dwellings. There is a list listed in the conditional notes on some of those other prohibitions, but generally just focused on those uses that we mentioned earlier for retail, general, medical offices, and EDEEs.

A number of principle buildings, it states in the conditional note, shall not exceed four. Parcels A and B each would allow for up to 4,300 square feet of an EDEE, or up to two 6,000 square feet for other permitted uses. Access would be off of Northlake Creek Drive. Setback along W.T. Harris is 10 feet, with a minimum of 20 feet as generally depicted off of Reames Road. Petitioner would also maintain the existing 12-foot multi-use path and eight-foot planting strip along W.T. Harris Boulevard, as well as the eight-foot sidewalk and eight-foot planting strip along Reames Road. The existing eight-foot sidewalk will be maintained also along North Creek Drive, as well as a six-foot sidewalk, which would get constructed along both sides of any of the other internal streets for the site. There would be a three-foot wall used to screen drive-thrus abutting Reames Road, and then parking areas would also be screened with either a three-foot wall or a five-foot planting area.

As mentioned, staff does not recommend approval of the petition in its current form. It is inconsistent with the Regional Activity Center Place Type recommendation on the Policy Map. We've had some of these conversations in the past about drive-thrus in Activity Centers. Typically, they are not allowed for newly established EDEEs. It would be if they were already existing and in operation prior to June 1, 2023. If they are reestablished on a site where there's, let's say an older existing EDEE that wants to upgrade to a new one, there are some site conditions and development standards, mainly shielding the drive-thru lanes and not allowing them between the building and the street frontage. So, essentially all those activities occur behind the building where they're not visible from the roadway. We did ask for those to be incorporated into the conditional notes. That's really our main outstanding item, and because of that, that's where we get our recommendation of not approving in its current form. If we can work with the petitioner on some design standards, we may be a little more comfortable with it, may still maintain our recommendation just on the basis of Activity Centers and drive-thrus and a little bit of a disconnect there. We would like to at least see those prescribed conditions worked into the site plan and worked into the conditional notes, so we can continue to evaluate our recommendations. So, with that, we'll turn it over to Mr. MacVean, and we'll take any questions you have following the presentation. Thank you.

Keith MacVean, 10 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean with Moore & Van Allen. We're assisting Gustafson Partners with this Rezoning Petition.

With me tonight representing the petitioner is Mr. Trent Gustafson. We do have a presentation that we would like to share with the Council. I think, as Dave mentioned and we appreciate Dave's help on this petition, site just located in close proximity to Northlake Mall right across W.T. Harris from the site. It is a site that is currently zoned B-2 (CD), and the main purpose of the site plan amendment is not to increase the allowed square footage or really change the types of uses. It is to provide some additional flexibility to the uses that can have an accessory drive-thru window. The site is currently approved for one restaurant, a limited-service restaurant with an accessory drive-thru window or a bank with an accessory drive-thru window. This was a petition that was originally approved in 2017, 2018. Most of the site has been developed. As you can see, these are the two last remaining pieces to be developed of the original petition. As Dave mentioned, Community Activity Center is the Place Type recommendation of the 2040 Plan, which does support commercial uses, albeit not necessarily uses with accessory drive-thru windows. This is the original plan that was approved in 2017. As I mentioned, not an increase in the square footage, just trying to get some additional flexibility on the two uses that can have the accessory drive-thru window. The current plan allows one limited-service restaurant and a bank with an accessory drive-thru window. The only two parcels, as I mentioned, that have not been developed, are these last two here. This site is currently under development. The rest of the site has been developed with retail uses. This is a gas station.

What the petition proposes to do is allow up to two restaurants with drive-thru windows on these two parcels or a restaurant and a bank with a drive-thru window. So, it's still two, just two different ones. It doesn't increase the allowed square footage. It provides some flexibility. One of things that Mr. Gustafson has run into here, is that as time has gone by since 2017, he has tried to market the existing two parcels to restaurants that would like to be here, but those restaurants want to be able to do more than limited service, which is limited square footage, and not really on-premise cooking of foods. It would be typically what it's now limited to, is a Starbucks or a Panera Bread that doesn't really cook food. Most of the restaurants that are interested now in this location would like to have a full-service kitchen and the accessory drive-thru window to satisfy the customers needs here. COVID has also changed the customer's expectations for this location. Folks want to be able to go here and find more of a full-service restaurant versus just a coffee shop or a Panera Bread. There's restaurants like Cava that would like to be at this location, but they also would like to have that accessory drive-thru window. We have looked at, as Dave mentioned, the design of the two drive-thru windows. Can we look at how those are designed to implement more of what the UDO is looking at? What we've run into here, and what the petitioner has looked at and tried to do, but has found it hard to do, is because it is the last two parcels of this development, is to modify those last two buildings that would go here to meet the new UDO requirements. So, we've struggled to meet that request. We'll take another look at that, but it's very possible we will not be able to accommodate the design parameters that Dave mentioned earlier. We're happy to answer questions, and Mr. Gustafson's here to answer your questions as well. Thank you.

Councilmember Driggs said this, in my mind, is one of the most striking cases of the staff explaining why it doesn't like something. It looks like you're pretty far apart, that worries me a bit. So, Mr. Pettine, you say in its current form. It doesn't look like it's anywhere close. Do you actually see, kind of little modifications, that can get you more comfortable?

Mr. Pettine said yes, and I think they're mainly the items that are prescribed out as conditions for a potential drive-thru in an Activity Center, which is having all the activities of the actual site be behind the building location, so they're not visible from the street. In the past, we have used the three-foot wall, which as we've learned over time, that doesn't really get us where we want it to go in the Activity Center, so that's why some of that has changed and we now want some of those drive-thru lanes and other parts and services and functionality of the site to be really kind of behind the building, so they're not the predominant feature when you pull up on the streetscape, particularly from a pedestrian standpoint as well, if there's interaction between sidewalk and the use itself, they're a little a bit removed from the actual vehicles in the key lane. They're seeing the

building and streetscape improvements and activities are going on outside of that general pedestrian realm as well. So, that's why we have asked for it. If they can't accommodate that, then I think we'll probably still continue to be in the same [inaudible].

Mr. Driggs said [inaudible] interrogation on this one. We're going to need to get together, and that will be guided by Ms. Johnson's take on it, since it's her district. It just feels to me like you've got a lot of work to do still. Thank you.

Councilmember Ajmera said I agree with staff's recommendations. I mean this is inconsistent, doesn't really create an environment for pedestrian walkability and safety. So, I would like to see some sort of resolution here. You [inaudible] Mr. MacVean in your presentation, that you are looking at full-service restaurant and drive-thru, and you mentioned Cava restaurant. I know they have one location near the Rezoning Petition we just approved in University in Councilmember Johnson's, and they don't have a drive-thru. It's a full-service restaurant. So, I struggle with this. I don't think this is the right location for this, but if you want to respond to that, because Cava has other locations throughout the City that do not offer a drive-thru.

Mr. MacVean said I'll let Mr. Gustafson.

Trent Gustafson, 5960 Fairview Road, Suite 327 said sure, thank you. The petition for the site plan amendment is to create, as Keith said, some flexibility. I mean, currently, we can do a limited restaurant with a drive-thru, but that limits us to the Dunkin' Donuts, Krispy Kreme, something that may not be sustainable. So, what we're trying to do, is we're trying to increase that flexibility to have a wider menu of a full-service restaurant that does have the fast food and the drive-thru capability. Cava, perfect example, for a new suburban location, they've approached us and said, "We would like to go here, but we need to have a drive-thru." Shake Shack, they would like to have a drive-thru. Since the pandemic, the majority of these restaurant users, that have been successful, they have the requirement to have that accessory drive-thru window. So, this project obviously was done prior to the pandemic. We limited the type of the restaurant, and spent the last four years, I guess, trying to lease and develop these last two parcels. Physically, we're limited with what we can do with the parking, the circulation. We've got all the planting strips. We've got the entire master infrastructure completed, and we just want to complete the project and have it the highest probability of success.

Ms. Ajmera said I see. So, what is currently at those two parcels? What restaurant is it or what is it currently being used as?

Mr. Gustafson said they're vacant.

Ms. Ajmera said so was there a restaurant before?

Mr. Gustafson said we don't have any restaurants. If you look at the users, we don't have any restaurants, and so that's my point. I mean, we think we could accommodate a restaurant, but those users all want to have that accessory drive-thru, and that's what we unfortunately limited ourselves, and so we've come back to try to increase that flexibility.

Ms. Ajmera said so, to Mr. Pettine's point, I think if we can work on the design side of things to figure this out. I look forward to hearing Councilmember Johnson's recommendations, and I'll touch base with Mr. Pettine later about the design and see what could be a potential resolution. Thank you.

Mr. Gustafson said thank you.

Councilmember Johnson said so I just wanted some clarification from Mr. Pettine. The petitioner said that they can have a drive-thru currently, that they could have a drive-thru, it's just that this is a limited restaurant.

Mr. Pettine said right.

Ms. Johnson said so, tell me exactly what the concern is of the City, because they can currently have a drive-thru, so it's not the drive-thru, if I understand. So, what is the exact concern?

Mr. Pettine said so, yes, they're allowed to have one drive-thru on site under the old conditional plan. This is a different approach for the drive-thru just because of the type of restaurant that it's being asked to be accommodated as more of your standard full-service restaurant with either sit-down dining or just drive-thru only versus some of the users that he had mentioned, like a Dunkin' Donuts or a Krispy Kreme, or even somewhere smaller like just a coffee shop. So, once we get into that, we certainly understand there are approvals that were done in 2017 that they could enact and move forward with now, but when you come back and want to ask for ramping that up to the next tier of an EDEE with accessory drive-thru, and now that we've also spent more time on identifying this as an Activity Center, we build in conditions to try to establish those uses or let those uses continue to exist in those Activity Centers. At minimum, we would want to at least see those design standards worked into the project, but certainly know that if they wanted to do what they could under the 2017 plan, they would just go through the permitting process by-right, but once we get into that conversation of wanting to do different uses and establish two of those, then we start to look at existing policy and what's in place now, and it's vastly different than what was in place in 2017.

Ms. Johnson said okay. We'll talk offline and we'll connect. Keith, you and I, we've spoken, so we'll talk offline. I just want to clarify where this is. Is this at the same strip where Buffalo Wild Wings is, so it's on the other end, right?

Mr. Gustafson said it's on the other end, right. Correct, this is the last vacant parcels on Reames Road at the intersection of W.T. Harris. So, you see Lowe's Home Improvement directly across Reames Road.

Ms. Johnson said okay. So, I imagine we'd have to work with C-DOT also, because that's very narrow for a drive-thru.

Mr. Gustafson said and actually we've spoken with C-DOT, and the trip generation with this petition is less than what we have in our approved TIA (Traffic Impact Assessment). So, we're actually less in terms of potential traffic than what was originally approved in the TIA.

Mr. MacVean said and the new uses are all internally served. There's no new driveway cuts. They're all from the internal driveways that have already been built on the site and approved by C-DOT and NC-DOT (North Carolina Department of Transportation).

Ms. Johnson said okay. I look forward to working with you all, because Northlake, I think the Council would agree, we do want revitalization of that area. We do want more restaurants in that area. So, I look forward to helping negotiate through this process. Thank you.

Mr. MacVean said we appreciate that, thank you.

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

* * * * *

ITEM NO. 48: HEARING ON PETITION NO. 2023-080 BY TRUE HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 19.16 ACRES LOCATED WEST OF NATIONS FORD ROAD, SOUTH OF FOREST POINT BOULEVARD, AND NORTH OF SHORT HILLS DRIVE FROM R-9 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) TO N2-A (CD) (NEIGHBORHOOD 2, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said thank you. Petition 2023-080. It's approximately 19.16 acres, located west of Nations Ford Road, south of Forest Point Boulevard, and north of Short Hills Drive. Current zoning is RN (CD). Requested zoning is N2-A (CD). The 2040 Policy Map recommends Neighborhood 1 Place Type. Proposal is for a community of 76 multi-family attached residential dwelling units in a maximum of 20 buildings. Designs all units to be frontloaded in buildings of between three and five units. Provides a 25-foot Class B landscape yard along the southern property boundary along Short Hills Drive. We're adjacent to single-family detached dwellings. Building height would be limited to 48 feet, committing to an eight-foot planting strip and eight-foot sidewalk along the internal public streets, as well as an eight-foot planting strip and six-foot sidewalk along Forest Point Boulevard.

Also, committing to filling sidewalk gaps offsite at Fawn Drive and Short Hills Drive and at the southern end of Short Hills Drive where adjacent to Mecklenburg County owned property. Related to that, they are proposing to dedicate 2.2 acres to Mecklenburg County for future park development. While it is inconsistent, the development would provide additional housing options in the area in the form of multi-family attached dwellings, commitment to dedicating 2.2 acres to Mecklenburg County, as well as filling offsite sidewalk gaps. There are a couple of small transportation outstanding issues, but staff does recommend approval, and I'll take any questions after the petitioner's presentation.

Shaun Gasparini, 2649 Brekonridge Centre Drive, Monroe said thank you, Madam Mayor, members of Council. For the record, my name is Shaun Gasparini. I'm here this evening on behalf of True Homes. Our corporate address is 2649 Brekonridge Centre Drive. We're down in Monroe, North Carolina. I've had a chance to review the staff recommendation. We certainly appreciate staff's time and we're in support and acknowledging the recommendation. There are a couple of issues that still need to be resolved, as noted by staff. They're related to transportation, and we'll be working with our engineer at DPR Design to address those. They're very minor. One, we need to highlight the right-of-way and call out a dimension on the plan. Then, secondly, we need to increase one of the site triangles from 35 feet x 35 feet to 50 feet x 50 feet. I would note that the dedication of the park is 2.2 acres. It's noted in the bottom left corner of the plan, it's crosshatched on this one, and the offsite sidewalk improvements are rather substantial. We're happy to make those. With that I'd be happy to answer any questions that you might have.

Councilmember Mayfield said for staff, looking at what we have in this site plan, when you were reading it, you said 76 units. Is it 76 or 72 units?

Mr. Mangum said I believe it might have been reduced to 72.

Ms. Mayfield said okay, because 72 is what we have on here, so I want clarification. Staff, you may be able to assist with this next question. Do we have a timeline, a window, on when this completion should happen as far as the eight-foot planting strips, the sidewalk, as well as the filling of the sidewalk gaps? Do we have a window of between construction and completion of this multi-family that should be completed?

Mr. Mangum said I might defer that to C-DOT. It's typically by first Certificate of Occupancy.

Ms. Mayfield said so, here's the challenge that I have, Mr. Gasparini, because I can't speak for my colleagues. As someone who has firsthand experience with this particular builder, there's a brand-new community that is having major draining issues, and this is not a multi-family community. This is a single-family community where it's more than four years old, and the final pavement of the road hasn't even been completed on it. There have been a lot of challenges. So, I have a concern, which is why I'm asking staff, what is that window, because I know what we say on paper as far as what should be completed with road construction, sidewalks and other things, and what is actually happening with this particular builder. So, I want to ensure that, if this moves forward, that we have a clear understanding and commitment of this window, for the correction of

the sidewalks, as well as the planting strips and the repairing, so that it does not go beyond a certain period of time. Is that something, and again, this is a question for staff and for you, Mr. Gasparini, that can be committed to, to ensure that this happens, so that we don't have this conversation years after the development, like I'm having to work with in the community right now?

Mr. Gasparini said Councilmember Mayfield, if I may. I think the community you're referring to is one of the RiverPointe communities. Is that accurate?

Ms. Mayfield said correct.

Mr. Gasparini said yes, ma'am. So, in that particular instance, we're dealing with the City and the stormwater policies that are in place with respect to camering those lines, and so there's a fair amount of work that goes into that. There are some stormwater ponds that need to be then brought up to snuff, and then at that point, we can then go ahead and overlay the roads. I think that's the chief concern, though. I will say we're working with our engineer, we're working with the City, and we also look forward to a resolution, because in the meantime, we're on those bonds, and I would very much like to get off those bonds.

Ms. Mayfield said it will be helpful to know if we can have a dedicated window in there, because I think it goes, for that particular project, which we can have a separate conversation on. I'm looking at future projects to make sure that one, grading is done at the proper level, so that you don't have two, three years down, having to go back, tear up, the impact of that. So, just want to make sure that we have a clear understanding of the expectation of completion in correlation with the development completion.

Mr. Gasparini said so, I'm happy to work with staff. I would note that the offsite sidewalk is a different animal than the planter strip and the sidewalk within the community. The planter strip and the sidewalk within the community is at the point of vertical construction. The offsite sidewalk, we can certainly work with staff and C-DOT on, perhaps doing that upfront with the site work. So, again, I'm happy to have those conversations, but I would encourage you to consider those separately, because they are, in fact, very different.

Ms. Mayfield said I appreciate that, and we can follow up. Thank you.

Mr. Gasparini said yes, ma'am. Thank you.

Councilmember Ajmera said I just want to highlight the park dedication of 2.2 acres, which is over 10 percent, and thank you for doing that. We'd like to see more of that. Thank you.

Mr. Gasparini said it's our pleasure.

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

* * * * *

ITEM NO. 49: HEARING ON PETITION NO. 223-089 BY TRUE HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.78 ACRES LOCATED ALONG THE SOUTHWEST SIDE OF POINT O'WOODS DRIVE, WEST OF NORTHLAKE CENTRE PARKWAY FROM N1-A (NEIGHBORHOOD 1-A) AND CC (COMMERCIAL CENTER) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said good evening. Petition 2023-089 is located along the southwest side of Point O'Woods Drive, west of Northlake Centre

Parkway. The site is approximately 1.78 acres and is currently undeveloped. The current zoning is N1-A, Neighborhood 1 district. Proposed zoning is N2-B (CD), Neighborhood 2, conditional. The 2040 Policy Map recommends the Regional Activity Center for the Place Type. The N2-B district is inconsistent with the RAC (Regional Activity Center) Place Type. Approval of this petition would revise the Policy Map to the Neighborhood 2 Place Type. The proposal calls for up to 15 single-family attached units. Access would be provided along Point O'Woods Drive. It provides an eight-foot sidewalk, eight-foot planting strip along the frontage. It provides 11,500 square feet of green and open space. It provides architectural standards including building materials. Staff recommends approval of this petition, as the petition would add a variety of housing to the area within a quarter mile of Regional Activity Center. Happy to take any questions following the petitioner's presentation.

Marcus Kornegay, 9815 Sam Furr Road, Huntersville said thank you, Mayor Pro Tem. Thank you, City Council. Thank you, staff. I'm Marcus Kornegay. I'm with Prosperity Alliance. We're a residential development company. We are serving as consultant for True Homes on this housing opportunity. I wanted to dive right into the site map. This is approximately 1.8 acres, south of Point O'Woods Drive, directly across the street from a luxury apartment complex in the Northlake area. We're southeast of 485 and north of W.T. Harris Boulevard, and what we would characterize as a resource-rich environment where you have a Target directly behind the neighborhood, naturally the Northlake Shopping Center right there, and quick access to both 485, as well as 85 from this location. So, as was noted, we're looking for N2-A as the proposed zoning for this opportunity. As also noted by staff, according to the Charlotte Future 2040 Policy Map, this is a Regional Activity Center, but again, the opportunity to deliver 15 homes to this area, we see this as a great opportunity for the Northlake area.

True Homes is dedicated to affordable, attainable housing, and scores of their developments here in the Charlotte community, and through their true foundation in collaboration with House Charlotte, have placed a number of individuals and families into homes, and doing that in an affordable way through the House Charlotte program. Finally, creating a thriving community is something that is at the forefront of what we'd like to do here with this opportunity. Here's a snapshot of the site plan. Access to the 15 homes would be along Point O'Woods Drive. Each one of these homes would be frontloaded via a garage, and a sample, this is the Kirk Townhome, which is a three-bedroom, two-and-a-half bath, two-story townhome, and this is sort of a snapshot or an example of what the community could potentially look like. So, we're here today to answer any questions that you may have. I appreciate it.

Councilmember Johnson said hello, Mr. Kornegay. I had the pleasure of speaking with Mr. Kornegay and he's being very modest right now, but this is a model that I'm very excited about. These are attainable for sale homes, right?

Mr. Kornegay said correct.

Ms. Johnson said yes, and what he does is very unique in the model that they have. So, hopefully you all can get a chance to talk to him, but this is something you're working to expand throughout the City, if I'm correct, right?

Mr. Kornegay said that's correct, yes. In collaboration with True Homes, we have three other projects that we're actively working on, all of them within affordable, attainable lens where 10 to 20 percent of each project at minimum will have affordable homes for sale. We're not in the business of affordable rentals. We're in the business of granting and pushing towards generational wealth for our community through homeownership. So, we're excited to be a part of this project. We're excited about all the other projects that we have in the pipeline, and you'll naturally be seeing a lot of us here in 2024 and beyond. So, I appreciate the shoutout, Councilwoman Johnson. We're looking forward to moving forward with this opportunity.

Ms. Johnson said yes, you're welcome. Hopefully some of the reporters will get a chance to talk to you, because your model is great. Sometimes residents get really

nervous when we talk about affordable or attainable housing, but it's not that. It's workforce level. These are homes that working class folks can afford. So, I look forward to supporting, and I hope you get a chance to talk to my other colleagues, because we need more of this type of model throughout the City. I told you that when we spoke.

Mr. Kornegay said thank you.

Mayor Pro Tem Anderson said thank you, Ms. Johnson. I will just say, I share my colleague's sentiment about the model for affordable workforce housing, and hopefully we'll see more of that in our community as we move on in 2024.

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

* * * * *

ITEM NO. 50: HEARING ON PETITION NO. 2023-092 BY GREAT AMERICAN STORAGE LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.85 ACRES LOCATED WEST OF STEELE CREEK ROAD AND NORTH OF THE INTERSTATE 485 RAMP FROM N1-A (NEIGHBORHOOD 1-A) TO CR (CD) (REGIONAL COMMERCIAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said thank you. Petition 2023-092 is approximately 4.85 acres located west of Steele Creek Road and north of the Interstate 485 ramp. Current zoning is N1-A. Requested zoning is Regional Commercial, Conditional. The 2040 Policy Map recommends Neighborhood 1 Place Type. The proposal is for up to 122,500 square feet of self-storage uses, that includes 100,800 square feet of climate-controlled self-storage and 21,750 square feet of outdoor storage. It would install a 65-foot Class A landscape yard, reduced to 55 feet with a fence or wall where adjacent to N1 zoning to the rear of the site. Limits building height of the climate-controlled self-storage to 50 feet, and the outdoor self-storage to 40 feet. Also, commits to transportation improvements, including relocating curb and gutter along the site's Steele Creek Road frontage to 41 feet from centerline. Limits any access to right-in, right-out from Steele Creek Road, extending the Steele Creek Road median to the intersection with the I-485 ramp, and dedicating right-of-way along Steele Creek Road to 59 feet from centerline. While it is inconsistent, it's perhaps a more compatible use where adjacent to Commercial Place Type, Manufacturing and Logistics Place Type, and right along the I-485 ramp. There are a couple of outstanding issues to work through, but staff recommends approval, and I'll take any questions after the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you, Madam Mayor Pro Tem and members of Council and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. With me tonight are Josie Hart, the petitioner, and Erick Garcia Salas, the petitioner's engineer. As Mr. Mangum indicated, the site is about 4.85 acres located on the northwest quadrant of the Steele Creek Road, Interstate 485 interchange. It's located right next to the onramp. This is an aerial of the site. The site's located across Steele Creek Road from Steele Creek Commerce Park. The site is currently zoned N1-A. To the north, you've got parcels that are zoned Commercial General. You've got I-2 (CD) zoning across Steele Creek Road, and then N1-A zoning to the west of the site. So, the site is located between Commercial zoning to the north and the interstate to the south. There's some N1-A to the west. The petitioner is requesting the rezoning of the site to the CR (CD) zoning district to accommodate a self-storage facility that would be comprised of a three-story climate-controlled self-storage building. It would contain a maximum of 100,800 square feet of gross floor area, and then four small drive-up self-storage buildings that would contain a combined square footage of 21,750 square feet.

This is the rezoning plan, and it's really easy to miss this building here. It's a little narrow building. So, these are the four, more traditional self-storage buildings here. This is the climate-controlled self-storage building next to Steele Creek Road. There'd be one access point here on Steele Creek Road. It'd be a right-in, right-out only access point. The proposed use is a quad use, and it's a low traffic generator. So, that might be of benefit here in the Steele Creek area. We did meet with the Steele Creek residents Association Land Use Committee on September 12, 2023, and then got a response stating that they do not oppose the rezoning request. So, we appreciate the staff's recommendation of approval, and we're happy to answer any questions that you may have.

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

* * * * *

ITEM NO. 51: HEARING ON PETITION NO. 2023-095 BY MEN IN MOTION HOME RENOVATIONS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.988 ACRES LOCATED AT THE DEAD END OF PICKWAY DRIVE, WEST OF NORTH GRAHAM STREET FROM N1-A (NEIGHBORHOOD 1-A) TO N1-E (CD) (NEIGHBORHOOD 1-E, CONDITIONAL),

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this assemblage of parcels is just under 2 acres along Pickway Drive, just west of North Graham Street there. It's located in an area that is largely dominated by single-family neighborhoods, interspersed among the commercial industrial developments that we see along this portion of North Graham Street. The site is currently zoned Neighborhood 1-A, and they are proposing to go to Neighborhood 1-E, Conditional which is consistent with the Policy Map recommendation for Neighborhood 1 in this area. The proposal itself is for up to 10 units that would split among two triplex units there at the rear of the site, and then two duplex units closer to Pickway Drive. The site's southwestern boundary would be reserved as a tree save area, which would buffer the development from the Manufacturing and Logistics parcels along that southwestern boundary.

This petition also provides additional stormwater notes related to stormwater discharge. The notes state that if the existing stormwater conveyance on the adjoining parcels is found to be inadequate, the petitioner will make a good faith effort with the property owners to improve the stormwater conveyance or mitigate the stormwater discharge. Staff recommends approval of this petition upon the resolution of those outstanding issues. The proposal provides missing middle density housing, and although this type of residential project is not currently present in the neighborhood, it is still single-family in nature, compatible with the surrounding land uses, and it's fairly modest in regard to residential density. Duplexes and triplexes are allowed by-right in the current N1-A zoning district. The primary differences between the N1-A and N1-E districts are related to dimensional standards such as lot size. I'll take any questions following the petitioner's presentation and the oppositions.

Michael Mitchem, 2807 Whaleys Court said hello Council members. The boss, Mrs. Rosa Hernandez Mitchem of Men in Motion Home Renovations, wants me to send her condolences as she could not be here tonight, but she sent me to explain the project. These are some of the houses, duplexes, that we're currently building right now, off of Mount Holly-Huntersville Road. These are almost similar to what we would have on the project, except for there'd being a few slight differences. These right here do not have any driveways. They have driveways, but the garage. The ones for the Pickway project will have garages underneath them. This right here is another one of our projects, 208 Polly, that we currently have. It's in the process of being finished up. It's about 97 percent finished, and ready to go on the market.

Men in Motion, we've been around since 2007 working in the community, and we have I guess basically say what have we not done in the community, because when the City of Charlotte went and they said they wanted to do something about the homeless back in 2007 and 2008, Men in Motion also stood up, got a couple houses, rehabbed them, and we were able to house 24 men and woman who are on Social Security Disability and Veteran's benefits, who would otherwise be homeless, and those houses are still in operation today. Also, we work closely with the City of Charlotte with the lead-safe programs. This one right here, 3125 Bank Street, was featured in the January 2024 edition of the Charlotte News, and this is one of the ones that are our lead-safe programs that we worked with the City of Charlotte on, and code enforcement, Mr. Devin Smith, he's the one that posted this right here. That's one of our properties that we do.

So, what we're saying here, that Men in Motion is here. We're local people and we build here within Charlotte. When the City of Charlotte talked about greater density in neighborhoods, we went from rehabbing houses and putting in owners, to building houses and other structures for homeowners. Right now, we're building duplexes and townhomes. One thing about the Pickway project, if you look at it in the way it's designed, it says privacy, because it's off the road, it's set back, and they're not going to disturb any other community. Thank you.

Kate Underwood, 165 Brumley Avenue NE, Concord said Madam Mayor Pro Tem, Council, and committee, thank you for the opportunity to speak today. Kate Underwood, Daylight Engineering. We're the civil engineers on the project, and I just wanted to add a couple of things. These are the elevations for the project. We're looking at building a nice, livable product, and unfortunately the architect is not available tonight, but Michael can answer some questions about what kind of floor plan we'd be looking at here if you're interested. We did have both a duplex product and also a triplex product. Staff did an excellent job of presenting, and so, we'll be brief in respect to Mr. Bokhari's plaintive request for brevity. This site is adjacent to some industrial properties to the south and to the east, and so the existing zoning, which allows for a single-family residential product, doesn't allow for any kind of transition between that industrial use, which is kind of a [inaudible] manufacturing use compared to the single-family residential. There's no transition. This rezoning request would represent a stepping up of the zoning from single-family to single-family attached, which is a small step, but it would allow somewhat of a buffer, a transition, between those zonings from industrial to a slightly denser residential, then down to the single-family residential, which is the existing community.

Now, a reasonable and a natural reaction to this is that the traffic is going to be just unlivable with this additional upzoning that we're requesting, and so we did look up the traffic counts that would be associated with this. During the A.M. peak hour, so in the morning when you get the most traffic out of this community, you would be looking at six trips, and that's a combination of both trips in and trips out, so you'd be looking at approximately one car every ten minutes during the most traffic heavy hour of the day in the morning. It's slightly higher in the afternoon. It goes up to eight trips in that peak hour in the afternoon. So, while we understand that that's a very reasonable, natural reaction for the community, we do believe that this is a very reasonable request. Those are the items that I wanted to highlight. I'm sure that the community does have some issues of concern that we're happy to work through and discuss, and we're also happy to answer any questions that you might have. Thank you.

Marty Quinn, 258 Pickway Drive said I'm Marty Quinn. Thank you for entertaining us. Our neighborhood is a small eclectic neighborhood. Everybody there has been there for 25 years or more. Some of the things that haven't been answered. They want to put in a 10-private HOA (Homeowners Association) unit, that as we know right now in the City, there's no responsibility when something goes wrong. Who's responsible for the drainage is another one at the end of the street. The lots that they're talking about, they're totally nonconforming to what we have in the neighborhood. There are 20 houses in there approximately now. They're all maintained by the homeowners. They bring in an HOA, and then who's going to be responsible for things that go wrong, like

was brought up earlier, the drainage, things that go wrong. We have no clue of what they're going to do. They're saying they're going to do it, but if they could send a report in on what's going to happen when and where, and then they're talking this is a two-and-a-half-year project to tear up the street and have it be worked on for two-and-a-half years. Eighty-eight percent of the people on the street don't want this. They wouldn't mind single-family houses coming in, maintaining the neighborhood we have, but to be all of a sudden 10 units come in, and then what happens two years, three years down the road when they're not being maintained, or things go wrong? Who's going to be responsible? Things like that. So, I think that's a huge consideration for this neighborhood.

Tiffany Cheeseboro, 2615 Pickway Drive said so, I don't have a fancy presentation to show you guys, but I do have pictures, because one thing they're not showing you guys is kind of the condition of our privately maintained roads. So, the plans to change our community makeup of single-family, include 10 units of multi-family homes of less than 2 acres of land, will not only destroy our community dynamic, but put our community's safety at risk. Many of the community's homes are on well water. We're not set on City water. So, just the traffic and construction itself is already going to decline that water. So, we're looking at all this around here, all single-family homes, and again, we're not opposed to single-family homes being built, but a multi-family home, that's going to be an issue. A two-year development plan would be devastating to our roads. So, we only have one road that goes in and one road that goes out. So, this road, Pickway Drive, is it. That's the only road that goes in and out of this community. So, they're talking about expanding a small portion of that road, that's it. Every road from here to here is not a part of their upgrade or their maintenance. All these roads from here through here are privately maintained by the property owners. So, as the roads are updated and widened for this one section where they're talking about the multi-family homes, that leaves the rest of the roads to deteriorate from the existing traffic. So, even though she's talking about how the peak and everything, we're talking about bringing three, four family homes, that's an increase of 30 to 40 people on the roads, that are currently not going to be upgraded. The City does not maintain the road. The City has no plan on maintaining those roads. It's just us, that leaves us.

The proposed plans also, again, I want to show you guys. The roads that we have, they're barely narrow enough to get two cars to pass as it is. Again, this is not being upgraded. What they're not showing you guys, is kind of the road's condition. I literally had a developer come in and they literally just came in recently and built a home next to mine. Not a big issue, right? We want the development. We want the upgrade, but they promised us that they would fix the road. They did not. So, they left our roads in deterioration. This is recent. This was from an eight-month project. Again, this is the road that they're talking about changing, right? I want him to speak, because this is in front of his road. So, they're talking about just this particular road that is supposed to be widened and upgraded, but nothing else. This is the conditions, we're talking about with our road right now, that the last developer left our roads in. They make these promises. These developers come in, they say, "Hey, we're going to fix this." They don't. They come in, they do what they need to do, they make their money, they leave, and they leave us with the fallout. You see that? That is a dead-end road. That is not a turnaround. That's not a cul-de-sac. So, that means the road that goes in as people are coming in and out, they're just constantly tearing it. So, this, as you can see, just one car on the road where they're talking about expanding and building and everything for two years, and then what happens after that? So, I want to leave time for Mr. Padilla, because the road that they're talking about expanding is directly in front of his property.

Jose Padilla, 2540 Pickway Drive said hello, everyone. I just wanted to add furthermore that this plan, again, we're not opposed to single-family homes. We love it. We love to see the community grow and thrive, but this plan proposes adding a lot more families than just another home or two. My property that I own is 2.34 acres and is currently zoned only R-3. So, adding 10 dwellings on less than two acres just doesn't seem appropriate, in my personal opinion. Furthermore, just adding to how that traffic is going to impact our neighborhood. Right now, we have no sidewalks along any of the road. So, when you think about adding cars, that amount of cars and traffic, what is the

safety of the neighborhood going to equate to after the fact? I live across the street from this proposal. So, for me, I feel inclined to add that it doesn't seem like it's going to be a very private end of the road as it is right now. I've lived here for a little over a year myself. I'm new to the neighborhood. The thing that drew me to the neighborhood is the privacy and how this is the second dead-end that I've lived on and I absolutely enjoy how there's no traffic in and out, and this is going to change that drastically.

Mr. Quinn said I'll also add one more thing. What they're proposing is totally nonconforming to anything in this neighborhood. It's anything but conforming. I understand that everybody, you make an investment, and you want to get a return on your investment; however, it should not be at the expense of this neighborhood. They can change the profit margins. Go from multi-use or triple-use to single-family dwellings, raise the rate a little bit, make your money, but I don't think this neighborhood should get destroyed. Ten units on 1.9 acres is huge, huge, and again, there's no system on what they're going to do to make sure everything drains right and goes right. It would absolutely destroy this neighborhood, multi-family houses like they want to do. I think there's another way to do it. If they came up with a plan for single-family houses, which is what's allowed, and you have to change the acreage or the footage of land that they want. So, right now, nothing conforms in this neighborhood to what they want to do. The only way it will conform, if you give them more land, and it wouldn't be right. There'd be no yard in that area. So, that's the argument. Everybody on the street, 88 percent, have signed a petition not to let this go through, and it would be 100 if the other people were in town. So, take that under consideration, please.

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

Ms. Underwood said beginning with the local road, we did reach out to C-DOT for additional follow up after we spoke about the maintenance of the road, and we unfortunately did not receive a response from them; however, both our survey does indicate that as a public right-of-way, and also the Charlotte Explorer GIS (Geographic Information System) indicates a public right-of-way that is maintained by the City of Charlotte. So, there is some discrepancy there. We have reached out for clarification; however, the plans do reflect that C-DOT has seen our plans, they have reviewed them, they have requested the mill and overlay that we are showing, and we are proposing to upgrade our section to meet the C-DOT requirements. So, I think they would have mentioned something there, but we will continue to follow up.

As per drainage, of course, we will be conforming with the City of Charlotte engineering requirements, which include a stormwater control measure, which is shown on the concept plan. It is downhill from the drainage that will be coming to it, and the water from there does go across the street to the small pond that is there, and we are happy to work with the engineering department to make sure that drainage works in consistency with that condition. The water main does stop at the end of Pickway before it makes the 90-degree bend, and so we are proposing to expand the existing Charlotte Water main from that end point where it currently terminates, down the road on Pickway where it makes the 90-degree bend, and then into our site. Again, this would be consistent with the engineering requirements. That also allows the residents to connect to that if they so choose, which is a nice benefit for water quality. HOAs are required to maintain the SCM (Stormwater Control Measure), and so that's why it's part of the deal. Thank you.

Mayor Pro Tem Anderson said thank you. We're going to open it up for questions, and I'm just going to kick it off, because it's in my district and I have had the opportunity to speak with Men in Motion about this particular petition. So, there are a couple of questions that I had about this particular project, and one area that I wanted to clear up. The first is, there seems to be this discrepancy against what is thought of as a private road, but then thought of as a public road. Staff, can you provide any clarity on whether this particular road is public or private?

Jacob Carpenter, C-DOT said Jay Carpenter with C-DOT. So, the extents of Pickway Drive are publically maintained. It was last resurfaced in 2001. Generally, we have

approximately a 20-year life cycle or so on local road resurfacing. So, we've reached out to our partners within Street Maintenance Division to inquire about status, and potentially accelerating the repaving schedule for Pickway.

Mayor Pro Tem Anderson said okay. So, for clarity, this is a public road that is maintained by the City. Excellent. Then, the other question that I had was, we know there is industrial south of this particular plot of land. Can we speak to what type of industrial businesses or industry exists here?

Ms. Cramer said yes. It's an existing trucking facility. If we could go back to the first image of the staff's presentation. So, you'll see a bit of a tree save on that parcel to the southwest. So, there's about 70 feet of tree save before the trucking facility actual development footprint even begins, that is between the actual rezoning boundary and those parcels.

Mayor Pro Tem Anderson said excellent, thank you. I do tend to agree with the stepdown from industrial to single-family and the buffer that this creates, but we want to make sure that we get it right. The question around the conveyance of water and drainage, can you speak to whether there's any issues or challenges in that particular subject?

Ms. Underwood said yes, ma'am. So, Pickway Drive has been around for quite a while, and so there very well may be some drainage issues that are in that. I don't believe it's curb and gutter there, or if it is, it's rough curb and gutter. In the section that is in front of our site, there is no curb and gutter in that location, and so water doesn't necessarily have a good path to go, but if you look in the aerial image, you can see that there is a pond just to the plan north of the site. It's sort of rectangular shaped, that's water there. So, the water from this site, it does drain towards Pickway. So, we've got a stormwater control measure that will be designed to match pre- versus post-flows, and provide water quality there, and then we're putting curb and gutter along the road, per the C-DOT requirements. We'll be picking up our water and that water and then conveying it towards that water body. The condition from staff, is that we work with the adjacent property owners as necessary to make sure that that drainage makes it to that end point or the beginning of the end. That's actually the end of the water and it continues to the south.

Mayor Pro Tem Anderson said thank you. So, Mr. Quinn, I'd like to ask you a question. A couple of things. You mentioned that there is a petition against this particular petition, and I've not seen that petition, but I would like to see it. I was a little concerned that there were only three community members who were at the public hearing, and yet you referenced the number of 88 neighborhood members who signed a petition.

Mr. Quinn said as a matter of fact, I emailed one to your office last week. I have your email address. I will send you one tomorrow.

Mayor Pro Tem Anderson said okay.

Mr. Quinn said and the only reason it's not 100 percent, several of the neighborhood are elderly, and a couple of them down with the flu and whatnot and didn't want to come out tonight, and two of them are out of town.

Mayor Pro Tem Anderson said okay. I just want to make sure, for the petitioner, that we have the right channels of communication with the community, and if we have a high population of elderly individuals that live in this community, to make sure if they're not able to come out physically, or if they're not able to interact with technology, that we can figure out a solution for them to have a voice and say so in what's going on.

Mr. Quinn said okay. I will see that you get that tomorrow.

Mayor Pro Tem Anderson said okay.

Ms. Underwood said our community is, again, a very small community, but we're very diverse. We also have people in our community that English is a second language, they're not getting communicated with. I know for myself, every time a communication went out that was supposed to be going, I never received it. I had to hunt it down, or a neighborhood had to bring it to me. So, the first hearing that we were supposed to have never got communicated. The community meeting where they were supposed to meet with people in the community and tell them about our plans, I did not get that communication, and then this hearing, I did not get the communication, even though I followed all the steps necessary to make sure that they had the proper address to get me the communication necessary. So, I know that we have at least two or three neighbors that, again, English is there second language. They're not getting the communication that they really should be getting, because we can't really speak to them like we would like to be able to, but we can tell you that, as a community, we have met ourselves. The reason why us three are here, is to represent the diversity of our community, also as well as the fact that, as Mr. Quinn has stated, most of our community has been there for 20, 30 years. These are decades of generations we've owned these homes. We don't have high turnover and all this other stuff. These are homes that have been in there for generations. They've gone from mother to grandmother, from great grandfather to children now. Like, this is a very small tightknit community. So, again, we're not looking to oppose upgrade. We're interested in the safety, again, of our community, as well as the dynamic of that community. That is kind of where our resistance lies in that, bringing in 10 units, 30 to 40 more people, in 1.9 acres of land, that's kind of where we are.

Mayor Pro Tem Anderson said thank you. Staff, did you have a comment here?

Ms. Cramer said no. I was just going to say, I apologize. I know we've spoken before about the mail notices, and I tried to work with you and the petitioner to get you in contact with one another. I think there is confusion about mailing addresses listed through the county, but we did have your address updated on our formal mailing notices that we list on the seller's petition that gets distributed to the petitioner, but I apologize that those notices never reached you.

Ms. Underwood said no worries.

Mayor Pro Tem Anderson said it sounds like we have a gap in communication. If you haven't received three communications, three communications have been sent out, and you haven't received any of them, we have to sort that out to ensure that the community is getting the information they need.

Councilmember Ajmera said thank you, Madam Mayor Pro Tem. Some of my concerns were addressed. Ms. Underwood did a great job with addressing the drainage issue and talking about like technicality. Appreciate that. I think you've done a great job. It is a very small site, less than two acres, but some of the concerns that neighbors have raised, these are valid, in terms of the City services, especially road pavement. If C-DOT can provide a memo to us in terms of our infrastructure request, I think residents deserve a safe infrastructure. Also, if you could provide a response to those residents in terms of the timeline, that would be very helpful. I did see some of the pictures that Ms. Cheeseboro was presenting earlier, and I appreciate that. If you want to pass that around, you are welcome to do so. You can give it to our City Clerk's office. I just happened to sit closer to you, so I was able to see. Staff, if you could just walk me through the difference between N1-A and N1-E? The only difference I understood was the difference in dimensional lot size. If you could just explain that. I'm struggling with the difference there.

Ms. Cramer said yes, so N1-A and N1-E, in terms of uses like I said, they're essentially identical. Duplexes and triplexes will have to be allowed by-right in N1-A. Those dimensional standards that I mentioned are related to things such as lot area, lot widths. So, for example, N1-A has a minimum lot area of 10,000 feet, and N1-E would have a minimum lot area of 3,000 feet. Minimum lot widths, for another example, 70 feet in N1-A, and then it'd be 30 feet in N1-E.

Ms. Ajmera said thank you so much. Petitioner, Men in Motion, is this for rent or for sale products?

Mr. Mitchem said Council member, these are all for sale to homeowners, and that's what we do. We build these in. We do sell them only to homeowners, and that's what we've done for the past six years since we started building new construction. The best thing about it is we're local, we live here, and we're not going anywhere. So, if anything goes wrong, you know where to find us.

Ms. Ajmera said that's great, thank you. There was other infrastructure request, sidewalks. I know that's an issue that, as a Council, we need to address, and we hear that often. Sidewalks are really an issue where we have many parts of our City that do not have sidewalks. I'm talking about even close to our schools. Our kids are not having safe sidewalks to walk, and that's something that I think City Council will address as part of our retreat coming up, but infrastructure is certainly the top topic for us to address.

Ms. Cheeseboro said can I make a comment just really quick.

Ms. Ajmera said what I'll do, Ms. Cheeseboro, I will connect with you separately. I just don't want to take my colleague's time. I just want to be respectful of everyone's time here. One of the concerns was about City water. So, if someone from our staff can talk about, is the connection there to City water?

Ms. Cramer said so, the connection will be made, and it will be required as a developer-donated project, and a lot of those details get worked out in permitting, but currently the water system ends about 260 feet northeast of the rezoning boundary, but there is sewer access on the site.

Ms. Ajmera said so, the capacity is there. They just have to tap into it.

Ms. Cramer said they will have to build the infrastructure to gap that 260 feet, and they'll tap into it.

Ms. Ajmera said okay. The last point I had that was not addressed, back in 2021, when Councilmember Johnson and I served on a committee together, we had come up with a language access plan that we had approved to ensure that we are being equitable and folks with language barriers can access City services, such as whether they would like to speak at rezoning or any of our public forums. So, if staff could just speak to that, that we do have language access plan that was approved. So, if someone's first language is not English, we do provide translation service. So, if you could just speak to that, that would be great.

David Pettine, Planning, Design & Development said yes. So, we do have access if requested. So, we don't have it printed our mailed notices. It is something we've explored with City staff to see if that's something we can incorporate. We haven't been able to get that fully worked out yet, but we do have information on folks that need, either ADA (Americans with Disabilities Act) assistance or language assistance, to reach out. We can always get those translation services as requested. So, hopefully we'll have a better long-term solution, but that's where we are with it for now.

Ms. Ajmera said thank you so much, and I think Ms. Babson, this could be one of our follow-ups. As mail notices go out, I think we need to make sure that we are being equitable and we are able to reach people that have language barriers. So, I think we need to incorporate this specific language in our notices as they are being mailed out, because in Charlotte, one out of five residents are born outside of the country, and we need to make sure we are being equitable in our approach. Thank you so much, appreciate it.

Councilmember Johnson said what I hear, and this is what I've done in the past, Councilmember Anderson, is maybe have a follow-up community meeting. It sounds

like it could be an opportunity for a follow-up community meeting. Maybe we take an opportunity to have a translator in the meeting, so that we know that the community did hear and did have access to the information. So, that might be an option for another community meeting virtually, and then you all can get your questions answered. I also wanted to ask about the HOA. So, these are for sale units, right?

Ms. Ajmera said yes.

Ms. Johnson said and where on this property is this? Is this down the street and it's at the end of the street, so they will have to pass your house?

Ms. Cheeseboro said so, if you're talking about where my home is located.

Ms. Johnson said on the street, or everyone's house?

Ms. Cheeseboro said right, so the property, if you're looking at that picture up there, if you're looking at right across that bend, so as it turns down, the property comes across, and then it goes towards the dead end. So, they would have to pass several, I guess to your question, it's not towards down at the bottom end, but it's kind of towards the end before we get to the dead end of Pickway Drive. There's four homes after this particular property, yes.

Ms. Johnson said so, is it implanted kind of in the middle?

Ms. Cheeseboro said correct. So, there are homes lining this part of the property, and there are homes lining this part of the property, and then of course, behind it is the industrial on Racine. So, they're dead center in the middle of the street. It's not like they're at the end where they're kind of away from everything. So, once the construction starts, it is completely going to make it practically impossible to move, from the far homes that are at the end of this, to get out.

Ms. Johnson said okay.

Mr. Quinn said there was a house on the property at one time. There was a house. That resident passed away and it was sold, I imagine to them, and then they bought a second piece to create the 1.9 acres.

Ms. Johnson said okay, yes. This is exactly what we talked about when the 2040 was approved, duplexes and triplexes implanted in a neighborhood that didn't have an HOA, when a property burned down or was sold or something. This was foreseeable. It's not an unintended consequence. This was foreseeable, and I apologize. So, yes, there's that. I want to ask about the water, this well water. You mentioned well water in the neighborhood. Do some of the residents have well water or is it City water?

Ms. Cheeseboro said every home after that property is well water.

Ms. Johnson said so, is it still considered in the city with well water?

Ms. Cheeseboro said yes.

Ms. Johnson said okay.

Ms. Cheeseboro said yes, we're still in the city. So, when you come up Pickway, there's a bend that goes down where it goes past this property. Once you get to the top of that bend, the property that would be at their property line is on well water, and every property beyond that. So, there is absolutely no City water in any part of the part where they're talking about building. It's all well water, all six homes.

Ms. Johnson said okay. So, will this improvement allow those homes to be on City water if they choose, or how will this development affect the current residents?

Ms. Cramer said so, for the properties that extend past the rezoning boundary, I think that will have to be worked out in permitting if the donated project to be permitted, so that they could tap into Charlotte Water, were to extend past the rezoning boundary. As it states currently in Charlotte Water's notes, this rezoning would just be required to extend the 260-foot gap, so that the property would have access to Charlotte Water by extending that main line.

Ms. Johnson said so, question would be I guess, would it be an option to change to City water or could something happen that the current residents would be required to change to City water?

Ms. Cramer said to change off of well water?

Ms. Johnson said yes.

Ms. Cramer said not that I'm aware of. I don't think it would impact the surrounding residents much, because really what we're looking at is a project that would extend the existing main just so that it could access this rezoning site. If it were extended further, I'm not aware of Charlotte Water's guidelines as to whether they then require residents to switch onto the main Charlotte Water line.

Ms. Johnson said okay. Then, I know with new development, sidewalks are required?

Ms. Cramer said yes. So, we have a C-DOT outstanding issue listed for a sidewalk and planting strip along Pickway Drive.

Ms. Johnson said so, on this street, there's going to be homes with no sidewalk, then sidewalk on part of the street, and then no sidewalk again?

Ms. Cramer said so, once the project is developed, you're going to have that gap, but I'm not sure about the long-term plans of C-DOT's maintenance plans.

Johnson said okay. So, kind of a sidewalk to nowhere, right?

Ms. Cramer said because that's what is required in the rezoning. Yes, I know it's a little bit odd.

Ms. Johnson said no, I understand. I can envision that actually. It's kind of what got me interested in activism. That happened in my neighborhood in Ohio. It was a neighborhood with no sidewalks, a house burned down, and the city put this strip of sidewalk to nowhere. So, that's what it's going to look like. Okay, so lastly, how many homes are in this neighborhood?

Mr. Quinn said approximately 20.

Ms. Johnson said so, when you said 88, you said 88 percent?

Mr. Quinn said 88 percent, yes.

Ms. Johnson said okay. So, 20 homes in the neighborhood. Okay. Is this near Oneida? Is it in that area? Does that sound familiar, Oneida?

Mr. Quinn, yes, down the street.

Ms. Johnson said so, when this was in District 4, we approved something off Oneida, and the neighbors talked about water drainage, and I brought someone from the City out, our City staff, came out and looked. There are some issues currently with water drainage in that area. There's been flooding multiple times. So, can we, as a City, take a look at this area and address the drainage concerns, or if there's something there that we don't want to increase the concerns or the problems for the residents? There are some drainage issues. So, if we make sure that's addressed, that's really going to help.

Ms. Cramer said yes, we flag that with Stormwater, and I will also note that the conditional note that they put on their site plan does go above and beyond what Stormwater would require as part of the rezoning process. So, they have provided a little bit more robust stormwater notes than we typically see, which is nice, and of course during permitting, I think as we mentioned in other petitions, a lot of those details get worked out and fleshed out, so that we know the full extent of what needs to be essentially repaired or expanded in terms of mitigation measures in the area.

Ms. Johnson said okay, alright, thank you. That's all I have.

Councilmember Watlington said I just had a quick follow-up question. I might've misunderstood what you said, sir. Can you explain to me what Men in Motion has to do with homelessness? If I understood you initially, you said that these people would otherwise be homeless, but then you said that these were for sale homes. So, I'm just trying to understand if I misinterpreted something.

Mr. Mitchem said okay, thank you. I was giving the history of Men in Motion here and its involvement with the City of Charlotte. When I was talking about the homes that we manage, we have five homes that we have men and some women that are on Social Security Disability and Veteran's benefits. You see, when Charlotte announced the war on homeless and they were going to end homelessness, we kind of joined in and started finding ways to house people, and that was one of the sections of people who'd be easier to be homeless, because their income is so low, it's lower than the moderate income of most people. The average person on Social Security receives about \$710 a month, and that's kind of hard to live on.

Ms. Watlington said and so was the idea that this particular product here, you weren't necessarily speaking to the work that was happening on this parcel. That was just a part of the [inaudible].

Mr. Mitchem said no, 2541 Pickway is a different project. That's kind of like Beechway Manor, which is an apartment complex we have, which we have on [inaudible] and some people on, not called Section 8 anymore, it's Housing Choice Voucher Program. Also, I'd like to say that when we had those meetings with the people from Pickway, we also went out of our way to have a private meeting with Mrs. Cheeseboro, because she did not make the first meeting. So, we went out of our way to make sure we had that meeting, and we do have people that are bilingual. So, anybody in your neighborhood [inaudible] speak Espanol, come see me.

Ms. Cheeseboro said they've got to get the communication first.

Mr. Mitchem said we can do that in Spanish too.

Mayor Pro Tem Anderson said alright, thank you all, thank you.

Councilmember Molina said I just have a really quick question. I remember there was one thing that wasn't mentioned about the lots being nonconforming. When you own a property, the aesthetics matter, and so I'm wondering what level of malleability that you guys have as far as the aesthetics are concerned? Has that been discussed? I'm always concerned when we discuss an asset, the most important asset that a human being is going to invest in, because that's going to bring anybody particular concern. No one works harder than what they do for their mortgage. That's the biggest bill most of us have. So, we're obviously going to be concerned about what the value of that asset is, whether we can retain that value, whether anything surrounding it or anything that is associated with it would affect that value. So, I'm wondering about the conformity a little bit.

Ms. Cramer said right. So, rezoning plans often build in architectural design guidelines. Are you looking for more information about those architectural design guidelines as it relates to this plan? I think Mr. Quinn was also speaking to nonconformity as it relates to, that this residential product type does not currently exist in the neighborhood. So,

switching back to the architectural standards, we do have some architectural standards on this as it relates to preferred building materials and front porches, but we can certainly have our urban designer reviewer take another look at this, and see if there are additional standards that he would like to see built into this plan. As it related to Mr. Quinn's nonconformity comment, though, I think you were speaking to this type of residential product in a neighborhood where we only see single-family detached housing. I will note, though, that this plan and this proposal is consistent with the Policy Map recommendations. So, it is consistent with all the policies that we would look to as staff. We wouldn't differentiate between single-family detached and duplexes and triplexes, because all the N-1 districts now allow duplexes and triplexes by-right. So, that's just what we're limited in assessing as it goes for policy.

Ms. Molina said and if you will allow me, can you tell me what you meant by, was it the actual appearance?

Mr. Quinn said by nonconforming, it's both, it's the house size and the lot size. So, you reduce the amount of land you need, now you're conforming with the land. You're not conforming to the neighborhood. You're changing how much land you need to put a building on it. So, if you maintain the 3,000 square feet, or whatever it is, you can't put this development in, you can't. So, now you have to change the buildings that could conform to the neighborhood. You keep the land the same, you keep the buildings the same. That's how simple it is. Change your profit margins on the other end. That's what I think.

Ms. Molina said have we considered how this would affect the actual value of the homes that surround it? Does that matter anymore?

Ms. Cramer said it's just not something that we can assess in the rezoning process. There's not enough data for us to go on, especially since so many of our petitions, as you know, proceed as conventionals with no site plans. Those details aren't something that we can get into the weeds of in rezoning. We're just too high-level of a process for that unfortunately, but I understand the concern, certainly.

Ms. Molina said well, it's something I can ask about offline. I'm happy to get clarity about that offline. Thank you all.

Mr. Quinn said so, if you don't change the lot size, you have to change the house size, you have to, it's that simple. The only thing that's going to change in the end is the profit margin. You have 10 units at \$400,000 a piece, it's \$4 million. Well, if you don't have 10 units, you only five, you have to change the profit margin on the other end, so you don't make as much money, but you keep the neighborhood the same.

Ms. Cramer said price points of homes aren't something that we would get into in the rezoning, again, but I think the petitioner will connect with you offline about some of those details, but those more nuance price point sort of notes, aren't something that we would want built into rezoning plan.

Ms. Molina said okay, thank you.

Ms. Johnson so, we talked about a referral to the committee or to staff to take a look at this, because we talked about this, I believe, last year or something, to take a look at this exact type of petition, where they were infill projects in an existing neighborhood. We sent that to staff to take a look at. So, if we can get an update, not tonight, but if we can get an update on that, Mr. Pettine. These are the kinds of petitions, those of us that advocated for that, we were trying to avoid this type of change to, or impact on an existing neighborhood. So, if we can get an update prior to the decision on this, that would be very helpful for Council, okay. That's all I have.

Councilmember Driggs said I just wanted to mention, we have a pending referral. They're looking right now at sites that are 5 acres or bigger, and I don't expect we'll have the final outcome of that for a few more months.

Ms. Johnson said okay, and it's 5 acres or bigger. So, there are projects that are 2 acres. So, that's for Council. Again, this was those of us who were opposed to the 2040 Plan, this project was the reason. So, thank you.

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

* * * * *

ITEM NO. 52: HEARING ON PETITION NO. 2023-098 BY QUEEN CITY HOTEL INVESTORS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.91 ACRES LOCATED ALONG THE WEST SIDE OF HAWTHORNE LANE, THE EAST SIDE OF HEATH COURT, NORTH OF CENTRAL AVENUE FROM TOD-CC (EX) (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER, EXCEPTION) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under two acres at the intersection of Central Avenue and Hawthorne Lane, just north of the existing terminus of the Gold Line streetcar route through Plaza Midwood. This site is currently zoned Transient Oriented Development Community Center exception, and they are requesting to go to Transient Oriented Development Community Center conventionally, so removing those EX (Exclusionary) provisions and that associated site plan from 2021. This request is consistent with the designated Community Activity Center Place Type as specified on the Policy Map. This is a conventional petition, so there is no associated site plan. Staff recommends approval of the petition. It is within a quarter mile walk of the existing Sunnyside Station, along that Gold Line route, and it will also front the Gold Line's next phase of development along Hawthorne Lane. I'll take any questions following the petitioner's presentation.

Anup Patel, 11010 Lake Grove Boulevard, Morrisville said thank you, Madam Mayor Pro Tem, City Council, the Planning staff. As Ms. Cramer said, we don't have a site plan just yet, but we're looking forward to bringing something very additive to the Belmont and the Plaza Midwood neighborhoods. I don't want to repeat everything she presented, but I'm happy to answer any questions if there are any.

Councilmember Ajmera said is this conventional?

Ms. Cramer said yes, this is a conventional petition. It was previously a conditional TOD-CC, EX petition. They no longer need the EX provisions that were specified in that conditional plan. So, they're just going to operate by-right as the TOD-CC district specifies. So, those flexing conditions of the EX plan are no longer needed.

Ms. Ajmera said what were those conditions?

Ms. Cramer said so, those conditions were to modify quantitative standards of the zoning district in exchange for what would be specified as a public benefit, which in that petition specified adaptive reuse of the existing building and open space, and it was Petition 2021-197.

Ms. Ajmera said okay. I need to better understand those conditions in order for me to get comfortable. If you could just send that in a follow-up report, that would be great. I don't have any questions for the petitioner. Okay, Mr. Pettine.

Mr. Pettine said yes, I can try and answer some of those now, and Mr. Patel may be able to help out as well. So, there was an old abandoned, or essentially a right-of-way, on Heath Court, which if you're familiar with the area at all, it's kind of the small, almost functions as an alley, between these uses in Hawthorne and Heath Court. The EX

provisions were essentially, we have requirements when you do a parking deck when it faces an established right-of-way, that you have to provide certain design elements of that parking deck, and because Heath Court does not really function as a through road and they're actually in the process of considering even abandonment of that, that didn't pan out. So, they've essentially come back and said, "We actually want to do the design standards that you need to do along Heath Court for the parking deck." The previous petition, they actually opted out of those, and didn't have to do the design standards for that deck, but now that they rethought the project, they're able to meet those requirements. So, as Holly mentioned, the EX provisions that provide a relief, they don't need. They actually want to do what's required of them. So, they're actually going back to a better standard than we had originally.

Ms. Ajmera okay, well, that's great. Is this where [inaudible] location is, and the parking is behind it?

Mr. Pettine said it's close, so that use, I believe, is here. There's currently like a small boutique hotel there now, correct? Yes, and an existing building. So, that use I think you're talking about, is on the opposite and kind of catty-corner here.

Ms. Ajmera said oh, okay, yes, that's a great place. Alright, thank you.

Mr. Pettine said you're welcome.

Councilmember Johnson said thank you. I just had a question for the petitioner. So, this is for a hotel in that area?

Mr. Patel said we're not sure yet. Right now, in that vacant old Kickstand Burger place, we put in a five-room hotel and a cocktail bar, as we try to develop the full site plan and a full mix of uses for the site.

Ms. Johnson said I know that's not required. Do you currently own any hotels or motels in the City?

Mr. Patel said not in Charlotte, no.

Ms. Johnson said not in Charlotte, okay.

Mr. Patel said in North Carolina, but not in Charlotte.

Ms. Johnson said okay, alright. That's all I have, thank you.

Councilmember Molina said thank you, Mayor Pro Tem. So, I'm too familiar with this area. So, the first business I ever owned was on Atando Avenue. I spent most of my time in Charlotte on Atando Avenue, and I know that landscape so well, but most of that area is industrial businesses. Those are mechanic shops, those are steel businesses. I probably know at least three or four small business owners on that street. So, I wonder, you said you want to put a hotel there possibly?

Mr. Patel said we're trying to [inaudible] right now.

Mayor Pro Tem Anderson said Ms. Molina, I think you're speaking to Item Number 53.

Ms. Molina said oh, oh, no wonder, because I was like what? I'm sorry, my bad.

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

* * * * *

ITEM NO. 53: HEARING ON PETITION NO. 2023-103 BY RANGEWATER DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.75 ACRES LOCATED ALONG THE EAST SIDE OF ATANDO AVENUE, THE SOUTH SIDE OF ROBINSON CREST, NORTH OF NORTH TRYON STREET FROM ML-2 (MANUFACTURING AND LOGISTICS 2) TO IMU (INNOVATION MIXED USE).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under 13 acres, along Atando Avenue, north of North Tryon Street, and a part of the city that has historically hosted mostly industrial uses, but is slowly shifting away to accommodate a mix of uses and Transient Oriented Development in the areas that are closer to the existing Blue Line Station south of this site. The site is currently zoned Manufacturing and Logistics 2, and they're requesting to go to Innovation Mixed-Use, which is inconsistent with the recommendation for Manufacturing and Logistics at this site. This is a conventional petition with no associated site plan. We recommend approval of this petition given the existing and future character of the area, which will have to contend with balancing industrial areas along Atando Avenue, but also those redeveloping transit projects that we see along North Tryon. The application of the IMU district here creates a preferred transition between the areas persisting industrial commercial uses that are north of the site, and the redeveloping transit supportive projects that are south of the site along North Tryon Street. So, although, it is technically inconsistent with that Manufacturing and Logistics Place Type, this petition better reflects the changing nature of the area while demarcating a separation between the industrial uses along Atando Avenue and the TOD redevelopment.

The IMU district is intended for application at sites such as these that currently have, or have had, industrial uses but are situated in areas that are transitioning away to an array of commercial or residential or artisan industrial uses. I'll take any questions following the petitioner's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 thank you, Mayor Pro Tem, members of Council, members of Zoning Committee. Keith MacVean with Moore & Van Allen assisting RangeWater Real Estate. With me tonight representing the petitioner is Palmer McArthur, and he's available to answer questions should you have any. I think Holly has described to you very well the request. It is a rezoning for a portion of a parcel that has split-zoning. Part of the area to be rezoned, 13 acres, is zoned ML-2. We're requesting IMU, as Holly mentioned, in an area that is transitioning from historically industrial uses to more different types of commercial uses. We are in close proximity to the existing 36th Street Blue Line Station. We are in a Corridor of Opportunity, so it is a location where the city is looking to change the mix of uses. The IMU district helps us do that. Again, the existing use on the site is a trucking company, trailer repair and storage. We do have the [inaudible] branch that splits the site. The site that's to be redeveloped or zoned IMU is here. We are working with the county on greenway dedication through the land development approval process. Again, just to show you, close proximity to the existing Blue Line, and then as Holly mentioned, we are technically inconsistent with the Policy Map, but it is an area where there have been recent rezonings away from industrial. It is a Corridor of Opportunity, where transitioning away from heavy industrial to other commercial uses, is something that is seen as a positive step for this area of the city. We're happy to answer questions.

Councilmember Molina said is there anything even like it on Atando, Tryon, anything in the vicinity? So, I know that right there on the corner of 36th Street and Tryon Street, they're erecting, where a dealership used to be, an apartment building. You've got a brewery down the street. There is not anything that is not industrial on Atando Avenue, not one building, and it is an international corridor of business owners from around the world.

Mr. MacVean said correct, and as you go back towards North Tryon Street, on Atando, there have been recent changes to the TOD zoning district, to start to make that transition away from those industrial uses that have been historically on Atando. So, the

change is just now progressing. It has occurred along North Tryon where Amelie's is at 36th.

Ms. Molina said but Amelie's is on 36th. It's not on Tryon or Atando.

Mr. MacVean said the Amelie's and then the site next to Amelie's where the residential is being built at 36th. So, this is across North Tryon at Atando, and as you can see on the zoning map here, the zoning has already started to convert and change, and the uses, as you mentioned, NoDa Brewing, which is right across the street here on Atando or close proximity, has already made that transition. So, this is continuing the transition of the uses on Atando.

Ms. Molina said well, NoDa Brewery is actually on Tryon Street, and it's up the street going away from 36th Street. It's not on Atando. It's actually going towards the city away from 36th Street in the opposite direction. So, for the record, I want to make sure that that's not misrepresented.

Mr. MacVean said I'm not trying to misrepresent it. I'm just saying it's in close proximity to Tryon and Atando, and it's part of the transition of the area. Again, I would point to the existing zoning along Tryon and off Atando, that have occurred between us and Tryon, as part of the transition of the zoning, the development will follow.

Ms. Molina said so, no associated site plan, no idea of what is even wanting to be done, just zoning it so that you can do a mixed-use to possibly fit what may come. Is that what we're asking?

Mr. MacVean said it is a conventional application, you're correct, so we do not have a specific site plan. We anticipate actually residential uses being one possible look here, and that the IMU district would accommodate that.

Ms. Molina said I'd like a follow-up offline. This is not my district, but I would love to follow up with you offline to get some more information. I don't want to keep my colleagues here with some of my concerns, because I have a list of them.

Mr. MacVean said yes, ma'am.

Ms. Molina said thank you.

Councilmember Ajmera said Councilmember Molina raised good points. This is a very large site. We're talking about almost 13 acres, and not have a site plan. So, what was the reasoning behind doing it a conventional way?

Ms. Cramer said so, for staff's perspective, as to why a conventional petition we were comfortable with that, is because it does establish a transition. So, essentially it establishes a line between those Activity Center type development that will occur under the TOD projects on the south, and the existing Commercial and Industrial developments that are along Atando Avenue, and Innovation Mixed-Use is really a preferred Place Type here for us, because it does establish that transition. I guess, to speak on the transition a little bit more as far as future needs are concerned, I think C-DOT has identified Atando Avenue, and it's being targeted for a street conversion which will add curb and sidewalk, bike lanes, and pavement markings along Atando Avenue. So, that would serve as future projects in this area, but the application of IMU here, felt comfortable, because it is intended for areas that did have industrial uses, but may be converting to something else without it converting full step to an Activity Center Place Type, which we would not be comfortable with here. Does that speak to that concern a little bit?

Ms. Ajmera said so, I understand that this will provide much needed transition to address future needs, especially as we are talking about the street conversion, but I'm struggling with why would staff support this being conventional? Without knowing really the site plan, I have a difficulty supporting this, and that's all I have. Thank you.

Councilmember Johnson said I would also have difficulty supporting the conventional. It seems like, just based on the presentation, we need more information. So, if it's something that maybe could be refiled as conditional, so that we can ask the questions that we would like to ask that's been done before on different petitions, but I can sense my colleague's discomfort, because she knows the area so well. I know it's your district, Councilwoman Anderson. So, the businesses that might be displaced. The Economic Development Committee, we really have to maybe take a look at that as a referral when small businesses are being displaced, and what we're doing when areas are being gentrified. We had one earlier in the University area. So, during the strategy session, maybe that's something that Council can take a look at as the city's changing. I also wanted to ask, if this is changing over from a manufacturing area to possible residential, do we do any environmental tests?

Ms. Cramer said yes, so any brown-filled sites identified, that would be worked through in the Brownfields Program, which is a state program, and they would have to identify any environmental mitigation measures that they would have to do as part of the development, but some of that would be better identified during the permitting process, but again, that's worked through primarily with a state agency that does the Brownfields Program.

Ms. Johnson said because if it's been manufacturing for a long time, and I don't know, smokestacks over there. The city is changing.

Councilmember Molina said metal recycling.

Ms. Johnson said if we can do some air quality tests before the petitions are reviewed. I just think that's something that, if we're looking at changing certain areas, that we have to consider potentially foreseeable issues.

Ms. Cramer said yes, understood that concern.

Ms. Johnson said okay, thank you.

Ms. Molina said yes, just a quick follow-up, and actually this is for our staff. I'd actually like to know, because this just brings something to mind. We've got small business owners, and it is so hard to start a small business. When you have probably put your house up, done your savings, you have survived through the pandemic, and you are brick and mortar, and then there's this big grandiose plan that says, "Okay, we've got different plans," and now you have to like go and figure out what you're going to do as a result. We've got to talk about that, because that is a disservice to the human beings that have the courage to step out on their own. It is not easy to start a business, it is not easy to sustain a business, and it is hard to sustain a brick-and-mortar business. So, to say, without any type of I guess information to the people on that corridor who have been working their buns off probably day and night, providing for their family, this is the way that they provide for their family, very likely, that we've got different plans, and they probably don't even know it's coming. It's unfair. It is unfair. It is a disservice, and right now we're not servicing the citizens, especially the courageous people, and this is personal, who have the courage to step out on their own. It is not easy. We owe everybody on that corridor, if we make this decision, the right to know that this is coming, so that they can re-baseline and figure out how they're going to feed their families as a result. This is unfair. There is nothing in my heart that can support this right now, until we have some more conversations, because it's not right.

Mayor Pro Tem Anderson said thank you, Ms. Molina. I will point out that there was a public hearing for this particular petition, so it is going through the proper stage-gates of a rezoning. I understand your passion around this, but I want to take that conversation outside of this venue, because that's very much a policy-driven conversation. So, if staff will follow-up as it relates to that policy, that would be very helpful.

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

ITEM NO. 55: HEARING ON PETITION NO. 2023-126 BY COMMONWEALTH DEVELOPMENT CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.41 ACRES LOCATED ON THE EAST SIDE OF NATIONS FORD ROAD SOUTH OF FARMHURST DRIVE AND NORTH OF DEANNA LANE FROM N1-B (NEIGHBORHOOD 1-B) AND R-20MF (MULTI-FAMILY RESIDENTIAL) TO N2-A (NEIGHBORHOOD 2-A).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-126 is approximately 1.41 acres, located on the east side of Nations Ford Road, south of Farmhurst Drive, and north of Deanna Lane. It is right across the street from Petition 2023-080 we discussed earlier this evening. Current zoning is primarily N1-B, a small sliver of R-20 MF. Requested zoning is N2-A. The 2040 Policy Map reflects the current zoning and calls primarily for Neighborhood 1 Place Type. It is inconsistent; however, staff feels that, based on the surrounding two sides being zoned R-20 MF, developed with multi-family residential use, as well as the frontage on a thoroughfare in the proximity to neighborhood commercial establishments, that staff is recommending approval, and I'll take any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said good evening, Mayor Pro Tem, Council members. Collin Brown on behalf of Commonwealth Development. Sean Brady with Commonwealth is here with me tonight. This is a pretty simple Rezoning Petition, and although there's not a plan, I did want to explain this to you. Commonwealth Development is an affordable housing developer, and this is interesting here. They are developing the property all around this site. That is a project that the city has participated in with Housing Trust Funds. As they're doing their design, if you see on the screen here, the part that we're rezoning tonight is outlined in yellow. They do not have plans to build on this site. So, that's why we don't have a conditional plan. The current zoning will allow a driveway to go through the site, and that driveway will serve the development. The only point of this rezoning is, right now under the current zoning, we could not locate a playground or a picnic area in the area that is yellow. It is preferable to Commonwealth to have a playground and picnic area closer to their clubhouse. So, that is the entire point of the rezoning. If the rezoning was not approved, the Commonwealth will still develop their development. They will construct a drive-thru the site. The question for you all, is could we zone the yellow area to a district that can accommodate a playground. Again, it's not a conditional plan, but I'm showing you and you can see the other plans, the use that we're looking for are those that I mentioned. Happy to answer any questions you have.

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

ITEM NO. 56: HEARING ON PETITION NO. 2023-127 BY D-P PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.2 ACRES LOCATE ALONG THE NORTH SIDE OF SOUTH MCDOWELL STREET AND THE SOUTHWEST SIDE OF BAXTER STREET, EAST OF EAST MOREHEAD STREET FROM NC (NEIGHBORHOOD CENTER) TO UE (URBAN EDGE).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-127 is approximately 1.29 acres, located on the north side of South McDowell Street and southwest side of Baxter Street, east of Morehead Street. Current zoning is NC. The requested zoning is Uptown Edge. The 2040 Policy Map recommends Regional Activity

Center. The request is consistent with that Policy Map recommendation, staff recommends approval, and I'll take any questions following the petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said it is as straight forward as Joe mentioned. This is D-P Partners. This is the old Duncan-Parnell building, which has a near and dear site to me. I used to have to be there folding zoning plans and racing them down there when we turned them in in public, in hard copy before the digital age. As you can see, this property located super close proximity to Uptown and Atrium's Pearl development. This rezoning is simply bringing the site into conformity with the recommendations from the 2040 Plan.

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

ITEM NO. 57: HEARING ON PETITION NO. 2023-128 BY SYNCO PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 27 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF ROXBOROUGH ROAD, THE SOUTHWEST SIDE OF COLONY ROAD, AND THE NORTHWEST SIDE OF SHARON ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-128 is located along the southeast side of Roxborough Road, the southwest side of Colony Road, and the northwest side of Sharon Road. The site is approximately 27 acres and is currently developed with an apartment building on one fourth of development areas, and the other three development areas are vacant. The site's currently zoned MUDD-O, Mixed-Use Development District-Optional. Proposed zoning is MUDD-O SPA, (Mixed-Use Development District Optional, Site Plan Amendment. The 2040 Policy Map recommends the Regional Activity Center Place Type. The MUDD district is consistent with the RAC Place Type. Site plan amendment calls for an increased building height in development area C, which is here, from 160 feet to 190 feet, and removes an 85-foot transition zone along Roxborough Road. Staff does recommend approval of the petition. The proposed height is consistent with the RAC Place Type and the UDO zoning standards, and the site is surrounded exclusively by existing and entitled nonresidential and Mixed-Use residential developments. Happy to take any questions after Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Mayor Pro Tem, Collin Brown on behalf of Synco Properties. Jennings Snider and Tim Hose are both here tonight if you have additional questions. This is the site of the Colony development, which was a major rezoning about 10 years ago. It has continued to develop out now, and as South Park has matured in the last 10 years, things have changed. There are zonings across the street that have higher and similar heights. So, this petition is to amend that to add 30 feet of additional height. That is still significantly less than the height that is recommended in the current RAC district. I think we've had good conversations with the community, and I'm not aware of any opposition. So, happy to take any questions.

Councilmember Bokhari said Mr. Hose, it's great to see you here. I look forward to the next month of conversations and you continuing the good work.

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

ITEM NO. 58: HEARING ON PETITION NO. 2023-129 BY WELLS FARGO BANK, NATIONAL ASSOCIATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.48 ACRES LOCATED AT THE EAST SIDE OF THE INTERSECTION OF SOUTH CHURCH STREET AND WEST BROOKLYN VILLAGE AVENUE, ALONG THE NORTHWEST SIDE OF SOUTH TRYON STREET FROM UMUD-O SPA (UPTOWN MIXED-USE DISTRICT, OPTIONAL, SITE PLAN AMENDMENT) TO UMUD-O SPA (UPTOWN MIXED-USE DISTRICT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-129, it's an acre and a half. We know the site well between Brooklyn Village Avenue, Levine Avenue, the yard, South Tryon and South Church Street. There is an existing zoning of UMUD Optional. That optional was also amended at one point. I don't remember the exact date that the first site plan amendment was done. This is an additional site plan amendment to the existing UMUD Optional plan that governs the site. The Policy Map does call for a Regional Activity Center, which UMUD does support and is consistent with. This proposal is for development standards that would accompany the petition to propose to allow up to two skyline signs, at a maximum of 1,880 square feet each, so that's 1,880 on either side, that would total out at 3,760 square feet. That would, again, be for a skyline sign. Optional provisions are needed. We do have skyline sign requirements that we do have measurements and ratios for. They don't go beyond, I believe 500 feet, as far as the calculations we use to determine how large the signs can be. So, this one goes well beyond that 500-foot height threshold. So, we are here to present the petition that's been requested by the petitioner. Again, it is for an optional provision to amend the original site plan and amend the optional provisions that we've got currently to allow potentially this 1,880 square foot sign on either side of that building. So, staff does recommend approval of the petition. As mentioned, we do have some technical revisions related to site and building design. It is consistent overall with the Charlotte Center City 2040 Vision Plan, which was adopted in 2021. That plan doesn't make specific land use recommendations for Uptown, and this isn't technically a land use related item. It's more of a zoning related item that is governed through those optional provisions. So, we do feel comfortable citing the Charlotte Center City Vision Plan for this, and it does deem that it is consistent with that. The plan does encourage future development and redevelopment that would contribute to the overall viability and livability at Center City. Again, we do feel that this petition does meet the spirit of that plan, and we will be happy to take any questions following Mr. Fox's presentation. Thank you.

Anthony Fox, 620 South Tryon Street, Suite 800 said thank you, Mayor Pro Tem, members of Council, and members of the Zoning Committee. I'm Anthony Fox from Parker Poe Adams & Bernstein and representing the petitioner in this Rezoning Petition 2023-129. I'm joined with Emily Van Zyl and Gaurav Gupte. Gaurav, he is with Perkins & Will and is the engineer on the matter, and Emily is a representative of the petitioner. As I mention this property, I'd like to thank staff for their diligence in working with the petitioner on this one. This property, as you are well aware, is located in the Center City at South Tryon Street and Brooklyn Village. It is an approximately a 1.4 acre site. You can see the building in the backdrop. It's currently used for commercial and general office use. The aerial shows the location of the site, which most people are familiar with, and this shows that the current zoning is UMUD O SPA. There are four development conditions that we're seeking to add a fifth development condition to site plan through a site plan amendment. So, the zoning would still be UMUD O SPA with a site plan amendment with the additional condition, and I'll get to that in a minute. This is a showing of the site plan, and this is the proposed condition. It simply would provide for a signage to allow for two 1,880 square foot skyline signs, with a total maximum sign area of 3,760 square feet to be allocated between the two sides of the existing office building. The signs will be located on what some people refer to as a handlebar or the handle of the building.

A community meeting was held. No one attended the community meeting, and we have received no opposition to this petition. We have also received no written opposition to

the petition. On the left is the depiction of what the 1,880 square foot signage would be. Justification for the signs is really kind of simple. It's consistent with the prior approvals that this Council has made. It's consistent with the Truist Center sign. This sign would result in, if the approval is granted, of an 1,800 square foot sign would equate to 14-foot-tall letters, which is the same height of the letters on the Truist building. The scale of the lettering is supported by the height of this building. This is your second largest building in the downtown corridor, and relative to the Truist sign. This building is 786 square feet in height compared to merely a 659 square foot height of the Truist building. The largest letters would have little impact on the pedestrian, and thank you for your time.

Councilmember Graham said I want to take the opportunity to thank the petitioner for meeting with me on two occasions to discuss this. From my perspective, it kind of fits into the requirements that the staff has laid out in his commentary in reference to their support for it. Mr. Fox, when we met, you said that it's kind of embedded into the sign, that signage right there was kind of made for the signage?

Mr. Fox said the band of the building would accommodate the lettering that will be proposed on this building, unlike the Truist building where there was an appendage that had to be made. This will be architecturally consistent with the building it is now.

Mr. Graham said the design of the building. Yes, so it kind of fits right on there, and is consistent with 2040 Plan, etc. So, I just wanted to relay the message to Council that I've met with the petitioner on two occasions, studied the plans, and I'm looking forward to next month when we come back and make an affirmative vote on it. Thank you.

Councilmember Ajmera said last time when we approved this was Truist sign, and there was like almost half the square feet. We are talking about 980 versus 1,880 square feet, much bigger in terms of the scope here. Do we have the design and how that will look, because I didn't catch that?

Mr. Fox said to the left there is the signage as it would sit on the top of the building at the 880 square foot.

Ms. Ajmera said so how would that look? I'm trying to envision.

Mr. Fox said let me go back. The top part of the building is where the signs would be located.

Ms. Ajmera said right, so do we have a design how that would look on the building?

Mr. Fox said do we have the design. No, the request is for the size and lettering and the square footage.

Ms. Ajmera said so, that's work in progress?

Mr. Fox said it is.

Ms. Ajmera said got it. Well, I know when Mr. Gaurav Gupte is involved in any design, he'll do a master, excellent work, so I'm not worried about that. With that, it's rare that we don't have any opposition on this, because I remember when we did Truist, there was a lot of opposition, even from the ones that were the original architecture behind it. So, if Mr. Gupte is okay, I'm sure it's all good.

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

Councilmember Johnson said I remember when we approved this change, what our former Mayor Pro Tem said, I don't know if any of our colleagues remember what he said, he said, "The skyline's going to look like a CVS Isle." So, my question is for the city

staff. Is there any requirements or consistency or policies for consistency or guidelines of what's going to be allowed, as far as lighting? Are we setting any parameters for any uniformity or anything?

Mr. Pettine said that is one of the items we did ask for some clarification on the type of letters, which I think we requested that they clarify that they are the same kind of channel letters, which was approved recently for the Honeywell sign, which is not too far from this building. It just really gets into the type of lettering and how they're lit, and a little more specifics than just having a square footage requirement. I believe they're willing to make that change and clarify that they would use the channel letters, which again, is the same type of sign as we've seen for other more recent approvals. Again, Truist was a little bit of a different unique situation with the architecture kind of having to be retrofitted for the sign, where in this case the building does have a pretty good plate for signage. We just want to know the types of letters for that exact reason, just to understand the lighting. If they are the channel letters, they would look very similar to how Honeywell has theirs backlit, and just to show those as defined, but they wouldn't be too bright of a visual detractor for anything.

Ms. Johnson said I know businesses have their brand, and Wells Fargo is obviously one of our largest employers in the city, but I think as a Council or as a city, we should be very thoughtful on how we want our skyline to look in the next 10, 15, 50 years, and decide if there should be parameters or uniformity or something. Thank you. That's all I have.

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

* * * * *

ITEM NO. 59: HEARING ON PETITION NO. 2023-134 BY PARK SOUTH TOWNHOME COMMUNITY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.997 ACRES LOCATED ALONG THE WEST SIDE OF PARK SOUTH DRIVE, EAST OF PARKSTONE DRIVE, AND NORTH OF ARCHDALE DRIVE FROM N1-A (NEIGHBORHOOD 1-A) TO N1-F(CD) (NEIGHBORHOOD 1-F, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said thank you. This site is just under 1 acre, along the west side of Park South Drive and the periphery of the Greater South Park area, as you can see in the aerial image that we have there. The site is currently zoning Neighborhood 1-A, and they are proposing to go to Neighborhood 1-F, conditional, which is consistent with the Neighborhood 1 Place Type designation. The proposal would allow for up to 10 units in a configuration of two triplexes along the Park South Drive frontage, and one quadplex to the rear of the site. There would be a 10-foot Class C landscape yard around the perimeter of the site. The proposals transportation provisions include a commitment to construct an ADA compliant bus stop in coordination with CATS. Freestanding lighting fixtures would be fully capped and shielded, and there is an identified tree save area, as labeled up there at the rear of the site. Staff recommends approval of this petition upon the resolution of outstanding issues. The proposal's combination of triplexes and a quadplex help create missing middle density housing in an area that has an established mix of residential product types that include single-family detached and multi-family attached, all in the direct vicinity of the subject site. Neighborhood 1-F conditional plan maintains the single-family character of the neighborhood, and future residents would be able to readily access the goods and services off route on Fairview Road, less than half a mile walk from the site, and they could utilize public transportation through the CATS bus stop that is currently located at the site's northeastern edge, which as I noted before, will be improved by the petitioner. I'll take any questions following the presentations.

Matt Langston, 1230 West Morehead Street said thank you, Mayor Pro Tem, members of Council. I'm Matt Langston with Landworks Design Group. Walter Nichols

is here on behalf of the petitioner as well, available to answer questions you may have. As Holly mentioned, our site's located on Park South Drive. There's existing single-family attached across the street, a couple of different projects, and there's a redeveloped single-family small, detached subdivision just to the north of us, and so, Park South as a thoroughfare, is sort of becoming sort of a redevelopment corridor adding a little bit more density as the city continues to grow. So, what we're proposing, as she mentioned, is 10 units, a mixture of triplexes and one quad in the back, which are both in keeping with the N-1 Place Type. We worked with staff to locate the driveway across from the driveway into townhome development across the street. We had a neighborhood meeting back in early December 2023, had pretty good turnout.

We met with Mr. Button, who lives behind the property, and his neighbor to the north, and met with them out on site following to talk about some existing drainage concerns that they had about their property. There's an existing stormwater project that the city put in in this corner back in here, and that's added some sizable storm drainage pipes. We're doing investigation. We've got a survey that's got incomplete information, because the other end of the pipe was buried, and the surveyor couldn't locate it. We're trying to find the other end of that pipe, so we can hopefully connect our stormwater system into the existing pipe system. When we met with Mr. Button last month, we talked about working out an access route through his property as well, so we're in active conversations about that.

As Holly mentioned, we're going to be widening our frontage on Park South Drive. We're extending the sidewalk network, and it will be contiguous to the sidewalk that runs the rest of the way up Park South to Fairview and to the rest of South Park, so that'll be improving walkability along Park South. One of the other things that we talked about with the neighbors behind about existing storm drainage, was the possibility of working on possible grading modifications back here that would alleviate these drainage concerns that they have that are existing coming from other properties. This is a representative elevation of what the buildings could look like. One of the things about Neighborhood 1 is you've got that sidewall height, I don't know if you've seen in the UDO, there's a requirement that sort of limits that building mass to being more of like a 2 to 2-1/2 story elevation, rather than the three stories plus the gable roofs that you've seen on a lot of single-family attached products. This is an example of how that roofline would look, and the mass is certainly in keeping with single-family detached architecture. Here to answer any questions you may have and yield my time.

Erick Button, 3027 Park Sone Drive said yes, good evening, everyone. My name is Erick Button, and as Matt mentioned, I live directly behind this proposed development. I want to say off the bat that I'm not opposed to the development. What I'm opposed to is moving forward without having specific drainage issues included in the plan. I have a tremendous amount of rainwater that comes through the back property, down my property towards my house, as does my neighbor. I will admit, Matt and Walter have been very gracious in working with me, and trying to determine whether we could tie their stormwater into the existing easement that's on my property or that's already at their property, but my concern is that we haven't gotten any approval from the city, and that's not in place. I'm just asking that we get that in place, so that my property does not become compromised.

Basically, what they're doing is they're taking two properties that had a large area of drainage area, and they're putting in parking lots, they're putting in roads and they're putting in four buildings, and now that whole area is going to be impervious, and all that water has to go somewhere. The way the current proposed plan, it's not even an approved plan, is at the bottom of their property there would be a detention pond, and that detention pond is designed by the engineers of Stormwater to capture all the rainwater runoff, but the problem is, if it doesn't go into the storm drain, then it drains directly onto my property from that detention pond, and it'll create a perpetual wet spot all along my property. So, that's where my opposition lies, it's not to the project itself.

Mr. Langston said sure, thank you. So, our project, we're proposing underground stormwater quality and detention within the alley. I don't know if anybody can pull the

site plan back up. So, it would be in this area in here, and Mr. Button's correct. The low point of our site is down here. As I mentioned, when we met, the intent was to make a connection, come to an agreement for an easement to connect our stormwater underground into the existing pipes. When we got our survey, we discovered that there's another pipe that we didn't know about that aims towards our property. We're waiting for the weather to improve to get a camera in there to see how far. If it gets to our property, we will connect with that, and we won't have to touch Mr. Button's property at all, and our stormwater will connect underground. If that pipe doesn't get to us, we'll be pursuing an easement agreement with him to connect through his property. So, I'm optimistic that we'll be able to create an underground solution.

Councilmember Bokhari said can I get staff who knows about stormwater or as much as possible? It sounds like there's a lot to still figure out. I guess my question is, and whoever can answer this, how much can we reasonably get done in the next month before we come to a decision to actually really kind of solidify Mr. Button's concerns in a plan or knowing what is not possible?

Mr. Cramer said yes. So, I'm not a stormwater expert, so I'll have to follow up with you on more specific details, but Stormwater does sometimes provide advisory comments that aren't also baked into plans. So, we could reach back out to Stormwater and see if there are additional comments that they would like to see worked into the plan. I did just check again, and Stormwater has closed out of all of their outstanding issues that they did have listed on this. The rezoning process just isn't typically where we get into the weeds of this, but I'll connect with them and see what we can work through with the petitioner.

Mr. Bokhari said my request of staff, and then all of you would be, I would expect as much certainty on what's possible here before a month from now. Thank you.

Councilmember Ajmera said I agree with Mr. Bokhari's comments. From my recollection, this is the third time where we have asked Stormwater questions, and we don't really have anyone from Stormwater to address it. So, Ms. Babson, if you could just put in a request, so that we have someone from Stormwater department to address Council's questions and concerns as we are discussing some of our rezonings, because I think that's an important piece of the puzzle that we need to get addressed in public hearing. Thank you, that's all I have.

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

* * * * *

ITEM NO. 60: HEARING ON PETITION 2023-136 BY WILLIAM L. SIMMONS FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.26 ACRES LOCATED ALONG THE NORTH SIDE OF DUPREE STREET, WEST OF ROZZELLES FERRY ROAD, AND SOUTH OF I-85 FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO ML-2(CD) (MANUFACTURING AND LOGISTICS-2, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-136 is located along the north side of Dupree Street, west of Rozzelles Ferry Road, south of I-85. The site is approximately 2.26 acres, and it's currently developed with an industrial use. The current zoning is ML-2, Manufacturing and Logistics. The proposed zoning is ML-2 (CD), Manufacturing and Logistics, Conditional. The 2040 Policy Map recommends the Innovation Mixed-Use Place Type for this site. The ML-2 district is inconsistent with an IMU Place Type. Approval of this petition would revise the Policy Map to the Manufacturing and Logistics Place Type. The proposal calls for a vehicle repair facility major, which is permitted in the ML-2 district, with approval of a conditional plan. In

addition, all uses permitted by-right and by-right under prescribed conditions in the ML-2 district, would be allowed. The proposed use would comply with the requirements of the UDO for the ML-2 district and the prescribed conditions of Article 15.4.GGG for vehicle repair facility major. Staff recommends approval of this petition, as the petition is consistent with the uses that currently exist in the area. The site is adjacent to I-485, and a freight rail line screening is required and noxious uses such as outdoor storage or junkyards, would be prohibited. I'm happy to take any questions after the petitioner's presentation.

Monty Simmons, 11216 Arlen Park Drive, Huntersville said thank you, Madam Mayor Pro Tem and City Council. I'm the architect for the project and here representing the owner. The owner has a business at the end of Dupree Street, Zero Waste Recycling, and they intend to use this location to repair their over-the-road trailers for their operation, and they're just seeking the conditional approval.

Councilmember Graham said you mentioned screening as a part of it, and it cannot be used as a junkyard.

Mr. Oliver said yes. So, there are several uses listed that are prohibited under this plan that would typically be allowed in the ML-2 district. Just to note, the site is currently zoned ML-2, so those could be developed if the plan was not approved, but this conditional plan takes out some of those uses that may be more noxious and provides screening at the appropriate locations.

Mr. Graham said okay.

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

* * * * *

ITEM NO. 61: HEARING ON PETITION NO. 2023-139 BY LINCOLN HARRIS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.621 ACRES LOCATED ALONG THE SOUTHWEST SIDE OF WEST BROOKLYN VILLAGE AVENUE, THE NORTHWEST SIDE OF SOUTH TRYON STREET, AND THE SOUTHEAST SIDE OF SOUTH CHURCH STREET FROM UMUD-O (UPTOWN MIXED-USE DISTRICT, OPTIONAL) TO UMUD-O SPA (UPTOWN MIXED-USE DISTRICT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-139, we have another sign optional request in front of ya'll this evening. This one is about 1.6 acres. It's located along the southwest side of West Brooklyn Village Avenue and South Tryon Street and South Church Street. It is currently zoned UMUD-Optional, and this would be a UMUD-Optional Site Plan Amendment. The optional provision we'll get into in just a moment. It's recommended for Regional Activity Center under the 2040 Policy Map. The proposal is to potentially allow up to three electronic changeable copy wall signs. All three signs would total 5,900 square feet. You can see sign number one is at the site's Tryon Street Plaza. That's proposed to be 1,400 square feet. Sign number two, which is at Tryon Street and Brooklyn Village Avenue, is proposed also to be the same size at 1,400, and sign number three, at Brooklyn Village Avenue and Church Street, is proposed to be up to 3,100, and that does wrap the building and has some sign face on both frontages on those two corners there. All three signs have a large side on one frontage, and then a smaller wraparound that goes onto the other frontage. So, again, it's an optional provision to allow signs up to these sizes. That's at discretion now through the rezoning process. We are looking again at the Charlotte Center City 2040 Vision Plan, which again does just simply state that they'd like to see Tryon Street have a distinctive destination with increasing visual interest along the street. We have had

similar signs requested through this same optional process, and we just discussed one a few petitions ago. We are recommending approval at the moment on this one, with some technical revisions that still need to be addressed, and we will turn it over to Mr. Brown, and follow up with any questions you may have for us after his presentation. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you, Mayor Pro Tem, Council members. Collin Brown on behalf of Lincoln Harris. Scott Kurz is here with me. As Dave mentioned, and of course we did just hear a sign petition, this one's very different. That petition was, what I call the eyebrow signage, at the top of buildings, which is directed at folks driving, at folks seeing the city from above. This is a completely different design for this one. If you look, it's important where it is. So, here we are at Tryon and Brooklyn Village. This is kind of an active open area there. We have the stadium here. We have the Gantt here. We have the Convention Center. So, this is one of the city's most vibrant, kind of social, pedestrian districts, and as we're kind of looking at Uptown and keeping its vitality here, these buildings are not directed to the skyline. They're not directed at commuters. They are focused on that pedestrian environment.

This project, and the design of these buildings, were designed with this future signage in mind. LS3P is coordinating the building design, and so what we've got are really three locations. Dave mentioned the size. They're each at kind of the corners of the building, and the reason that square footage sounds big, is because there's corners, so there's half of that on each face, but again, they're low to the ground. This is not something that is trying to get a commuter or driver's attention from 277. This is, as we've got folks going from our Convention Center to our events, at the arena, to our convention hotels, that we can have signage that is active and engaging at the lower level. The goal is that they're not just hung on the side of a building, no shade to Epicenter, that has a lot of signage, but these were intentionally designed. So, if you can see, these building elements were designed to have a sign added to them, and you can see, so they're integrated into the building design, so they don't look like an afterthought. Here, this sign actually screens a very large parking deck, and is more attractive.

So, that is the goal of the plan. We've engaged with the city's Economic Development team as we began this conversation. ACC (Atlantic Coast Conference) coming to this building, part of the reason we want some activity and excitement here. So, happy to take questions, but again, I do want to certainly note, we've had a lot of conversation about this building signage that everyone in the city can see. This is not that. This is directed at folks on the ground that are going from our stadium to our convention center, and really engaging with them. So, happy to take any questions.

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

ITEM NO. 62: HEARING ON PETITION NO. 2023-140 BY JOHN PATEL FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.54 ACRES LOCATED ALONG THE SOUTH SIDE OF THOMASBORO DRIVE AND THE WEST SIDE OF LUCKY PENNY STREET, EAST OF EDDLEMAN ROAD FROM CG ANDO (GENERAL COMMERCIAL, AIRPORT NOISE DISCLOSURE OVERLAY) TO N2-B ANDO (NEIGHBORHOOD 2-B, AIRPORT NOISE DISCLOSURE OVERLAY).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, this is 2023-140. It's just over 3.5 acres, as mentioned on Thomasboro Drive, just off of Lucky Penny and Eddleman Road, really off the main strip of Freedom Drive there, right at 485. It's currently zoned CG, which is our Commercial General. It does have an Airport Noise Disclosure Overlay as part of the zoning. They are requesting to go to N2-B and to

maintain that Airport Noise Disclosure Overlay as well. The Policy Map does recommend commercial in this area, right off the Interchange. This is in an area just off of the Freedom Drive Corridor of Opportunity, which believe does kind of terminate there at the end of Freedom Drive and Bradford, but it's also within that area of influence that we do look at as well when we're going through some of these petitions. This is, again, going from that CG to that N2-B, it is conventional. No site plan, so they would be limited to N2-B uses, which is primarily single-family attached, multi-family. They could also do a building that could be integrated with multi-family and nonresidential uses on the ground floor. It would just open up a little bit more of the residential opportunities that could be pursued on this property, and staff was comfortable with that and is comfortable with that transition, particularly given its location in the general vicinity of the Corridor of Opportunity there. As mentioned, it is inconsistent, but we didn't have any significant concerns with taking this to Neighborhood 2-B in this particular location. So, we are supportive of the petition, and we'll take any questions following the petitioner's presentation. Thank you.

Marc Makwana, 400 Galleria Parkway, Suite 1140, Atlanta Georgia said thank you, Mayor Pro Tem. Thank you, all the Council members, for taking the time to hear my petition today. My name is Marc Makwana. I'm presenting on behalf of a family-owned company, JDH Developers, John Patel, my boss. We are taking this 3.5-acre parcels. It is a conventional rezoning, but one of the only reasons we do not have a site plan is because we are not planning to change any physical buildings. The buildings will remain the same, everything inside the buildings is original, more than 40 years old, electric mechanical pumping. It does not have current code of Gridded Life Safety System. It doesn't have sprinkler system. We intend to renovate the building to its full capacity to the latest codes. One of the reasons for changing it to rezoning, is that would allow us the opportunity that affords a little bit of a Mixed-Use into a residential. We're grateful for staff's vigilant due diligence on this matter, we're grateful for staff's recommendation for approval, and I'm here to answer any questions.

Councilmember Brown said there's no plan for it, right?

Mr. Makwana said yes, ma'am. We have not engaged an architect yet.

Ms. Brown said are you thinking about the future and what you might do with it?

Mr. Makwana said yes. Once we go through rezoning, we would engage an architect, and we would include the residential component into these existing buildings.

Ms. Brown said okay. So, it says right here that it's inconsistent with the 2040 Policy Map, but is recommended for the Commercial Place Type.

Mr. Makwana said that is correct, ma'am. So, 2040 Policy Map, let's say it recommends something commercial. Having a little bit of residential aspect kind of goes not consistent with that. However, if you look at the existing structure, it sits on about 15 feet of grading from the main Lucky Penny Street all the way toward the back of the property. There is 15 feet of grading, those are three very strong concrete masonry unit structure, and there are two stories. For any developer to come prior to demolish concrete structures, 45 years old, try to grade it, it would not be a good return on the cost investment. Adding a residential component benefits the neighborhood community. We have had appropriate community zoning information meeting. We have had talks with our neighbors. They have engaged with us. We have had conversations with them. We have notified staff about the meeting. We have followed all the due process. We feel, even though it's likely inconsistent with the 2040 Policy, just like the staff says, these are one of the areas where you'd look at it a little bit more closely and there are no concerns, and it's only a net positive.

Ms. Brown said alright. So, you said you're going to be doing the staff meeting with the neighborhood.

Mr. Makwana said we did that already.

Mr. Brown said okay, Mr. Graham, were you present?

Councilmember Graham said I was not.

Mr. Brown said okay, alright. I'll speak to my colleague, Mr. Graham, about my concerns, but thank you so much.

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

* * * * *

ITEM NO 63: HEARING ON PETITION NO. 2023-144 BY ATRIUM HEALTH, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.28 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF BAXTER STREET, EAST SIDE OF EAST MOREHEAD STREET, WEST OF PEARL PARK WAY FROM MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL, SITE PLAN AMENDMENT) WITH 5-YEARS VESTED RIGHTS).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just over 14 acres, along the edge of Uptown, located along McDowell, Baxter and East Morehead Streets. The site was rezoned to Mixed-Use Development District-Optional, as petition 2021-092, otherwise known as the Pearl Project, and they're requesting a site plan amendment to that previously approved plan. The 2040 Policy Map calls for Regional Activity Center and Community Activity Center, which this site plan amendment would be consistent with. The amendments to the plan would include modifications to the parking minimums, signage and setbacks. All of the uses approved in the original petition, as well as all the other associated conditions would remain.

The parking minimums for this site would be modified as follows. So, it would reduce the parking minimums for residential uses from one space per unit to 3/4 of a space per unit, reduces parking minimums for hotel and motel uses from half a space per room to a quarter of a space per room, and reduces parking minimums for all other uses from one space per 600 square feet of those uses to one space per 1,000 square feet. It also proposes modifications to signage. So, it proposes two monument signs with a maximum height of seven feet and a maximum sign area per side of 182 square feet in development area A, which is the development area closest to Uptown, so furthest away from Dilworth, just to orient you. It also proposes one skyline sign in development area A, with a maximum sign area of 1,520 square feet, and one skyline sign in development area A, with a maximum sign area of 850 square feet. Neither of those signs would face East Moorehead Street in the broader Dilworth neighborhood. It modifies the minimum setback on the proposed street section HH which would run essentially parallel to Baxter Street just south of it. So, the ground floor of the building maintains a 12-foot setback from the back of curb, but all other floors located above the ground floor, may have a setback of zero feet from the back of curb. So, in the event that the floors above the ground floor are less than 12 feet from the back of curb, the structural support columns for the upper floors may be located within the 12-foot minimum ground floor setback. In the event that the floors above the ground floor are less than 12 feet from the back of curb, the minimum clearance between the adjacent sidewalk and the upper floors of the building shall be 15 feet at least. In the event that the floors above the ground floor are less than 12 feet from the back of curb, street trees will not be required to be installed in the planting strip, but shrubs would be installed.

Staff recommends approval of this petition upon the resolution of outstanding issues. The modifications presented in this petition to the previously approved conditional plan, are minor in nature and would not significantly change the development that was

originally approved in 2021-092. I'll pause there and take any questions after the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you, Madam Mayor, members of Council and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. With me tonight are Dennis Miller with Wexford Science & Technology, and Ryan Lewis with Kimley-Horn. I'm going to really power through this, since there's only three minutes. The petitioner is requesting a site plan amendment to the approved conditional rezoning plan to request the approval of optional provisions for the site relating to parking, the setback from an internal street and signage. No other revisions are being requested. With respect to parking, the current minimum parking requirements, as Holly stated, are one space per dwelling unit, a half a space for a hotel room, and one space per 600 square feet for all other uses. What's being requested is three-quarters of a space per dwelling unit, a quarter of a space for a hotel room, and one space for 1,000 square feet of gross floor area for all other uses. With respect to the setback, this is street HH, and then this is street HHH, this is McDowell, this is Morehead Street, to give an idea where it is. The current minimum setback is a minimum of 12 feet and a minimum of 20 feet, and what the petitioner is requesting is that the minimum setback only on this street be 12 feet for the ground floor of building, and zero feet for upper floors of the building, to allow to create an arcade. The minimum clearance between the sidewalk and the upper floor of the building would be 15 feet, and these are just some examples of what that could look like.

So, in terms of signage, as Holly stated, their requesting two monument signs on development area A, each with a maximum height of seven feet and a maximum sign area of 182 square feet per side. It'd be on development area A, closest to I-277. They'd be right here on this street, and then these are a list of examples of the two monument signs. They're requesting two signs of the westerly-facing facade of the medical school building, each with a maximum size of 750 square feet. The signs could not face East Moorehead Street. These two signs would be located right here. This is McDowell, this is Baxter, that's where the signs would be, and these are signs, Wake Forest Medical School sign and an Atrium Health sign, each with a maximum sign area of 750 square feet. They're requesting two logo signs, each with a maximum size of 400 square feet on the easterly-facing side of the medical school building. They would not face East Moorehead Street. These two logo signs would be here. This is McDowell, this is Baxter, and these are the two logo signs, each with a maximum size of 400 square feet. Then, a tenant sign with maximum size of 500 square feet on the northerly-facing facade of a research building that's right there, this is facing 277. Then a tenant sign with a maximum size of 325 square feet on the northern side of the parking deck would not face East Moorehead Street, and that sign would be located here. Thank you.

Mayor Pro Tem Anderson said thank you, Mr. Carmichael. Mr. Carmichael, can you speak to the DCA's, Dilworth Community Association's perspective on this particular petition?

Mr. Carmichael said so, we had a neighborhood meeting in early December 2023, and I think we had about 13 people there. There was not a lot of discussion of the signage, once we said that they would not face East Moorehead Street. I think there was a concern by a lady in Latta Square that the signs would face Latta Square, but they would not. Latta Square, the condominiums on Moorehead Street. In terms of the setback, John Friday did not like the reduction in the setback if street HH is a public street, but street HH is a private street. So, if it's a private street, John was fine with that. I don't think they had a concern about the signage. I don't like speaking for them, but that's my recollection. There was more of a discussion about the parking. Some folks of Latta Square were worried that overflow parking would travel over to Latta Square, but when we described, and Dennis can speak to the parking in a little more detail, how it would work, I felt like they felt better about it. Overall, I don't think that they had too many concerns.

Mayor Pro Tem Anderson said thank you. Mr. Miller, can you just speak to the parking?

Dennis Miller, 801 West Baltimore Street, Suite 505, Baltimore, Maryland said absolutely. Good evening. So, the lady from Latta Square, her concern was during the games, that persons would be parking in their condo parking lot. However, the structured parking, as well as the additional on street parking would be available during those times. So, with Latta Square being further from the stadium than this site, we believe that people will be utilizing this location for parking versus going to Latta Square, and once that was explained, she became a little more comfortable.

Mayor Pro Tem Anderson said excellent. I will say that the neighborhood, the district and of course the city, is very excited about The Pearl, and having the medical school here in Charlotte.

Councilmember Johnson said if we're proposing to reduce the parking somewhat. How's the bus or the public transportation in that area? Have you all worked with C-DOT to make sure we have frequent bus stops?

Ryan Lewis, 200 South Tryon Street, Suite 200 said Ryan Lewis, Civil Engineer with Kimley-Horn. So, there is a bus route that goes along South McDowell Street, and so that'll be right here. There's actually two routes that follow that current track. We've been coordinating with CATS on potentially taking a new bus route that would come down the back of the med school, kind of behind here, and then route along Pearl Parkway and then connect to Kenilworth. CATS has been in favor of that as part of the Transportation Management Plan that we had as part of the original rezoning case. So, those discussions are ongoing, but there will be bus routes in this area. There are also multimodal transportation options that we're investigating.

Ms. Johnson said okay, so full disclosure, the INLIVIAN building, I'm very familiar with that, which is next door. There are a lot of people who aren't mobile, in wheelchairs or scooters, and there's currently not a bus that runs along Baxter Street. So, those folks are riding their wheelchairs or scooters all the way to Kenilworth. It's very dangerous. We need another bus stop in that area. So, this is a great opportunity to work with this developer, and hopefully we can get some additional bus stops. I'd love to see that.

Mr. Lewis said yes, and for everyone here, the INLIVIAN building is over in this direction along Pearl Parkway, this is Baxter and to Pearl Parkway, so that routing would benefit them.

Ms. Johnson said okay, alright, thank you.

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

ITEM NO. 64: HEARING ON PETITION NO. 2023-133 BY CAMBRIDGE PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.5 ACRES

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-133 is located along the south side of MacFarlane Boulevard, north of Regan Drive, and south of University City Boulevard. The site is approximately 8.5 acres and is currently developed with a Mixed-Use building containing restaurants, offices and retail. The site is zoned ML-1, Manufacturing and Logistics. The proposed zoning is IMU, Innovation Mixed-Use, a conventional district. The 2040 Policy Map recommends the Innovation Mixed-Use Place Type. The IMU zoning district is consistent with this Place Type. The is a conventional petition, there is not an associated site plan, and would allow any use in the IMU district. Previously, the property would have been zoned I-1, which did allow for a larger variety of nonindustrial-type uses, such as retail and restaurants, but the


ML-1 does not allow for that. So, the IMU district is in keeping with the Policy Map. Permits a variety of uses that's in keeping with the character of the area, and staff recommends approval of this petition. I'm happy to take any questions at this time.

Meredith Richmond, 831 East Morehead Street, Suite 245 said yes. Good evening, Mayor Pro Tem, members of Council, Zoning Committee, and staff. I'm Meredith Richmond with Cambridge Properties. The proposed IMU zoning is consistent with the 2040 Plan. There's been no opposition from the community, and we have provided staff with a letter of support from University City Partners. Thank you, and I'm happy to answer any questions.

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

ADJOURNMENT

The meeting adjourned at 9:06 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 3 Hours, 59 Minutes
Minutes completed: January 17, 2024