

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, August 21, 2023, at 5:15 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Danté Anderson, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, and Braxton Winston II.

ABSENT: Councilmembers Tariq Bokhari, James Mitchell, Marjorie Molina, and Victoria Watlington.

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Mayor Lyles said thank you for joining us today as we begin the August 21, 2023, business meeting of the Council. This portion of our meeting is for zoning. So, very important to have all of you here. Thank you for your participation today. I want to now welcome each of you who are in the audience as well as those of you who are watching us on the City's YouTube Channel and/or virtually. So, we now call this meeting to order, and we'll begin with introductions at the dais. We do have several Council members who are not able to attend this evening. So, we are going to be conducting our business a little bit tighter here as we go through the process. We begin our meeting with an invocation. We do this and you have a choice if you would like to join in with the Council members here or if you would choose not to. We recognize that not everyone has the same commitment to faith or the type of invocations that we would give.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Douglas Welton, Chairman of the Zoning Committee said thank you Madam Mayor, members of Council. My name is Douglas Welton, and I am the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce the fellow members of the Zoning Committee who are here with me tonight. Clayton Sealey, Will Russell, Shana Nealy, Rick Winiker, Terry Lansdell and Rebekah Whilden. The Zoning Committee will meet on Wednesday September 6, 2023, at 5:30 p.m. here at the Governmental Center. At that meeting the Zoning Committee will discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome to that meeting, but please note this 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 your input. You can find our contact information and information on each one of the petitions on the City's website at Charlotteplanning.org. Thank you, Madam Mayor.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Driggs, seconded by Councilmember Winston, and carried unanimously to: defer a decision on Item No. 32, Petition No. 2022-048 by Tribute Companies, Inc. to September 18, 2023; a decision on Item No. 33, Petition No. 2022-099 by Levine Properties to October 16, 2023; a decision on Item No. 34, Petition No. 2022-109 by Urban Trends Real Estate, Inc. to September 18, 2023; a decision on Item No. 35, Petition No. 2022-134 by Muhsin Muhammad II to September 18, 2023; a decision on Item No. 36, Petition No. 2022-147 by SouthPark Towers PropCo, LLC to September 18, 2023; a decision on Item No. 37, Petition No. 2022-148 by Third & Urban, LLC to September 18, 2023; a decision on Item No. 38, Petition No. 2022-156 by Greystar Development East, LLC to September 18, 2023; a decision on Item No. 39, Petition No. 2022-157 by Leon & Jennifer Chisolm to September 18, 2023; a decision on Item No. 40, Petition No. 2022-161 by Pulte Group to September 18, 2023; a decision on Item No. 41, Petition No. 2022-193 by Brown Group, Inc. to September 18, 2023; a decision on Item No. 42, Petition No. 2021-209 by Coastal Acquisition Entity, LLC to September 18, 2023; a decision on Item No. 43, Petition No. 2022-219 by Scott Allred to September 18, 2023; a decision on Item No. 45, Petition No. 2021-256 by NVR, Inc. to September 18, 2023; a decision on Item No. 48, Petition No. 2022-160 by Penler Development, LLC to September 18, 2023; a decision on Item No. 49, Petition No. 2022-168 by Nick Armstrong to September 18, 2023; a decision on Item No. 50, Petition No. 2022-183 by Blu South, LLC to September 18, 2023; a decision on Item No. 54, Petition No. 2022-212 by Chipotle Mexican Grill of Colorado, LLC to September 18, 2023; a decision on Item No. 55, Petition No. 2023-002 by Jay Cox to September 18, 2023; a hearing on Item No. 58, Petition No. 2021-285 by Clearwater Development Partners, Inc. to September 18, 2023; a hearing on Item No. 59, Petition No. 2022-218 by Mattamy Homes to September 18, 2023; a hearing on Item No. 60, Petition No. 2023-034 by Cambridge Properties, Inc. to September 18, 2023; a hearing on Item No. 65, Petition No. 2023-011 by Brian Foushee to September 18, 2023; a hearing on Item No. 73, Petition No. 2022-099 by Kairoi Residential to September 18, 2023; withdrawal Item No. 30, Petition No. 2021-198 by Nest Home Communities, LLC; withdrawal of Item No. 31, Petition No. 2022-151 by Rayna Properties, LLC.; withdrawal of Item No. 56, Petition No. 2022-076 by Sam's Mart; withdrawal of Item No. 57, Petition No. 2022-092 by Sam's Mart; and withdrawal of Item No. 67, Petition No. 2023-019 by Charlotte Truck Center, Inc.

CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 28 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 do I have any requests for an item to be pulled out as an individual decision?

Councilmember Mayfield said thank you Madam Mayor. Madam Clerk, I want to make sure you're ready because it's a couple of them. Number three, four, five, six, eight, 10, 12, 13, and six.

Mayor Lyles said I'm going to repeat those to make sure the Clerk and I are on the same page. Three, four, five, six, eight, 10, 12, 13.

Ms. Mayfield said thank you.

Mayor Lyles said the consent items, please note these petitions meet the following criteria. No public opposition to the petition at the hearing. The Zoning Committee recommended approval. There were no changes after the Zoning Committee's

recommendation and the staff recommends approval. So, with that, do we have a motion to approve the items noted on the consent agenda?

Motion was made by Councilmember Anderson, seconded by Councilmember Driggs and carried unanimously to approve the following rezoning petitions and adopt the zoning committee's statement of consistency as our own: Item No. 7, Item No. 11, Item No. 14, Item No. 15, Item No. 16, Item No. 17, Item No. 18, Item No. 19, Item No. 20, Item No. 21, Item No. 22, Item No. 23, Item No. 25, Item No. 26, Item No. 27, and Item No. 28.

Motion was made by Councilmember Anderson and seconded by Councilmember Graham to approve Item No. 24 and adopt the zoning committee's statement of consistency as our own.

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

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, and Winston

NAYS: Councilmember Mayfield

Motion was made by Councilmember Anderson, seconded by Councilmember Graham and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 3, Item No. 4, Item No. 5, Item No. 6, Item No. 8, Item No. 10, Item No. 12, and Item No. 13, which were pulled for a separate vote.

The following items were approved:

Item No. 7: Ordinance No. 574-Z, Petition No. 2022-115 by Urban Trends Real Estate, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.84 acres located on the south side of Tom Hunter Road, west of North Tryon Street, and east of Monteith Drive from N1-B (Neighborhood 1 - B) to UR-1 (CD) (Urban Residential, 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 with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition proposes to add to the variety of housing options in the area. The proposed building form is consistent with the Neighborhood 1 Place Type. The petition commits to a 10-foot Class C buffer along the eastern property line. The petition proposes to improve the streetscape along Tom Hunter Road with an eight-foot sidewalk and planting strip. Additionally, a six-foot sidewalk and eight-foot planting strip is proposed for the private street within the site. This site would be well served by public transit with access to the bus route along Tom Hunter Road and a CATS (Charlotte Area Transit System) stop within a half-mile of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 205-206.

Item No. 11: Ordinance No. 578-Z, Petition No. 2022-199 by Mission Properties amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 19.91 acres located on the east side of North Tryon Street, east of Pavilion Boulevard from N1-A (Neighborhood 1 - A) to R-12MF(CD) (Multi-Family Residential, 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 inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition proposes to add to the variety of housing options in the area. This petition is appropriate and compatible with the approved multi-family entitlements in the area, specifically across from the site on North Tryon. This petition would also be well served by the commercial centers located on either side of the site on North Tryon. The petitioner commits to providing a minimum of 12,000 square feet of amenitized areas and/or open space throughout the site. The petition commits to streetscape improvements along North Tryon Street to include a 12-foot multi-use path and eight-foot planting strip. The petition commits to providing a 50-foot class C buffer adjacent to single family zoned properties. The petition proposes to connect all units to public sidewalks with walkway connections. 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 approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 213-214.

Item No. 14: Ordinance No. 581-Z, Petition No. 2022-207 by SLC Development, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.17 acres located on the north side of East Tremont Avenue, southeast of South Boulevard, and west of East Worthington Avenue from TOD-M(O) (Transit Oriented Development-Mixed Use, Optional) to TOD-UC (Transit Oriented Development-Urban Center).

The Zoning Committee voted 7-0 (motion by Russell, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends for Regional Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The TOD-UC district may be applied to parcels within a half mile walking distance of a rapid transit station. The East/West Station is 0.3 miles walking distance from the site with sidewalk present and 0.4 miles driving distance from the site. The site is currently zoned for transit-oriented uses. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The site is in an area surrounded by other transit-oriented zoning. TOD uses are compatible with both Regional Activity Center and Community Activity Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 219-220.

Item No. 15: Ordinance No. 582-Z, Petition No. 2022-208 by Summit Avenue Keswick, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 7.6 acres located on the west side of North Tryon Street and east side of Keswick Avenue, south of West 24th Street from ML-2 (Manufacturing And Logistics - 2) and I-2(CD) (General Industrial, Conditional) to IMU (Innovation Mixed-Use).

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent 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 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. Although the subject site is adjacent to Neighborhood 1 parcels, the proposed zoning district has a number of built-in protections for when an IMU site abuts the Neighborhood 1 Place Type. If the site were successfully rezoned, it would be subject to larger side and rear setbacks against Neighborhood 1 parcels as well as height caps for any portions of a structure within 200 feet of Neighborhood 1. 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) 221-222.

Item No. 16: Ordinance No. 583-Z, Petition No. 2022-209 by The Keith Corporation amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.62 acres located on the east side of East Morehead Street, south of South McDowell Street, and west of Baxter Street from NC (Neighborhood Center) to MUDD-O PED (Mixed Use Development, Optional, Pedestrian Overlay).

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 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 Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Located just outside of Uptown along East Morehead Street, this area is continuing to densify with new developments such as The Pearl that offer not only the neighborhood but the larger community a mixture of uses in structures that better utilize land area and work towards the goals of the Community Activity Center. This proposal aligns with adjacent projects and meets the intentions of the Community Activity Center Place Type with commitments to ground floor activation, improved pedestrian infrastructure, and moderately dense development with a variety of uses. Uses that would be incompatible with the Community Activity Center Place Type such as automotive service stations and drive-through windows are prohibited in this conditional plan. The specified maximum height in this rezoning of 225 feet matches the prescribed maximum building heights in the approved, adjacent rezoning petition 2021-092 for The Pearl. The height along East Morehead Street will be stepped down to 100 feet at a depth of 115 feet into the site to provide contextual sensitivity to the nearby residential areas in the Dilworth Historic District. This proposal helps to support environmental goals laid out in the 2040 Comprehensive Plan by committing to Leadership in Energy and Environmental Design (LEED) Silver construction standards and providing electric vehicle (EV) capable parking spaces and charging stations. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 3: Housing Access for All, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 223-224.

Item No. 17: Ordinance No. 584-Z, Petition No. 2022-214 by Liberty Senior Living amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 16.35 acres located north of Sledge Road and east of Steele Creek Road from N1-C (Neighborhood 1 - C) to UR-2(CD) (Urban Residential, Conditional).

The Zoning Committee voted 7-0 (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 inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed continuing care community would provide needed housing and care options for seniors in the Steele Creek community. The site is adjacent to a site that was rezoned via petition 2019-128 to UR-2(CD) to allow 150 senior independent living units. The petition will improve pedestrian and bicycle mobility by providing eight-foot planting strip and 12-foot multi-use paths along the site's Steele Creek Road and Sledge Road frontages. Additionally, the petition would install a pedestrian crosswalk with pedestrian signals across Steele Creek Road at Sledge Road to connect to a future greenway. 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 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) 225-226.

Item No. 18: Ordinance No. 585-Z, Petition No. 2022-217 by Mecklenburg County amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 5 acres located north of Reno Avenue, west of Brookshire Freeway, and east of Venice Knights Way from ML-2 (Manufacturing And Logistics) to IC-2 (Institutional Campus).

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 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 Innovation Mixed Use place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is partially developed with the Mecklenburg County Medical Examiner's Office. The petition would allow other county services to be located on the property. The site and all adjacent parcels are currently zoned ML-2. The uses allowed under the proposed IC-2 district are fewer and less noxious than those permitted in ML-2. The petition could facilitate the following 2040 Comprehensive Plan Goals: 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 Innovation Mixed-Use Place Type to Campus Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 227-228.

Item No. 19: Ordinance No. 586-Z, Petition No. 2022-222 by Pearl Properties, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.37 acres located on the east side of Parson Street, west of Union Street, and north of Parkwood Avenue from N1-C (Neighborhood 1 - C) to N1-D (Neighborhood 1 - D).

The Zoning Committee voted 7-0 (motion by Sealey, 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 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The 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 proposal remains compatible with the character of the area, which is comprised of the Neighborhood 1 Place Type. The proposal is reasonable given the site is near existing residential uses and neighborhood amenities. 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) 229-230.

Item No. 20: Ordinance No. 587-Z, Petition No. 2023-003 by Clarke Allen amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.70 acres located on the south side of Southside Drive, west of Old Pineville Road, and east of South Tryon Street from ML-2 (Manufacturing and Logistics - 2) to TOD-NC (Transit Oriented Development - Neighborhood Center).

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 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 Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is within a one mile walk of both the Woodlawn Station and the Scaleybank Station. The TOD-NC district may be applied to parcels within a one-mile walking distance of an existing rapid transit station or within a one-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. Immediately adjacent to the site are a number of parcels zoned under TOD districts, representing an ongoing shift in this area to more transit-supportive redevelopment projects rather than predominantly industrial uses. This rezoning is consistent with the Community Activity Center Place Type recommended for this area around the LYNX Blue Line. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 231-232.

Item No. 21: Ordinance No. 588-Z, Petition No. 2023-004 by Lucky Dog Charlotte Properties, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.96 acres located at the southeast intersection of Thrift Road and Jay Street, north of Freedom Drive from ML-2 (Manufacturing and Logistics - 2) to MUDD-O (Mixed Use Development, Optional).

The Zoning Committee voted 7-0 (motion by Sealey, 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) recommends 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 intent of this rezoning is to allow the site to continue to operate the existing dog boarding facility and EDEE uses in the adapted industrial building and requests flexibility in the parking standards. The Thrift Road corridor is rapidly redeveloping with a number of adaptive reuse projects and

allowing a reduction in the required parking spaces ensures that more space is actively utilized with complementary land uses to this growing area. Any new development on the site outside of the current building and parking footprints or changes that would increase to dimensional nonconformities must comply with MUDD design and streetscape standards. This petition would bring the site under a zoning district that aligns to the recommended Innovation Mixed-Use Place Type. The current Manufacturing and Logistics zoning district permits uses that are not necessarily compatible with the site's surroundings. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 233-234.

Item No. 22: Ordinance No. 589-Z, Petition No. 2023-005 by Sustainable Resources Properties, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.70 acres located on the south side of Southside Drive, west of Old Pineville Road, and east of South Tryon Street from ML-2 (Manufacturing and Logistics - 2) to TOD-NC (Transit Oriented Development - 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 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 petition would align the site with the surrounding area and the Manufacturing and Logistics place type recommendation for the area. The proposed petition is more compatible than the existing office zoning and helps to achieve what is envisioned for the Manufacturing and Logistics Place type. The ML-1 (Manufacturing and Logistics) district will allow some manufacturing and logistics uses that are not allowed in the OFC (office) zoning. 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 I-485, with no residential uses in proximity. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse and Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 235-236.

Item No. 23: Ordinance No. 590-Z, Petition No. 2023-006 by Old Pineville Investments, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 4.09 acres located on the west side of Old Pineville Road, south side of Scholtz Road, and north side of Rountree Road from ML-2 (Manufacturing and Logistics - 2) to TOD-CC (Transit Oriented Development - Community Center).

The Zoning Committee voted 7-0 (motion by Neeley, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The map recommends Innovation Mixed Use (IMU) 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 TOD-CC zoning allows transit supportive development within a third of a mile walk from the Woodlawn Transit Station. The TOD-CC zoning district may be applied to parcels within a half-mile walking distance of an existing rapid transit station. TOD-CC zoning supports uses, adaptive reuse and building forms compatible with the recommended IMU place type. The site is in an area, near a transit station, that is transitioning from industrial, and warehouse uses to adaptive reuse and transit supportive uses. There have been rezonings to TOD-CC zoning in the area and adjacent to the site to the north, west and southwest. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute

Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 237-238.

Item No. 24: Ordinance No. 591-Z, Petition No. 2023-007 by Laurel Oak Farm, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 4.57 acres located on the south side of Youngblood Road, east of McKee Road, and west of Buckthorne Ridge Lane from N1-A (Neighborhood 1 - A) and MUDD-O (Mixed-Use Development District, Optional) to MUDD-O (Mixed-Use Development District, Optional) and MUDD-O SPA (Mixed-Use Development District, Site Plan Amendment).

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 (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: this petition is appropriate and compatible for the location as it provides for expansion of an established neighborhood scale service use with conditions that help integrate the use into the surrounding residential context. The petition provides streetscape improvements, including sidewalk, planting strip, and a new turn lane for Youngblood Road to help mitigate traffic. The petition provides landscaping and buffers along property lines abutting development zoned N1-A to better integrate the development into the surrounding neighborhood. The petition provides a cap on the gross floor area of the development and sets a height limit on structures to conform architecturally with the residential character of the area. The petition provides sound walls for outdoor dog runs to help mitigate noise from the pets. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Commercial Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 239-240.

Item No. 25: Ordinance No. 592-Z, Petition No. 2023-010 by City of Charlotte amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.094 acres located on the north side of Mineral Springs Road, west of Interstate 85, south of University City Boulevard from R-12MF (CD) (Multi-Family Residential, Conditional) to N1-C (Neighborhood 1 - C).

The Zoning Committee voted 6-0 (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 consistent from the final staff analysis based on the information from the staff analysis and the public hearing, and because: The petition is inconsistent with the 2040 Policy Map recommendation for Neighborhood 2. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is appropriate and compatible because the N1-C district is more restrictive in regard to permitted uses. The Neighborhood 1 Place Type recommends neighborhoods with a variety of housing types, where single-family housing is still the predominant use. • The N1-C district allows for the development of single-family, duplex, and triplex dwellings on all lots, as well as public infrastructure uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 10: Fiscally Responsible. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 2 recommended Place Type to Neighborhood 1 for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 241-242.

Item No. 26: Ordinance No. 593-Z, Petition No. 2023-060 by Habitat for Humanity of the Charlotte Region amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 8.33 acres located on the east and west sides of Carya Pond Lane, south of Hickory Grove Road, east of North Sharon Amity Road from R-17MF (CD) (Multi-Family Residential, Conditional) to N2-B (Neighborhood 2 - B).

The Zoning Committee voted 6-0 (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 petition is consistent with the 2040 Policy Map recommendation 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 petition aligns with the goal of the Neighborhood 2 Place Type; to provide a range of moderate to higher intensity housing types, including apartment and condominium buildings, to meet the needs of a diverse population. The petition is located between parcels currently zoned N-2B. A proposal for multi-family residential uses is compatible with the existing multi-family character of the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 243-244.

Item No. 27: Ordinance No. 594-Z, Petition No. 2023-072 by Merancas Holdings, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 17.99 acres located on the north side of Grier Road, west side of East W.T. Harris Boulevard, and south side of District Drive, east of Newell-Hickory Grove Road from N1-A (Neighborhood 1 - A) to N2-B (Neighborhood 2 - B).

The Zoning Committee voted 7-0 (motion by Neeley, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: 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 including single-family, multi-family, institutional, and manufacturing and logistics. The proposed zoning would help to increase the housing availability and diversity in the area. The site is located along two major thoroughfares. The site is located directly across East WT Harris Blvd from the future Back Creek Greenway. The site is located along the route of the number 23 and 29 CATS local buses providing access to the Charlotte Transportation Center on the 23 and between the Independence Blvd Walmart and the JW Clay Park & Ride on the 29. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 245-246.

Item No. 28: Ordinance No. 595-Z, Petition No. 2023-075 by City of Charlotte amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 4.33 acres located on the south side of Reagan Drive and west side of Tom Hunter Road, east of West Sugar Creek Road. (Council District 1 - Anderson) Current Zoning: CG (General Commercial) and N1-B (Neighborhood 1 - B) Proposed Zoning: N2-B (Neighborhood 2 - B).

The Zoning Committee voted 6-0 (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 inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Commercial place type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition helps support one of the goals for the City of Charlotte's Corridors of Opportunity program by reducing the number of motel rooms at the interchange of Sugar Creek and I-85. The proposed zoning could help to increase the housing availability in the area. This site is well served by bus transit along Reagan Drive and Tom Hunter Road, with a bus stop directly adjacent to the site. Development on this site would help serve as an appropriate buffer between the existing single-family neighborhood to the south and Interstate-85. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 3: Housing Access for All, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 10: Fiscally Responsible. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Commercial to Neighborhood 2 for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 247-248.

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ITEM NO. 3: ORDINANCE NO. 570-Z, PETITION NO. 2021-221 BY PAULETTE CANADAY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.10 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD, EAST OF MILLHAVEN LANE, AND SOUTH OF SUNSET ROAD FROM N1-B (NEIGHBORHOOD 1-B ZONING DISTRICT) TO INST(CD) (INSTITUTIONAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Institutional uses are compatible with residential uses and would provide a service to the surrounding community. This petition's proposed uses could help provide access to healthcare services to the surrounding community supporting the goal of access to safe, healthy, and active communities. The petition proposes streetscape improvements along Statesville Road including a six-foot sidewalk and eight-foot planting strip. The petitioner commits to providing short- and long-term bicycle parking also contributing to the safety and health of the surrounding community. The petition plans to include a 24-foot Class C buffer adjacent to the single-family neighborhood to the north of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Councilmember Mayfield said Mr. Pettine, do you have access to pull this up? We note that this is inconsistent, but there's a statement in here regarding current bike lanes. When I look at the revised final site plan I'm trying to understand where these bike lanes are supposed to start and end on this road to justify that being a consideration for this development.

David Pettine, Planning, Design & Development said let me take a look on that one.

Unknown said they are existing.

Mr. Pettine said okay. Bike lanes are existing on Statesville.

Ms. Mayfield said I could not hear you.

Mr. Pettine said bike lanes are already existing on Statesville Ave.

Ms. Mayfield said so, again for this particular petition, what is noted in here is a direct comment in regard to the bike lanes as part of the justification when it's inconsistent. So, I'm trying to understand. Are they just noting that bike lanes are already there?

Mr. Pettine said the statement in the staff report talks about long term bicycle parking. So, they're going to provide short- and long-term bike parking on the site. That's what noted, not bike lanes, just bicycle parking.

Ms. Mayfield said okay.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Institutional uses are compatible with residential uses and would provide a service to the surrounding community. This petition's proposed uses could help provide access to healthcare services to the surrounding community supporting the goal of access to safe, healthy, and active communities. The petition proposes streetscape improvements along Statesville Road including a six-foot sidewalk and eight-foot planting strip. The petitioner commits to providing short- and long-term bicycle parking also contributing to the safety and health of the surrounding community. The petition plans to include a 24-foot Class C buffer adjacent to the single-family neighborhood to the north of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Councilmember Ajmera said I just wanted to highlight this. This petition is to develop a 15,000 square foot facility for special needs youth and adults on vacant land. Certainly, something that's very much needed in our community. So, I'll be supporting it. Thank you.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 197-198.

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ITEM NO. 4: ORDINANCE NO. 571-Z, PETITION NO. 2022-036 BY MPV PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 31.94 ACRES LOCATED ALONG THE EAST SIDE OF INTERSTATE 485 AND WEST SIDE OF DUTCH CREEK DRIVE, NORTH OF ROCKY RIVER ROAD FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-1 (motion by Russell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Commercial Place Type. However, we find this

petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes to amend a previously approved plan (petition 2017-042). The petition proposes an increase in the total number of allowed residential units from 515 to 739 units. The petition proposes a reduction in the total number of allowed commercial square footage from 191,000 square feet to 150,000 square feet. A proposal for a mixture of uses, including residential, is consistent with existing residential and nonresidential uses surrounding the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from current recommended Commercial place type to new recommended Neighborhood Center place type for the site.

Motion was made by Councilmember Anderson, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Commercial Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes to amend a previously approved plan (petition 2017-042). The petition proposes an increase in the total number of allowed residential units from 515 to 739 units. The petition proposes a reduction in the total number of allowed commercial square footage from 191,000 square feet to 150,000 square feet. A proposal for a mixture of uses, including residential, is consistent with existing residential and nonresidential uses surrounding the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from current recommended Commercial place type to new recommended Neighborhood Center place type for the site.

Councilmember Mayfield said Mr. Pettine, unfortunately or fortunately since I access everything on the iPad to try to reduce on paper, I tried to go back to look at the original petition from 2017, 2017-042. It was not available online. I was trying to see what was the original comments from neighborhoods since this is a request to add additional units into this development. I guess our process right now isn't that you go back to the community to have conversation to say, "Okay, we want to add additional units." They have on here that zero were in attendance to the meeting, but if we have 300 or so square feet that go out with the current development, that potentially wouldn't have even gotten out into the residential neighborhoods. So, these questions I submitted to staff earlier, but trying to figure out what were the conversations and the commitment back in 2017 with this original proposal since tonight they're asking for additional units in this space?

David Pettine, Planning, Design & Development said reading back through, they talked through just the mix of uses that were being proposed in the 2017 one which did include a little bit more of the commercial that is now being reduced. I think a big part of that is the movie theater not being part of the project. I don't see any particulars about residential development, it looked like more conversation about the mix of uses like I said, that were going to be part of the overall project, but they did talk about some residential uses in the community meeting report. They did have some residential building interest in the site, but obviously that was about six years ago. So, the market's changed significantly. They did go back for the community meeting for the recent petition which I think they held that on June, 1, 2023 and like you mentioned, they did not have any significant attendance at that one. It doesn't look like there was too much other than just a discussion of the overall project in 2017. I don't see any specific concerns raised about residential in that community meeting report.

Ms. Mayfield said so, it would be helpful moving forward as we see that over a five, six-year period, we're adapting to what's going on. Verifying the addresses to ensure that if we have individuals that still live in that area, because once we do a development we change that 300 feet. So, unless the 300 feet starts on the main street and goes out versus starts within a development and then goes out, there's a possibility that residents are not aware since what they approved back in 2017 was the idea of having an entertainment, the movie theater and some other gathering spaces that would've been there. Now we're looking at residential. So, it may be helpful as we move forward that we're working with our petitioners and on our end, we're making sure that we're actually able to outreach to the original residents if they are still living in the area to ensure that they have an opportunity to be a part of these conversations.

Mr. Pettine said certainly, yes. I think part of the challenge with this one and some of the buildable area as you'd mentioned has been reduced. So, the notice radius from 300 feet is taken from just the subject property being rezoned. So, certainly note that as we move forward and see some of these amendments coming in here in the future. Thank you.

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

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 199-200.

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ITEM NO. 5: ORDINANCE NO. 572-Z, PETITION NO. 2022-068 BY PROVIDENCE GROUP CAPITAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.03 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF SOUTH TRYON STREET AND WRIGHT'S FERRY ROAD, WEST OF STEELE CREEK ROAD FROM N1-A (NEIGHBORHOOD 1 - A) TO CAC-1 (COMMUNITY ACTIVITY CENTER).

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Winiker) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is adjacent to Community Activity Center place type. The Community Activity Center place type could be considered appropriate for this site given the S Tryon Street frontage and commercial, multifamily, single family attached, and institutional uses along this segment of S Tryon Street. The small acreage of the site and limited access (only from S Tryon Street) will limit the intensity of the proposed CAC-1 uses. 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 as specified by the 2040 Policy Map (2022) from Neighborhood 1 place type to Community Activity Center place type for the site.

Motion was made by Councilmember Winston, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is adjacent to Community Activity Center place type. The Community Activity Center place type could be considered appropriate for this site given the S Tryon Street frontage and commercial, multifamily, single family attached, and institutional uses along this segment of S Tryon Street. The small acreage of the site and limited access (only from S Tryon Street) will limit the intensity of the proposed CAC-1 uses. 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 as specified by the 2040 Policy Map (2022) from Neighborhood 1 place type to Community Activity Center place type for the site.

Councilmember Mayfield said this for, Mr. Pettine, will be for five, 10, 11, 12, and 17. All of these are inconsistent, yet we are saying that for this one in particular it should be identified as Neighborhood 1 although inconsistent we're stating that a Community Activity Center may be good. The challenge I have with the ones moving forward is the fact that they are inconsistent, and staff put a lot of time, Council, residents put a lot of time into our living document of the 2040 Plan. So, it would be helpful that if we're going to have projects coming before us that are inconsistent, if staff also, sooner rather than later, send us some recommended updates to address these inconsistencies because for me, if it is inconsistent, then we should not be moving forward with it. Thank you.

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

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 201-202.

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ITEM NO. 6: ORDINANCE NO. 573-Z, PETITION NO. 2022-114 BY ROHIT PATEL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.18 ACRES LOCATED ON THE NORTHEAST SIDE OF RIDGE ROAD, SOUTH OF MALLARD CREEK ROAD, AND NORTH OF INTERSTATE 85 FROM N1-A (NEIGHBORHOOD 1-A) TO R-8MF(CD) (MULTI-FAMILY RESIDENTIAL).

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 post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 place type at this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition will add to the variety of housing options in the area located near a developing employment center via Kings Grant, and close proximity to goods and services in the Concord Mills area. The petition proposes a 12-foot multi-use path along Ridge Road. The petition proposes a minimum of 400-sq ft of open space per unit. The petition commits to dedicated right-of-way for future stub connections. The petition plans for a 26-foot Class C buffer to protect the adjacent single family residential uses and a 50-foot post construction buffer. The petition proposes a school bus shelter near the Ridge Road entrance. The petition could facilitate the following 2040 Comprehensive

Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2.

Motion was made by Councilmember Winston, and seconded by Councilmember Anderson, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 place type at this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition will add to the variety of housing options in the area located near a developing employment center via Kings Grant, and close proximity to goods and services in the Concord Mills area. The petition proposes a 12-foot multi-use path along Ridge Road. The petition proposes a minimum of 400-sq ft of open space per unit. The petition commits to dedicated right-of-way for future stub connections. The petition plans for a 26-foot Class C buffer to protect the adjacent single family residential uses and a 50-foot post construction buffer. The petition proposes a school bus shelter near the Ridge Road entrance. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2.

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

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 203-204.

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ITEM NO. 8, ORDINANCE NO. 575-Z, PETITION NO. 2022-119 BY BLACKBURN COMMUNITIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.2 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF JOHNSTON OEHLER ROAD AND SOUTH SIDE OF ROBERT HELMS ROAD, EAST OF PROSPERITY CHURCH ROAD FROM (NEIGHBORHOOD 1 - A) TO UR-3(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type. We find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition is appropriate and compatible with the Community Activity Center Place Type as it increases the amount and variety of housing in an area within a 15-minute walk to elementary, middle, and high schools, multiple grocery stores and other retail opportunities. Approval of this petition would result in zoning that is better aligned to the Community Activity Center Place Type than the existing single-family zoning district. The petitioner commits to coordinating with the appropriate agencies regarding a proposed overland connector as part of the Clark Creek Greenway Project. The site is within a half mile walk of the CATS number 53x express bus providing transit access to

Northlake and Uptown and the 59 local buses providing a connection between Huntersville and the JW Clay Park and Ride, adjacent to UNC Charlotte with transfers to the Lynx Blue Line. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

Project. The site is within a half mile walk of the CATS number 53X express bus providing transit access to Northlake and Uptown and the 59 local buses providing a connection between Huntersville and the JW Clay Park and Ride, adjacent to UNC Charlotte with transfers to the Lynx Blue Line. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

Motion was made by Councilmember Johnson, and seconded by Councilmember Winston to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 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. 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 Community Activity Center Place Type as it increases the amount and variety of housing in an area within a 15-minute walk to elementary, middle, and high schools, multiple grocery stores and other retail opportunities. Approval of this petition would result in zoning that is better aligned to the Community Activity Center Place Type than the existing single-family zoning district. The petitioner commits to coordinating with the appropriate agencies regarding a proposed overland connector as part of the Clark Creek Greenway.

Councilmember Mayfield said [inaudible] refer to the District Rep [inaudible]. So, for this one, I believe we all received an email on the fact that over the last few years more than 1,500 units have already been built in this immediate area and staff as well as Planning Committee are in support of this as far as consistency. I would like for us to consider, when we say aging in place as well as maintaining neighborhood continuity, the impacts that we're having when we're moving forward. If this is really comparable under our new 2040 Policy Map with creating a true neighborhood feel versus creating a separation where, whether they're unintended consequences, the possibility of resegregating our community for those who have access and those who don't when we think about 10-Minute Neighborhoods, who may come into the neighborhood, who may not leave out their neighborhood to come into other areas. Thank you.

Councilmember Johnson said thank you Councilmember Mayfield. I have a couple of comments. This is on the consent agenda because there was no public opposition, however as Councilmember Mayfield stated, there was opposition to this petition. So, I think we as Council or Planning staff really need to look at how we're looking at incorporating public comments or public concern into items that are on our consent agenda. Perhaps on our new app that we have for residents, there could be something where residents could send in their opposition because just because a person is not speaking publicly on television at a Council meeting does not mean their voice should not be heard. As far as this one, the residents' voices were heard. I met with the developer. The developer has met with the residents. They've been very responsive. There were at least two meetings where the opposition was invited, and I know for certain that no one showed up to the last meeting.

So, this developer, I do want to address some of the concessions that they made as far as the recreation and gathering place. There is a portion of the site that will have open space for the community gathering. They've also removed townhomes to provide additional greenspace. There's pedestrian and bike connectivity and there's neighborhood coordination. They've met with Prosperity Village Association and also

residents. This petition, I'm honored to say has affordable housing. This developer offered affordable housing at six percent. Six percent of the units to 80 percent of the area AMI (Area Median Income). There's extension and installation of sewer infrastructure. You've heard me talk about infrastructure and this petition will improve the infrastructure in the area. They're also coordinating with CATS (Charlotte Area Transit System) for bus stops. One of the questions I've asked about this Mallard Creek and all of the development that we've had, this explosive development, how many bus stops have been added? So, I'm happy to support this one. There's also Green Certification. They're planning the community in accordance with Green Certification Guidelines, EV (Electric Vehicle) charging stations and improved multimodal access. So, I will be supporting this petition. When we talk about strategic and responsible development that considers infrastructure, this developer has done just that, and I believe that it raises the bar in District Four.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 207-208.

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ITEM NO. 10: ORDINANCE NO. 577-Z, PETITION NO. 2022-191 BY RED CEDAR CAPITAL PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.86 ACRES LOCATED ON THE EAST SIDE OF PLOTT ROAD, SOUTH OF THE PLAZA, AND NORTH OF MEADOWCROFT COURT FROM N1-A (NEIGHBORHOOD 1 - A) TO R-8 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: While inconsistent with the Neighborhood 1 Place Type, the project provides a housing type that can help facilitate the goal of housing variety. A petition for single family attached housing (quadraplexes) will add a variety of housing in the area, while remaining compatible with the character of the surrounding area. The petition proposes street improvements along Plott Road, including a six-foot sidewalk and eight-foot planting strip. The petition limits building height to 40 feet, which is consistent with the recommended three to four stories in the Neighborhood 1 Place Type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility. 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Anderson, and seconded by Councilmember Winston to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent 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 Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: While inconsistent with the Neighborhood 1 Place Type, the project provides a housing type that can help facilitate the goal of housing variety. A petition for single family attached housing (quadraplexes) will add a variety of housing in the area, while remaining compatible with the character of the surrounding area. The petition proposes street improvements along Plott Road, including a six-foot sidewalk and eight-foot planting strip. The petition limits building height to 40 feet, which is consistent with the recommended three to four stories in the Neighborhood 1 Place Type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility. 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

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

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 211-212.

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ITEM NO. 12: ORDINANCE NO. 579-Z, PETITION NO. 2022-200 BY IP P2 CCP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.403 ACRES LOCATED ON THE WEST SIDE OF IBM DRIVE, SOUTH OF BAUCOM ROAD, AND NORTH OF UNIVERSITY CITY BOULEVARD FROM R-8MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, 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 post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes to add to the variety of housing options in the area. This location is well served by the Community Activity Centers and Campus place types in the area as the site is located directly across from the research park on IBM Drive. This site will also be served by the future public greenspace at the IBM Drive Park site adjacent to this location. The petition proposes to include a minimum of 30,000 square feet of outdoor amenity areas located throughout the site. The petitioner proposes streetscape improvements including an eight-foot planting strip and 12-foot multi-use path along IBM Drive and an eight-foot planting strip and eight-foot sidewalk along Catalyst Boulevard. This location is well served by bus transit along IBM Drive. The petitioner proposes to support transit access by installing a CATS bus waiting pad on the site’s frontage along IBM Drive. The petition proposes to provide a vegetated landscape area to serve as a buffer to approved townhome entitlements adjacent to their site. 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 approval of this petition will revise the recommended place

type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

Motion was made by Councilmember Johnson, and seconded by Councilmember Winston, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 place type for 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 proposes to add to the variety of housing options in the area. This location is well served by the Community Activity Centers and Campus place types in the area as the site is located directly across from the research park on IBM Drive. This site will also be served by the future public greenspace at the IBM Drive Park site adjacent to this location. The petition proposes to include a minimum of 30,000 square feet of outdoor amenity areas located throughout the site. The petitioner proposes streetscape improvements including an eight-foot planting strip and 12-foot multi-use path along IBM Drive and an eight-foot planting strip and eight-foot sidewalk along Catalyst Boulevard. This location is well served by bus transit along IBM Drive. The petitioner proposes to support transit access by installing a CATS bus waiting pad on the site's frontage along IBM Drive. The petition proposes to provide a vegetated landscape area to serve as a buffer to approved townhome entitlements adjacent to their site. 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 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 vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 215-216.

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ITEM NO. 13: ORDINANCE NO. 580-Z, PETITION NO. 2022-205 BY HR HORTON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.12 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF MALLARD CREEK ROAD, WEST OF PENNINGER CIRCLE, AND NORTH OF MORRIS ESTATE DRIVE FROM N1-A (NEIGHBORHOOD 1 - A) AND R-8MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-8MF(CD) (MULTI-FAMILY RESIDENTIAL) AND R-8MF(CD) SPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map recommendation for the Neighborhood 2 Place Type for the majority of the site, but inconsistent with the recommendation for the Neighborhood 1 Place Type for a portion of the site based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 and Neighborhood 2 place types for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition proposes to contribute to the variety of housing options in the area. This petition is consistent with the growing Neighborhood 2 development along Mallard Creek Road and would be well served by the activity

centers to the southwest along Derita Ave and to the northeast along W. T. Harris Blvd. The petition commits to improvements on Penninger Circle, including include improving curb and gutter, sidewalks, and street trees. The petition proposes to contribute to connectivity with stub street connections from the public right of way Hyrule Drive to the adjacent sites. The landscaped buffers along existing single-family uses provide appropriate protection of the adjoining neighborhoods. This location is well served by bus transit along Mallard Creek Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. 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 a portion of the site.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map recommendation for the Neighborhood 2 Place Type for the majority of the site, but inconsistent with the recommendation for the Neighborhood 1 Place Type for a portion of the site based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 and Neighborhood 2 place types for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes to contribute to the variety of housing options in the area. This petition is consistent with the growing Neighborhood 2 development along Mallard Creek Road and would be well served by the activity centers to the southwest along Derita Ave and to the northeast along W. T. Harris Blvd. The petition commits to improvements on Penninger Circle, including include improving curb and gutter, sidewalks, and street trees. The petition proposes to contribute to connectivity with stub street connections from the public right of way Hyrule Drive to the adjacent sites. The landscaped buffers along existing single-family uses provide appropriate protection of the adjoining neighborhoods. This location is well served by bus transit along Mallard Creek Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. 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 a portion of the site.

Councilmember Mayfield said Mr. Pettine, this one is a similar question as far as previous approval and having the ability to go back to community. What we're looking at on here is doing the addition. We have on here that the proposed request details adds up to 20 additional townhome style units and four buildings. It was previously approved for 96 and creating the new site total of 116. We did have five that were in attendance but wanted to make sure that we're staying consistent in our language as far as when we come in and request for additional units to be added to a project and making sure that we have updated numbers. I was able to get some previous information and it seems like the same numbers as far as possible traffic impact and/or school impact is the same now. There's no way, and that's one of the things that Councilmember Johnson has spoken to on more than one occasion that we're using numbers for multiple projects without showing the increase in those numbers. So, it seems as if we're not having accurate numbers presented to us. So, it would be helpful if we're able to identify current up to date numbers, not numbers that may be two to three maybe even five years past when we look at impact to schools as well as impact to traffic.

David Pettine, Planning, Design & Development said so, it does look like the trip generation did go up from existing zoning for the 96 townhomes that were initially approved. It went from 700 trips to 835 under the new proposal. So, there was an increase of trips per day that were captured as a result of the increase in units on this one.

Ms. Mayfield said I do see the trips. I'm really more concerned about what we identified potentially for school impact when we think about buses and traffic concerns. It would be helpful to just see if the numbers can match up.

Mr. Pettine said okay.

Ms. Mayfield said thank you.

Councilmember Johnson said thank you Councilmember Mayfield. Didn't we determine a few months ago that we're not actually capturing the school impact Mr. Pettine? The cumulative impact on schools?

Mr. Pettine said we capture those impacts on a petition-by-petition basis.

Ms. Johnson said okay, because like she said, even the petition we're looking at, I believe the one we just passed that it affected Mallard Creek, the capacity up to 113 percent and I believe I have petitions from 2022 where the Mallard Creek capacity numbers were higher than that, and just for the record, we have received a memo from CMS (Charlotte Mecklenburg Schools) that there's significant concern at least in District Four with those capacities. So, that is something that I've been talking about, the cumulative impact and responsible infrastructure. So, I totally support as you know Ms. Mayfield. If there's anything that we can do to really begin to take a look at that.

Mr. Pettine said just to clarify. The petition back in 2020 which I think was 2020-099 had 29 students that would be generated. I think this one, it actually came down as a reduction of total units over the entire project. So, the student generation didn't go down as a result of this rezoning. They didn't build everything that was initially entitled in 2020 and they increased this request to add 20 more units back, but it's still lower. I think it was originally titled for 130 and now it's 116. So, we do have less units and then a less student impact than the initial 2020 approval.

Ms. Mayfield said so, in 2020 we identified that there would be around 29, as far as there would be an impact. It's difficult to think that the impact would be reduced when that impact was already at an area that was over capacity. So, even if we say it's a minor impact, it is an impact that's contributing added along with the other developments. So, adding these additional units even though they did not go with the full build out, adding these additional units now, that is creating an impact, but I appreciate you going back and reviewing the 2020 recommendations.

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

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Johnson, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 217-218.

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DECISIONS

ITEM NO. 44: ORDINANCE NO. 596, PETITION NO. 2023-093 BY CHARLOTTE PLANNING, DESIGN, & DEVELOPMENT FOR A TEXT AMENDMENT THAT WILL MAKE SINGLE-FAMILY AND DUPLEX DWELLINGS LEGALLY EXIST UNDER THE OFFICE AND BUSINESS LEGACY ZONING DISTRICTS PRIOR TO JUNE 1, 2023, AND TRANSLATED TO THE CG (GENERAL COMMERCIAL) AND OFC (OFFICE FLEX CAMPUS) ZONING DISTRICTS, ALLOWED USES WITH PRESCRIBED CONDITIONS.

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is consistent with the 2040 Comprehensive Plan (2021) based on the

information from the post-hearing staff analysis and the public hearing because: A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions. 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: Without the text amendment single-family and duplex dwellings legally existing prior to June 1, 2023 in the office and business legacy zoning districts, after being translated to the CG (General Commercial) and OFC (Office Flex Campus) zoning districts, become non-conforming uses since residential uses are not allowed; and This text amendment corrects the issue by allowing these uses with prescribed conditions in the CG and OFC zoning districts and allowing future modifications to these dwellings.

Motion was made by Councilmember Driggs, seconded by Councilmember Graham, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is consistent with the 2040 Comprehensive Plan (2021) based on the information from the final staff analysis and the public hearing because: A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions. 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: Without the text amendment single-family and duplex dwellings legally existing prior to June 1, 2023 in the office and business legacy zoning districts, after being translated to the CG (General Commercial) and OFC (Office Flex Campus) zoning districts, become non-conforming uses since residential uses are not allowed; and This text amendment corrects the issue by allowing these uses with prescribed conditions in the CG and OFC zoning districts and allowing future modifications to these dwellings.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 249-303.

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ITEM NO, 46: PETITION NO. 2022-060 BY PROVIDENCE GROUP CAPITAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.90 ACRES LOCATED ON THE WEST SIDE OF SOUTH BOULEVARD AND EAST SIDE OF OLD PINEVILLE ROAD, NORTH OF EAST WOODLAWN ROAD FROM ML-1 (MANUFACTURING AND LOGISTICS - 1) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Lansdell-) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The subject site is located directly adjacent to the LYNX Blue Line and is within a half-mile walk of the Woodlawn Station. The TOD-CC zoning district may be applied to parcels within a half-mile walking distance of an existing rapid transit station or within a half-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The rezoning of this parcel will allow the site to be redeveloped for transit-supportive uses. The site is directly adjacent to a number of parcels zoned TOD-CC and represents an ongoing shift in the area from auto-intensive and industrial uses to transit-oriented redevelopment along the Blue Line. The use of conventional TOD-CC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The petition could facilitate the following

2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility. 6: Healthy, Safe & Active Communities.

The 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 portion of the site that is closest to Old Pineville Road proposes all uses allowed by-right and under prescribed conditions in the TOD-CC zoning district and totals 4.3548 acres.
2. The portion of the site that has a small frontage along South Boulevard proposes all uses allowed by-right and under prescribed conditions in the TOD-TR zoning district and totals 1.527 acres.

David Pettine, Planning, Design & Development said that is a change that staff does believe warrants additional review by the Zoning Committee, and we do suggest that it goes back to them so they can determine the appropriateness of the change and whether or not they feel that it would need a new public hearing. It would be up to the Zoning Committee's discretion at that point, and we do recommend it goes back to them.

Motion was made by Councilmember Winston, seconded by Councilmember Mayfield, and carried unanimously to send back to the Zoning Committee.

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ITEM NO. 47: ORDINANCE NO. 597, PETITION NO. 2022-152 BY VINROY REID AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.87 ACRES LOCATED ON THE SOUTHEAST SIDE OF CHAR-MECK LANE, NORTH OF MONROE ROAD, AND EAST OF NORTH WENDOVER ROAD FROM N1-C (NEIGHBORHOOD 1 - C) AND OFC (OFFICE FLEX CAMPUS) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee voted 5-1 (motion by Gaston, seconded by Gussmen) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The plan recommends the Neighborhood Center Place Type However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition limits the number of uses to be allowed on the site by right and under prescribed conditions. The petition attempts to balance the provision of commercial services with protection of residential areas. Adaptive reuse of an existing building will protect and enhance the existing character. The petition is compatible with adjacent uses considering the existing building and character will be retained. Neighborhood Center Place Type from the 2040 Policy Map calls for the development of pedestrian friendly, mixed-use environments that provide nearby residents with convenient access to goods and services. The proposed conditional plan and use limitations help to provide better alignment with the goals of the place type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 – Minute Neighborhoods. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood Center place type to Commercial place type for the site.

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

1. Added a note stating "All Music and entertainment will take place in the Outdoor Seating/Dining Area of the Restaurant on the patio."

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

Motion was made by Councilmember Winston, and seconded by Councilmember Mayfield to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The plan recommends the Neighborhood 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 limits the number of uses to be allowed on the site by right and under prescribed conditions. The petition attempts to balance the provision of commercial services with protection of residential areas. Adaptive reuse of an existing building will protect and enhance the existing character. The petition is compatible with adjacent uses considering the existing building and character will be retained. Neighborhood Center Place Type from the 2040 Policy Map calls for the development of pedestrian friendly, mixed-use environments that provide nearby residents with convenient access to goods and services. The proposed conditional plan and use limitations help to provide better alignment with the goals of the place type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 – Minute Neighborhoods. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood Center place type to Commercial place type for the site as modified.

Councilmember Ajmera said I just wanted to highlight some of the restrictions that were placed as a result of continued negotiations. If y'all remember we deferred this from last month and I think it has resulted in getting community support. I appreciate Councilmember Molina's leadership. I'll be supporting this and I appreciate the petitioner's willingness to continue to address concerns that were raised.

Councilmember Anderson said Mr. Pettine, I just wanted for us to have a discussion around the general business conditional of this proposed zoning and what options. I do understand that the petitioner currently is looking to expand a restaurant and have an entertainment aspect of that particular business. If this zoning is approved, then under B-2 what other types of businesses would the petitioner be allowed to open without having to come back before Council or speak to community members about?

David Pettine, Planning, Design & Development said so, it would allow all uses in B-2 with the exception of the prohibited uses which are up on the screen now. I don't know if everybody can see that at the dais, but there's quite a list of prohibited uses that wouldn't be allowed. So, essentially if it's on this list, it can't be done on the property. Anything that might be on the use table that's not listed here under permitted uses, then those would be allowed. So, there is a pretty good restriction on the uses that staff and the petitioner felt wouldn't necessarily serve the general community. So, things like automotive services, jails and prisons, bus and train terminals. Some of the uses in B-2 that really could become a little more problematic on that site were the ones that were put in as prohibited and it would just allow those retail and nonresidential uses outside of those that again are listed. It looks like A through Y so there's probably about 23 uses listed that are now not permitted on the site should this be approved.

Ms. Anderson said thank you Mr. Pettine. I just wanted to ensure for public record that there have been some significant restrictions on the uses here.

Mr. Pettine said thank you.

Councilmember Driggs said so, there were a couple of issues that I think had been addressed to you and I haven't heard that they've all been resolved, but they're not outstanding issues in the normal sense. Is that right?

Mr. Pettine said correct. Yes.

Mr. Driggs said so, I guess I would just like to clarify, unless six of us vote against this, if by any chance it doesn't pass tonight it could come up again, right? In other words if we didn't have sufficient votes but there wasn't six votes against it then it could come up again.

Mayor Lyles said right.

Mr. Driggs said I just wouldn't want to be in a situation since I'm not sure where everybody is, where this thing finds itself locked out. So, I personally intend to support it. I know what the issues are. I've discussed them with Councilmember Molina, but I believe based on what we have that we can proceed, and we will just want to keep an eye on what might happen in the adjacent area. Thanks. Just to clarify that.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 304-305.

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ITEM NO. 51: ORDINANCE NO. 597-ZZ, PETITION NO. 2022-198 BY ARDENT ACQUISITIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.73 ACRES LOCATED ALONG THE EAST SIDE OF SOUTH TRYON STREET, WEST OF NATIONS FORD ROAD, AND EAST OF WEST TYVOLA ROAD FROM N1-B (NEIGHBORHOOD 1 - B) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-1 (motion by Neeley, seconded by Winiker) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed single family attached dwellings would diversify the housing options along this segment of S Tryon Street. Six of the ten buildings proposed contain no more than three units per building, which is consistent with the character of the Neighborhood 1 place type. The majority of the units are rear loaded and the setback for the units facing S Tryon Street is comparable to that of the single family detached dwellings to the south of the site. The petition will improve multimodal mobility in the S Tryon corridor by constructing a 12-foot multi-use path along the site's frontage. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All o 5: Safe & Equitable Mobility. 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 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 site plan note and conditional note committing to constructing an ADA compliant bus waiting pad in coordination with CATS, C-DOT (Charlotte Department of Transportation), and NC-DOT (North Carolina Department of Transportation).

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

Motion was made by Councilmember Ajmera, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed single family attached dwellings would diversify the housing options along this segment of S Tryon Street. Six of the ten buildings proposed contain no more than three units per building, which is consistent with the character of the Neighborhood 1 place type. The majority of the units are rear loaded and the setback for the units facing S Tryon Street is comparable to that of the single family detached dwellings to the south of the site. The petition will improve multimodal mobility in the S Tryon corridor by constructing a 12-foot multi-use path along the site’s frontage. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All o 5: Safe & Equitable Mobility. 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 as modified.

The ordinance is recorded in full in Ordinance Book 66, at Page(s)

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ITEM NO. 52: ORDINANCE NO. 598-Z, PETITION NO. 2022-202 BY SAM’S MART AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.98 ACRES LOCATED ON THE EAST SIDE OF BENFIELD ROAD, WEST OF PROSPERITY CHURCH ROAD, AND SOUTH OF JOHNSTON OEHLER ROAD FROM N1-A (NEIGHBORHOOD 1 - A) TO CAC-1 (CD) (COMMUNITY ACTIVITY CENTER - 1, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Russell, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for 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: CAC-1 place types are utilized for transitioning away from automobile-centric orientation toward a more walkable, well-connected, moderate intensity, mix of retail, restaurant, entertainment, office, and personal service uses, including some residential uses. The Community Activity Center place type could be considered appropriate for this site given that the surrounding parcels are designated for the Community Activity Center place type and this rezoning would help further align the place type recommendation toward the intersection of Prosperity Church Rd. and Benfield Rd. The small acreage of the site and the limited access could limit the intensity of the proposed CAC-1 uses. 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 as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Community Activity Center for the site.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for 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: CAC-1 place types are utilized for transitioning away from automobile-centric orientation toward a more walkable, well-connected, moderate intensity, mix of retail, restaurant, entertainment, office, and personal service uses, including some residential uses. The Community Activity Center place type could be considered appropriate for this site given that the surrounding parcels are designated for the Community Activity Center place type and this rezoning would help further align the place type recommendation toward the intersection of Prosperity Church Rd. and Benfield Rd. The small acreage of the site and the limited access could limit the intensity of the proposed CAC-1 uses. 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 as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Community Activity Center for the site.

Councilmember Johnson said I just want to say that when we talk about community input, I've met with the developer and the developer's representative very early on and referred them to the community. I know this says Sam's Mart, but I just want for the record that gas station is one of the excluded use. So, this will not be a gas station. It's owned by Sam's Mart Corporation. So, I will be supporting this.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 306-307.

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ITEM NO. 53: PETITION NO. 2022-204 BY JAY JEET, LLC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.19 ACRES LOCATED ON THE SOUTH SIDE OF SUNSET ROAD, WEST OF BEATTIES FORD ROAD, AND EAST OF PEACHTREE ROAD FROM CURRENT ZONING: N1-B (NEIGHBORHOOD 1- B) TO MUDD(CD) (MIXED-USE DEVELOPMENT DISTRICT, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Winiker, seconded by Lansdell) to recommend denial of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommendation for the Neighborhood 1 Place Type. We find this petition to not be reasonable and in the public interest based on the information from the post-hearing staff analysis and the public hearing, and because: There are transportation issues concerning the ability for pedestrians to cross Sunset Road in order to access goods and services in the area. Transportation concerns regarding ingress and egress of vehicles accessing the site and leaving the site, especially during peak hours. Concerns regarding proximity to manufacturing and logistics facilities in the area, most notably the quarry to the south of the site, to the proposed residential development impacting the air quality among other environmental concerns.

Motion was made by Councilmember Graham, seconded by Councilmember Winston, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommendation for the Neighborhood 1 Place Type. We find this petition to not be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because: There are transportation issues concerning the ability for pedestrians to cross Sunset Road in order to access goods and services in the area. Transportation concerns regarding ingress and egress of vehicles accessing the site and leaving the site, especially during peak hours. Concerns regarding proximity to manufacturing and logistics facilities in the area, most notably the quarry to the south of the site, to the proposed residential development impacting the air quality among other environmental concerns.

David Pettine, Planning, Design & Development said just a note on this one. If you do want to recommend or adopt an approval stance on this petition, Zoning Committee did recommend against it. So, you could adopt staff's statement of consistency other than the Zoning Committee's.

Mayor Lyles said okay. We're having adoption of the staff's statement of consistency?

Mr. Pettine said yes.

Mayor Lyles said alright, thank you.

Councilmember Mayfield said so I'm wondering am I able to ask Zoning Committee a question since Zoning Committee moved to deny this for being inconsistent when we've had a number of items that were inconsistent, what was the inconsistency on this one for this item not to be supported by Zoning Committee, yet staff is supporting it. Seems like this would've been one of those that we have opposition on because we have Zoning Committee stating to deny.

Mayor Lyles said alright, Mr. Welton, would you please address the issue?

Ms. Mayfield said only the Chair from the Committee can respond?

Mayor Lyles said I don't know who the Chair would recognize. So, I would rather have them make that decision.

Ms. Mayfield said okay.

Mr. Pettine said both Chair and Vice Chair are in the back.

Mayor Lyles said Mr. Welton, a question from Ms. Mayfield.

Ms. Mayfield said were you able to hear my question?

Douglas Welton, Chairman of the Zoning Committee said no.

Ms. Mayfield said okay, thank you. I wanted to get an idea because the Committee, you all motioned to deny this as far as its inconsistency, but staff has submitted approval. So, I would like to get a little understanding. This is 2022-204, item number 53.

Mr. Welton said there a number of issues that were related to that one and a number of them had to do with the placement of the residential proximity of the quarry, left turn light. The one driveway in and out was also an issue that was discussed. I've got flood plain here?

Unknown said runoff from the quarry.

pti:mt

Mr. Welton said runoff from the quarry, yes. Proximity would be a thing that would basically sum up a lot of this and lack of connectivity also because there was not connectivity to all that is immediately to the east.

Unknown said you've got Food Lion.

Mr. Welton said Food Lion is across the street. Also, the notion of getting across the road safely.

Ms. Mayfield said right. We don't have a path to safely cross the street.

Mr. Welton said yes. In general, the question of proximity was one that came up there. A little bit of designing from retro denying in our regard.

Ms. Mayfield said I appreciate you giving a detail on that. Thank you.

Mr. Welton said yes.

Ms. Mayfield said so, Mayor, you received a motion and a second.

Mayor Lyles said we had a motion and a second to approve the staff comments on this one.

Ms. Mayfield said so, the follow up would be for Mr. Pettine to help me understand. If all of these things were identified on the front end by the Planning Committee, I'm trying to understand why staff is in support when we have transitional issues. It's great to say it's within a 10-Minute Neighborhood, but if you're playing Frogger to get across the street, that's not safety. If it's a one way in and out, that egress and regress is going to be a challenge. So, help me understand staff in support of it versus supporting the Planning Committee's recommendation.

Mr. Pettine said sure. Yes, our recommendation has been supported from the hearing time. I believe it was supported hearing in Zoning Committee, of course now at final decision. It is in close proximity to that Neighborhood Activity Center that basically encompasses the intersection here around Sunset Road and Beatties Ford. There is pedestrian access to the signalized intersection at Sunset. So, pedestrians can get to a safe crossing intersection at Sunset. That was something that we did look at. They did work with C-DOT and NC-DOT to mitigate some of the transportation and access concerns successfully. So, we didn't have any significant outstanding issues. Certainly, understand Zoning Committee's perspective on it. I think from staff's perspective, we saw it as another element of integration into the overall Activity Center and that was where our recommendation stemmed mainly from.

Ms. Mayfield said thank you.

Councilmember Johnson said yes, this question is for the Chair of the Zoning Committee. If the developer made some changes, do you think that would be something that the Zoning Committee could then reconsider?

Mr. Welton said so, I'll defer on answering that question directly. I will simply say that people are able to make changes and these things are able to come back to us and we are able to reconsider them. So, those are the options that are available to you. We don't have fast, cheap and good.

Ms. Johnson said okay. I appreciate that honest answer. So, thank you. Is that something that we would be willing to defer this petition?

Ms. Mayfield said you would have to make a motion because it's already moved to approve.

Motion was made by Councilmember Johnson, and seconded by Councilmember Mayfield to defer Item No. 53.

Councilmember Driggs said I think we before we act on that since typically the request to defer comes from the petitioner, I would like to know what the petitioner's position would be, whether it creates a hardship. I don't know if we all saw an email with aerial photography. When I looked at it, with all respect to the Zoning Committee, and I appreciate their work, I just didn't see those same issues. I thought the illustrations when the photography suggested there's something we ought to be able to do, but certainly I would like to hear from the petitioner before we commit one way or another on the deferral if we could. So, is anybody here to speak for the petitioner?

Ms. Mayfield said Madam Mayor, as Mr. Barnes is making his way down, I just would like to share. I would say sometime around 5:00 p.m., 5:45 p.m. yesterday, I drove through the area to see potential concerns and although I saw people crossing the street, it was not at the crosswalk. Where this potentially would be at, is the equivalent of right here with a crosswalk down there. The chances of individuals, which we see all over the City walking an extra distance down here especially if you have a young person with you or if you're carrying groceries to get to the crosswalk versus where this entrance is going to be is going to be a hardship.

Mayor Lyles said thank you. Mr. Barnes? I believe you were asked a question.

Michael Barnes, 1909 J.N. Pease Place said good evening, Mayor, Council and Zoning Committee and staff. What's your question sir?

Mr. Driggs said the question was whether it would be a hardship for the petitioner for us to take another month before making this decision. Are there hard cash stops or other reasons?

Mr. Barnes said so, I think there may be. I don't know all of their internal operations, but they've been at this for about a year. So, I think there are some stressors there and the engineers have worked this site to get to this point. So, this was not the first and only rendition. It was worked to get to this point. So, the issues regarding ingress and egress were addressed as best as they could be. There is a pedestrian and vehicular connectivity if you enter Sunset to get to the Aldi and the Dunkin' Donuts center to the east of the site.

Mr. Driggs said we can't really right now on the night of the vote, and that's why I'm suggesting, would it be possible if we postponed this vote for a half an hour to an hour for you to communicate with your client and get us an answer specifically as to what problems would be created for your client if we were not to vote this tonight?

Mr. Brown said I will try to reach them, yes.

Mr. Driggs said can we do that?

Mayor Lyles said I don't know if we want to do that. We have a substitute motion on the floor now. So, we'd have to deal with that motion.

Councilmember Graham said I had the opportunity to talk to the petitioner, went out to the site myself, walked the site myself. The aerial clearly demonstrates that it's a short walk. So, I respectfully disagree with the Planning Commission as well in terms of what they saw. It's not a bad development, it is not a bad walk-in reference to proximity to the intersection for residents who would do that path. There's been no neighborhood concerns in reference to it at all. The aerial that was sent out clearly demonstrates where the walking paths are. We certainly don't encourage J-walking throughout the City as a whole. So, I don't think you can point to this particular project and say that we're going to prevent because we want to prevent J-walking. I think residents, especially those with children will hopefully use the safety measures afforded to them to

cross the street in an appropriate fashion. So, I'm not sure if you can contact someone on the moment where you have two motions on the floor, but that seems to be a little bit problematic for me right now.

Councilmember Ajmera said I share some of the concerns that's been raised by the Zoning Committee and some of my colleagues, but I also recognize this is going to improve the site. It's located within 300 yards of a bus stop for CATS Number Seven connecting between Northlake Mall. So, I'm torn here, but Mr. Barnes, as you can see clearly, I don't think you have six. So, either you deny it or we defer it. So, I think I'm going to go with deferring rather than denial. So, I will be supporting the substitute motion because clearly you don't have six today.

Councilmember Winston said yes, I agree generally with the concerns of the Zoning Committee in general. I'm just not totally sure how they relate to this petition specifically. It is a short walk to the intersection. There's housing further west from the intersection currently right now. I agree about the connectivity to the resources adjacent, the Aldi and the Dunkin', but I don't think any land use that we have would mandate a connection into those parking lots. So, I think that's a different type of conversation we have to have as we think about further planning and development of the City. I think this petition provides the opportunity to put denser housing in close proximity to a lot of amenities, I certainly don't believe Beatties Ford Road and Sunset Road are optimal pedestrian environments right now. Does this get us closer to it? Perhaps not approving this and leaving the status quo where it's at certainly doesn't get us closer. So, I'm going to be supporting approval of this. I would love to have a conversation to kind of understand a little bit more about how you guys there so unanimously. This is surprising to me to be completely honest.

Mayor Lyles said alright. So, I think what I understand is the question is that it takes six votes to take action tonight and we have three or so Council members that are not here. So, if you had five votes then that would mean it would not go through. I think the question is then the deferral is to wait until we can get more of the Council members in attendance and not have it be deferred and delayed or denied. Mr. Barnes, is that acceptable? I think the only other thing is Mr. Driggs said can you get to call someone, but I don't know how you call a corporation this time of night unless you're going to see the CEO (Chief Executive Officer) at their home or something like that and I'm not even sure that person could give you a decision. So, your thoughts?

Mr. Barnes said I understand on the deferral piece. I'll make sure they're okay with it and thank you for your time.

Mayor Lyles said alright.

Mr. Barnes said I do want to have a conversation with you about what we changed because we can't control the NC-DOT right of way. There's things we can't control around that site which is the issue.

Ms. Mayfield said I have a question for our Senior Assistant Attorney just for clarification. So, for Council, we have three options for any project, and I don't have a question for Mr. Barnes. To approve, to deny, we also have the ability for a deferral. I'm trying to understand this particular conversation because this one is new, where we have a conversation with the petitioner to basically ask for permission of whether or not we should move to a deferral when a motion was made. So, I just want clarity on moving forward, how this should look.

Terrie Hagler-Gray, Senior Assistant City Attorney said I think because there was a substitute motion for a deferral, there was a Council member that would like to hear from the petitioner since typically the referral requests come from the petitioners and this would be coming from the dais. I think that the question was just for the petitioner to respond to how the deferral would impact them.

Ms. Mayfield said so, traditionally a deferral would come from a petitioner, but are we saying that Council members do not have the ability to motion for a deferral?

Ms. Hagler-Gray said they absolutely do.

Ms. Mayfield said okay. So, we have the ability to approve, to deny or a deferral even though there has been history where historically it is the business. So, I just want to make sure for clarification's sake as we move forward that we don't set a precedent of an expectation that if there's a conversation regarding how we decide to vote on a project, if a deferral motion is made and it is seconded, and we have discussion there's not an expectation that we are then to reach out to the petitioners.

Ms. Hagler-Gray said no ma'am. It's at your discretion whether you would like to defer.

Ms. Mayfield said thank you.

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

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HEARINGS

ITEM NO. 61: HEARING ON PETITION NO. 2023-013 BY TOLL BROTHERS APARTMENT LIVING FOR 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).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-013. It's just under 20 acres on Choate Circle down in the Steele Creek community. Currently zoned Neighborhood 1-A. Proposed zoning is for UR-2 conditional. The 2040 Policy Map does recommend this as a Community Activity Center. The proposal would allow for the development of a multi-family community with up to 350 dwelling units as well as accessory uses. A 30-foot step back would be established from the future back of curb of Choate Circle. Three of the buildings on the site would be a maximum of 40 feet in height and one four story building with a maximum height of 50 feet. That would be the kind of U-shaped horseshoe building there to the top left of the site plan. It does provide a 35-foot Class C buffer along the southern property boundary. It does improve over 21,000 square feet as a public dog park that would be dedicated to Mecklenburg County. A minimum of 5,000 square feet of improved open space would include elements like walking paths, landscaping, seating areas, and then also commits to the following transportation improvements: a four-leg roundabout would be constructed at the intersection of Choate Circle and Walker Creek Drive. That would be where the site is accessed from. A dedication of 41-foot of right of way measured from the existing centerline of Choate Circle that would implement an eight-foot planting strip and 12-foot multi-use path along the site's frontage on Choate Circle, as well as an eight-foot planting strip and eight-foot sidewalk along the internal public street. Then eight-foot planting strip and six-foot sidewalks along the western side of Choate Circle between Walker Creek Drive and the southeast property line of the Steele Creek Athletic Association.

Staff does recommend approval of this petition. We do have outstanding issues related to transportation and site building design to be resolved. It is consistent with the 2040 Policy Map recommendation for the Community Activity Center. We will take any questions you may have following the petitioner's presentation and the presentations by the public. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 4700 said good evening Mayor, Mayor Pro Tem, members of Council, members of the Zoning Committee. I'm Keith MacVean

with Moore and Van Allen. We're assisting Toll Brothers Apartment Living with this petition. With me tonight representing the petitioner is Michael Skena and Cory Bachstein as well as Eddie Moore with McAdams and then Mallory Ballard representing the Piedmont Kennel Club is also joining us in support of the petition and will be addressing you shortly. As Dave mentioned, the site is on Choate Circle just south of South Tryon. Toll Apartment Living is part of the Toll Brothers home building company. They're a well-known luxury home builder throughout the United States. Their apartment living community seeks to bring the same level of experience to the apartment side of the residential market that the Toll home building side brings to the home building side.

So, team members as mentioned, Toll Brothers' architect is [inaudible], McAdams is the civil as well as land design and then Moore and Van Allen assisting with the entitlement process. Just a quick summary of the request, what you'll hear from our presentation tonight about this suburban infill rezoning opportunity. It is as Dave mentioned compatible with the future land use map of a Community Activity Center. It supports many of the goals of the 2040 Comp Plan including the 10-Minute Neighborhood. We've had significant meetings with neighbors as this process started, both with the Steele Creek Resident Association, the Yorkshire Neighborhood, which is our neighborhood directly to the east. We've also reached out to the Steele Creek Athletic Association which is our neighbor to the west across Choate Circle and made a number of modifications to address comments from all the folks that we've met with. We've also had a traffic impact study commissioned to look at the two adjoining intersections to the north and south. There wasn't a significant impact determined from that study. We did however commit to, as Dave mentioned, implementing a four-legged round-about on Choate Circle at the main access point and that is now part of the petition. As Dave mentioned, we do have a positive recommendation from the staff. We will work to address those remaining issues that are listed in the staff analysis. I'll quickly turn it over to Mallory to give you a little bit of history about the Piedmont Dog Kennel Club.

Mallory Ballard, 2167 Hight Point Road, Rock Hill, South Carolina said thank you Council for letting me speak tonight. I am President of the Piedmont Kennel Club and I'm speaking on behalf of our club as their representative. Piedmont Kennel Club is an all-volunteer organization that is a member of the American Kennel Club, and we promote pure-bred dogs through confirmation dog shows. Other club members who are in support of this rezoning, please stand. This club has reviewed its financing, and we can no longer afford the property due to its aging buildings, aging heating systems, costly lawn maintenance and tax obligations. The property no longer meets our needs as far as a dog show site. It lacks air conditioning which exhibitors want and a paved parking lot for RVs (recreational vehicles), which now are about 75 at our dog shows. Currently we have our shows out of town, and they've been very successful, and it is in our best interest to sell. With that said, we leave our land on Choate Circle in capable hands. We want to leave it in capable hands. We wish to drive by 13606 Choate Circle in years to come and be proud of what we're seeing. Of the 17 offers we've received for our property, we chose Toll Brothers because of their national representation. They are known for their quality buildings, building designs, completion of projects and use of local resources. They have impressed us as they have listened to and addressed the concerns of our neighbors. Please vote yes for this rezoning. It is in the best interest of Piedmont Kennel Club and Charlotte Mecklenburg. I think it would be a win-win for all of us. Thank you.

Michael Skena, 900 Perimeter Park Drive, Suite B3, Morrisville said good evening, Mayor and Council. My name is Michael Skena. I'm the Regional Director of the Mid-Atlantic for Toll Brothers Apartment Living. Appreciate your time today and the opportunity to speak on behalf of this rezoning request. As Keith mentioned, we're very excited about this one because we think that it really meets the intent of the 2040 Comp Plan, future land use map and we're proud of the outreach that we have with the community, with neighbors. As a part of that, I wanted to explain a little bit of the changes that we made to the plan in response to the community to give you a little bit of a flavor of how the plan has evolved.

As we mentioned, this is in the Community Activity Center and this is a great opportunity for multi-family higher density development with middle school, the library and commercial all within a short drive, a bike and even a walk on the nearby greenway. Talked a little bit about this and staff I think mentioned this as well. So, this was our previous plan that we submitted to staff and to the community and some of the concerns we heard, traffic. This is sort of an ongoing concern for the community, particularly cars that go fast on Choate Circle and not allowing folks who live off of the neighborhoods off of Choate Circle to be able to access Choate Circle to make lefts and rights onto Choate Circle during rush hour. There was a concern about density. Too much, it just felt like too much. There was a concern that the tallest building, the U-shaped building is closest to the Yorkshire Neighborhood. There was some concern about pedestrian mobility and lack of public amenities particularly from the staff report.

So, here's how we've addressed all of those. In response to the question of density, we've reduced the units from 375 to 350. That brings us to about 17 units an acre which is in-line with adjacent multi-family development. In response to the questions of traffic, we really thought about this. We knew that this would not support a light. That the traffic generated from our site would not warrant a light. So, we proposed a traffic circle. We met with C-DOT, and they support this traffic circle, this roundabout as a way to calm traffic, to calm the traffic speed as well as provide easy ingress and egress from the Walker Creek Neighborhood across the street. We moved the U-shaped building, which is our four-story building away from Yorkshire and towards the multi-family development to the north. In response to questions about security from Yorkshire, we are now proffering, including in our plan, a six-foot black vinyl fence that'll be along the eastern edge of our property. We've also added in addition to the 12-foot multiuse path, which would be on the east side of Choate Circle, we're now adding sidewalks on the west side of Choate Circle. So, again increase pedestrian connectivity from the traffic circle to the Steele Creek Athletic Association.

Then lastly, in response to a request from the County, we have included a half-acre public dog park. This is a dog park that we will build and then we will donate to the County and if that arrangement doesn't work out, we are committing to make this a publicly accessible dog park not just for our residents but for the whole community. We think that this honors the history of the Kennel Club and it also provides a public amenity that's not really in the Steele Creek Neighborhood at this time. So, you can read about the findings of the TTM. It does not have a significant impact on the subject intersections. Then these are just some inspirational images of the type and quality of the projects that we build as well as some of the greenspace and open space that will be available to our residents. We do have a picture of a dog park. Just a reminder, the dog park will be open to all residents of the City, of the County and not just ours. So, with that, I think we'll cede our time, right?

Mr. MacVean said that's right. We're happy to answer questions Mayor.

Mayor Lyles said well thank you. Now we'll hear from the folks in opposition. If you would join us down at the podium. It would be helpful if you identify yourself with your name so our Clerk will have the appropriate attributions for your remarks.

Monica Zeleznik, 13601 Merton Woods Lane said my name is Monica Zeleznik and I oppose the rezoning request 2023-013 Toll Brothers Apartment Living. My backyard backs up to this property. My main concerns, there's some serious issues with this development as it'll be adjacent to our neighborhood. Our main issue is crimes from the apartment complex floating into our neighborhood. Years ago, when existing apartments at Choate Circle and South Tryon were built, the house and vehicle break-ins increased as well as vandalism in Yorkshire. The Yorkshire HOA had to install a very tall chain link fence between the apartments and the neighborhood to protect the neighborhood, but that fence is being repaired monthly just from people breaking through that fence. If you go to a spot crime app, you'll see that there's a lot of crimes happening in the areas where there's an apartment complex.

So, they are planning a four-story apartment building and four three-story buildings for a total of 350 apartments. They said it's 300 feet, but I believe it's more like 200 feet from a single-story home looking down into their backyard. The change they are requesting is going from three units per acre to 19 units per acre which is way too abrupt of a change. I did my due diligence when I bought my home many years ago, and if it was zoned for, to 19 units per acre, I would not have bought my home. It currently takes me about five minutes to get out of my Yorkshire neighborhood onto Choate Circle and there is a traffic light there. That circle is a new thing to me, but that looks like they might be replacing that traffic light which would make it even harder for me to get out. It's still not enough. There's wetlands in the rear and the east property lines. There's barred owls that live there on the property line. Those are federally protected nesting birds. There is just a lack of ownership and investment in local community when it's apartment living versus owned townhomes. So many apartments have gone up in this southwest corner that nearly half the students in local schools are now in transient housing. I work with a lot of 30-year-olds, even my daughter lives in an apartment. I'm not opposed to apartments. There's a time and a place. A lot of them are afraid that they can't buy a home because there's just not enough homes available in the nearest foreseeable future.

So, apartments actually have their place in our society. I've lived in apartments. To make my point, I've asked my daughter if she cared about the local schools in the area where she lives in her apartment and she of course said, "No." So, if you don't own your property in the area, you're less likely to be invested in the neighborhood and generally if you live in an apartment and the community goes sour, then all you have to do is pick up and move to a better neighborhood, often outside of the City of Charlotte. If you own your townhome or your home, you'll be active in keeping the community a good place to live. My final notes are that I volunteer over 1,000 hours a year with youth in our City, whether it's scouts, providing opportunities for youth with socioeconomic challenges or developing a relationship with CMPD (Charlotte Mecklenburg Police Department). Passing this zoning will be pushing people like myself out of Charlotte.

Jonathan Burke, 15639 Sprucewood Road said hi Madam Mayor. Thank you, Council members. Well, I understand the 10 minutes, it's a little odd when you have different interests that are playing out. So, I understand the rules. With me today we have three Board members that represent Steele Creek Athletic Association. I apologize for the email blast I gave most of you today, but I wanted to get out and make sure you understood. We got really involved in this late. So late that we had our first meeting on it last week and then we had some concerns that popped up and quite frankly the benefits that Toll Brothers touts is practically using all of the access across our private property. So, take that for a moment, think about the fact that if you own private property. We don't. We're here for kids and quite frankly, every one of us here has spent thousands of hours for the past decades representing the kids of Steele Creek. Quite frankly, they're over 400 that are signed up for sports just this fall and as we look at it, there are thousands of families that come through Steele Creek, both from apartments as well as in family homes. The issues we have are we are a nonprofit, completely voluntary, unpaid business I guess the way you think about it. There is nothing that we do that can really improve the amount of revenue because quite frankly we have to go and ask for donations for everything related to it. We have an ambitious capital campaign of nearly \$15 million to improve this property and to improve this area. What's interesting though is I was listening to a conversation. I don't know if it was Councilmember Mayfield or Johnson that mentioned the fact that you guys are making decisions on changing what the Comprehensive Plan did when it came down to Community Activity Centers. This is just another one of those conversations where you're talking about removing a Community Activity Center from potential use in the long run. If approved, this is not going to go back to any other use. So, I want you to make sure you think about this clearly. For us, it's safety. Our youth are quite frankly subject to many different areas of concern. As you increase the density, right across the street you'll notice that the majority of the infrastructure that they're building assumes that they're going to come to us. Well the problem is the people who typically have moved into the apartment communities all around us, they don't pay for the types of services that we're offering. So, we basically are going to see a significant amount of traffic across our private

property that's going to cause more damages, going to cause more litter, cause more cost to our membership, and quite frankly we're already struggling to compete with Lake Wylie and TDK and others where there's City money invested in these type of youth facilities. We've never come to the City for money. Maybe one day we could, but right now all we'd like to do is just be left alone because quite frankly where we stand today is difficult for us to understand.

Furthermore, if you look at the topography of what the proposed development is, the highest spot is the center. So, unless they're doing a significant amount of drainage, we're going to have significantly more water shed that comes down and across our area. That was not brought up. Lots of transportation. I'm sure they checked the box on that, but when it comes down to it, I ask for a deferral or some form of time to basically have them do a cumulative impact analysis on Steele Creek. I think the kids deserve it. I think it'd be a shame if this Council approved this without actually doing more diligence. I'll introduce our Treasurer.

Jen Kelly, 10014 Daufuskie Drive said thank you. I'll make this quick. I'm Jen Kelly. I'm the Board Treasurer for Steele Creek Athletic Association. Just like Jon said, we are a youth athletic association. We want to support and give an opportunity for our children in the Steele Creek area to play sports. We offer baseball, softball and soccer currently. We have offered flag football and football in the past. I think a long time ago, we had basketball, but that's now where we're at right now. A lot of the concerns like Jon mentioned do involve security of our property as well as the affect that it will have on the overall property with regards to the water that comes down. When it rains, our entire lower fields of the property, because of all of the apartments that have been built around, if you look on the map, there's apartments to the north of us and now there's going to be apartments across the street from us. It's all cement. So, all that water has to go somewhere, and it comes down to our properties and then our kids can't play sports on the field. So, that's a huge issue that we need to address. Like Jon said, they're going to build one and two unit apartments. One and two unit apartments don't have kids, they don't have families. They're not going to come and support our facility, whereas if they were to build townhouses or even single-family homes, that would support our actual property. So, I think again when you're thinking about this, I have nothing against apartments, nothing against Toll Brothers, I do think they're a great builder, but I do think you need to look at the use of the property and how it's going to ultimately affect the surrounding neighbors.

Adam Bartimmo, 16429 Riverpointe Drive said hi, I'm Adam Bartimmo. I'm a Change Agent so I understand the need for growth in the community, but if we look at the Comp 2040 it says, "Community area plans will be tailored for each geography unique needs and character." So, I just want you to take that into consideration based on what's being asked for here, giving us more time, making sure this is the right thing for the community. We are representing the families and children of this area. That's very important to us. Thank you.

Mr. Skena said thank you. I do appreciate everyone coming down and giving their comments. We have had about a dozen community meetings, Zooms, phone calls. We originally reached out to the Steele Creek Athletic Association in May 2023, and we just got them on a call with their Board members today. We had a great conversation about how we can help mitigate any negative externalities at this development. We offered to provide money for a stormwater management study on their site, we offered to provide dollars for additional security for their site. So, those conversations are ongoing. So, we appreciate their comments, and we also just want you to know that we're continuing those conversations. I did want to point out the Steele Creek Residents Association is not opposed. We've had significant conversations with them. The Yorkshire Neighborhood to the east does not have an opinion. They're not offering an opinion, and we've had significant conversations with them as well. Just a couple of additional items. I think you wanted to address the four story, 200-foot, 300-foot?

Mr. MacVean said so, to the lady that spoke regarding the location of buildings, we did purposely move the taller four-story building, which is limited to 50 feet, away from the

property line. So, it now is over 300 feet. The closest point to the closest house is over 300 feet. The closest point to the property line is 250 feet. The lower three-story building is a 40-story building max and is over 200 feet from the property line. So, we believe we have mitigated that. We've also added for security issues, as Michael mentioned, a six-foot black vinyl-coated chain link fence in addition to the 50-foot Class C buffer that's along this edge. There's also a 35-foot buffer in this area as well. The tree saves areas and the wetlands that were mentioned are being retained. That's the green areas you see on this plan. This is where the trees are. This also happens to be where the wetlands are. So, there is preservation of both the wetlands and the tree save in this location.

Councilmember Ajmera said there's a lot to unpack here. So, the petitioner mentioned several things that were offered to the community. So, could you talk about those benefits? You talked about stormwater study, security. Is that already included in this map, the buffer?

Mr. Skena said so, I feel like it requires a little bit longer discussion. We reached out to the Steele Creek Athletic Association back in May 2023. We just now, today, were able to meet with their Board. Originally, our proposal for them was an access easement across their site which would allow anyone along Choate Circle to walk on the southern edge of their property to the greenway. The greenway, you can't see it on this map, but it's just on the western side of their property. There's an entrance to the greenway here, which is a fantastic greenway and well-maintained and great access to shopping as well as trail and activities. So, our original proposal to them was, "Look, we understand that an easement is a legal document. We're willing to pay for that, but we think it's in the benefit of our residents as well as the broader community. What we heard back from them last week was that, "We were uncomfortable with an easement," and we understand that. You know, it's their property and they can do what they want. When we talked to them this afternoon, we actually were able to sort of flesh out their pain points and a lot of them were spoken to you guys this evening including security, including the stormwater. So, we said, "Look, we understand that our project creates some externalities that are outside of our land and we're willing to help mitigate those externalities if there are any by contributing money for a stormwater management study," for example, or additional fencing along the property line. They mentioned that there's some security concerns that they have on the northern side of their property here. They've mentioned that they've had vandalism, they've had assaults on their property. Those are painful for me to hear because I don't like to hear that. So, we said, "How can we help mitigate that? Can we install security cameras? Are there things that we can work with you guys to do?" So, those are our conversations with Steele Creek Athletic Association. In regard to other community benefits, I think I talked about that on the site plan slide. The biggest ones of course are the public infrastructure improvements here with the roundabout which will not replace a traffic light. This will replace a right-in right-out for Walkers Creek Drive, as well as the half-acre public dog park. So, those are the other large community benefit.

Ms. Ajmera said so, those are irrespective of whether they grant an easement or not?

Mr. Skena said the ones that we offered to Steele Creek Athletic Association? Absolutely. We understand that the easement is perhaps off the table.

Ms. Ajmera said so, to speakers that spoke, we appreciate your service as you create opportunities for our youth. One of the speakers brought up a circle traffic light and exit issue. Is that the one at the bottom?

Mr. Skena said yes.

Ms. Ajmera said could you address that specific concern that was raised about an exit?

Mr. Skena said you'd like me to address it?

Ms. Ajmera said yes.

pti:mt

Mr. Skena said I can't speak for the person who spoke in opposition. I'm not exactly sure which light she was referring to that she has to wait five minutes to exit. This intersection does not exist today. Well, there's a right-in right-out just for Walkers Creek. I believe the person who spoke lives in Yorkshire on this side of Choate Circle. So, I'm not exactly sure.

Ms. Ajmera said so, I guess if you could touch base with them because I wasn't sure what circle traffic light the speaker was referring to. So, if you can just get an answer on that.

Mr. Skena said we will.

Ms. Ajmera said yes, I think they specifically brought up the exit issue. Drainage issue. I think you spoke about that, especially getting the stormwater study done to address the water shed and drainage issues. So, there are a number of issues that need to be worked through. So, I hope to get an answer on all of these items in a follow up report. That's all I have. Thank you.

Mr. Skena said thank you.

Councilmember Johnson said I would just like to piggyback off what Councilmember Ajmera said. I notice from the community meeting report that there were 45 people in attendance.

Mr. Skena said that was at one of the meetings, yes.

Ms. Johnson said right. So, that seems like quite a bit of community engagement and that is something that concerns me as a Council member and I'm sure concerns Councilmember Watlington also. So, I know that you said you just heard from the Steele Creek Community Association recently.

Ms. Ajmera said Athletic Association.

Mr. Skena said yes, can I be specific about that? There's really three organizations we've had a lot of conversations with. The folks who just spoke are with the Steele Creek Athletic Association. They're the ones who serve the youth with youth sports. The larger neighborhood organization is the Steele Creek Residents Association and we've had numerous conversations with them, Zooms, and they have taken up a position of not opposed particularly in response to the changes that we made from the first plan to the second plan. Then there's the Yorkshire HOA which backs up to our property on the east and they have not taken an official position on the development.

Ms. Johnson said okay. Yes, just the 45 people. I don't know if they're all part of the Athletic Association. It sounds like a group of folks from various entities.

Mr. Skena said yes.

Ms. Johnson said so, fortunately you do have some time to continue to negotiate and work with the community. We look forward to the next steps.

Councilmember Winston said I do have some questions for the folks from the Athletics Association. So, you can come down to the lectern. Whoever, one or all. So, I'm just trying to understand. Are you actually in opposition to this development happening or are you just not comfortable where it is right now?

Mr. Burke said personally as a Board, we've not voted one way or the other but I think it's fair to say that if it were to go as it was proposed today, we would be in opposition. I agree that we've had conversations as late as 2:30 p.m. today on ways in which we could try to make this work. Again, that's back to my original comment of seeking time. If you look at the 45 individuals who were on that list, not a single one of them was from SCAA (Steele Creek Athletic Association) and when you're looking at this, we're the

largest landowner, 40 acres. So, I don't know how the zoning process works but it might be good to put a dot on where you actually see people who show up for events because that way you can actually know when someone who owns \$3.5 million of property is just starting to hear about things. I think that's probably partly because we're a volunteer organization. We don't actually have a physical address for a mailbox. There's a post office box. So, the process that you have in the UDO (Unified Development Ordinance) I assume some degree of correspondence in the real world. When you're working with a completely voluntary organization like ours, we don't check mail every day. So, it's typically on a weekly if not biweekly basis.

Mr. Winston said I can't speak totally for staff, but I do know that we have to send to landowners that are in proximity. So, you might have something in that box, but I would encourage you because what I heard is that you have existing issues on the land.

Mr. Burke said we do.

Mr. Winston said I would push back on some of the families. I agree that one bedroom and two-bedroom apartments are not optimal for families, but folks need housing and families are going to live where they can afford and where it's available. So, I would encourage you to figure out how to stay in negotiation with the petitioner. It seems like there are mutually beneficial ways that you can find pathways forward I would even say that even if they aren't traditional families or families with young children in these, is this an opportunity to expand how you interact with the community? Softball leagues and other maybe adult oriented opportunities. I think there are opportunities here. So, I would just encourage you. It sounds like you guys are at the negotiating table now. Look at this as an opportunity perhaps to get more of what you need to continue to move forward.

Mr. Burke said Mayor Pro Tem, can I respond to that? I think one of the responses would be very logically yes, I think that makes sense. However, our chartered documents were established in 1958 that donated the property from several churches for the specific purpose of youth athletics. We don't really have the ability to change charter in that type of way. So, when you're talking about one or two bedroom apartments, those are typically single individuals or married couples who are people with small families and they typically don't use the type of services because if you think about it, 95 percent of the actual youth that come to us aren't driving age. So, they have to be brought in by their parents and the like. So, when it comes down to it, we serve that four- to 18-year-old gap that exists out there for bringing people outside of their houses and playing video games and getting them active, building leadership into them, helping them understand what it means to play as a team. Those are the tenants that our society needs. When you start asking us to kind of say, "Hey look, adopt to a different plan," I'm not sure that's fair to be honest.

Mr. Winston said I grew up in youth sports playing baseball and football in New York City. So, I understand the need to have fields close by to housing and I would argue what I've heard is in order for you guys to continue to serve those folks, there's some things that might need to adjust. So, I think it's all about interpretation. Happy to continue to talk about this, but again I would just encourage all the neighbors to continue to stay at the table. It seems like, especially with the traffic circle that deals with some of the concerns that I've heard around the community that live up and down Choate Circle, I think there is a path forward. So, we just all need to keep working at it.

Mr. Burke said okay, thank you.

Councilmember Mayfield said Mr. Pettine, question for you, actually two questions. One, Mayor Pro Tem just in his comments triggered a question for me. As we continue to move in this direction of multi-family and multi-family units that are 200, 300 plus next to residential, when we send our petition notices and they go out to homeowners only, I'm trying to figure out what the impact of that is going to be. Because as was stated, even though it goes to homeowners and businesses I believe, that are in the area, but as we keep moving forward with 300 plus multi-family developments how is staff

planning to ensure community engagement if you have a large organization that did not receive information? If the rules were followed, but if you're surrounded by multi-family and multi-family more often is owned, some domestically a lot of it internationally, how are we actually ensuring that the residents who may be impacted are a part of these conversations?

Mr. Pettine said so, mailing lists go out to everybody that owns property. So, it's property owners within 300 feet of the petition. The Steele Creek Athletic Association was on our mailing list. We mailed it to PO Box 7195 back in May 2023 for a courtesy notice and then earlier this month for the public hearing notice. So, if that's an updated address we would need to be aware of that, but that all comes from property tax records through the County. So, we go through that identification of all property owners. So, if the owner is not living there, they still get a letter. There are some challenges with larger multi-family projects in terms of identifying all tenants that live there, but as far as single-family property owners and entities such as the Athletic Association, they do get captured as property owners, they do get letters and they get sent to whatever address they're registered under through the County's Tax Office.

Ms. Mayfield said so, if it's a multi-family unit, it goes to whatever corporation owns that development?

Mr. Pettine said the operator. That's correct.

Ms. Mayfield said as we're creating more and more multi-family that are next to residential, are we looking at creating a new standard of where that 300 feet is identified from? Like say it's from the main road versus within the physical building address or the main building address. How is that identified?

Mr. Pettine said so, the State identifies what adjacency is per the statute and that's anything that shares a property line or is directly adjacent separated by a road or a railroad. So, we take that and then Council adopted a policy, I'm not sure how long back, but to expand that beyond to 300 feet around the subject property. So, no matter how large the property is, it's a 300-foot radius around it and if a road split some of the property, they're still considered adjacent. So, that's where we take our measurements from.

Ms. Mayfield said additional question for clarification. Is this roundabout replacing the light that is currently there or no?

Mr. Pettine said no, there is no current light at that intersection.

Ms. Mayfield said okay.

Mr. Pettine said the closest light is down at the next intersection I believe with Smith Road. This would be a brand new roundabout intersection which would then remove the right-in right-out for the folks that live off of Walkers Creek Drive there and create a roundabout full access movement for everyone.

Ms. Mayfield said okay. So, if you can help identify, because one of the residents did note that she has concerns with pulling out of her current neighborhood. She has a light. So, I'm trying to get an idea from how far would this potential roundabout be from that light, and would it cause any potential traffic [inaudible]?

Mr. Pettine said so, the closest light that I can see that's off of this is at this intersection. I believe it's right here. So, travel out of that intersection and there's a stop light I believe right there at Smith Road.

Ms. Mayfield said so, a stoplight right there and the roundabout is proposed?

Mr. Pettine said then the roundabout would be here and then another signal at the main intersection.

pti:mt

Ms. Mayfield said okay. Thank you.

Mr. Pettine said you're welcome.

Ms. Johnson said I just have two questions. A couple of months ago in May 2023 we talked about some type of policy or modification to look at transitional lots from single family subdivision to multi-family. I know we talked about the UDO and modifications. Would this be something that would be appropriate for that?

Mr. Pettine said no, this would be a different zoning classification. That I believe was looking at by-right development under the N-1 districts, which wouldn't fall under this category here.

Ms. Johnson said even though it backs up to Yorkshire?

Mr. Pettine said again, the Text Amendment stuff that we had talked about was just looking at potential changes to single family, duplex, triplex, by-right development. I don't know how much had factored in adjacency. I know there was some conversation about that, but without all the details in front of me, I don't know how that would get captured around single-family adjacencies.

Ms. Johnson said okay. I know that went to our Committee. So, maybe that's something we can talk about, that adjacency and transition. It's important to take a look at it.

Mr. Driggs said we are right now in Committee looking at the N-1 and a possible Text Amendment to the N-1 related to the inclusion of single family within the mix. The staff has proposed to send that to the UDO Committee, the Advisory Committee. So, that will be discussed there, but we are not yet looking at a situation like this one.

Ms. Johnson said thank you. I know we're not looking at it because it's not our current policy, but it is a concern and we're going to see it more and more. I think it's a fair concern from residents. Secondly, I just want to ask. Have we considered mailing the notices out to renters?

Mr. Pettine said so, we don't have property addresses for renters. We have to go by the address that's listed on the tax records from Mecklenburg County. So, we have talked about that. We have not put a system in place yet that would capture just mailing it to the direct address. We've always gone by just property ownership information versus just the physical address because sometimes they're not one in the same.

Ms. Johnson said I understand that, but as the City changes and housing is not really affordable, more people are renting, and the areas are changing with these multi-family like in this example. So, it might be something that it's time for a shift. Just something to think about. Thank you.

Motion was made by Councilmember Winston, seconded by Councilmember Graham, and carried unanimously to close the public hearing.
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ITEM NO. 62: HEARING ON PETITION NO. 2023-030 BY RHYNE LAND HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 123.80 ACRES LOCATED ON THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD, NORTHEAST OF INTERSTATE 485, AND EAST OF BACK CREEK CHURCH ROAD FROM MX-2 (MIXED USE DISTRICT) TO I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-030. It's just shy of 124 acres. It's off of University City Boulevard actually accessed more off Caldwell Park Drive. The site is currently zoned MX-2. It was a recent rezoning that was zoned MX-2 innovative, and the proposed zoning is for I-2 conditional. The adopted land use from the Policy Map of the Adopted Place Type does call for Neighborhood 1. That was a result of that recently approved rezoning to the MX innovative district. So, the proposal under this petition would allow up to 2.5 million square feet for a data center as the primary use. That would include some accessory an ancillary uses like warehousing, distribution from those data centers only and an electric substation that wouldn't exceed 10 acres which would be coordinated with Duke Energy. Those accessory uses that I mentioned would also not exceed 10 percent of the total square footage. It does prohibit some things in the I-2 district such as abattoirs, adult establishments, automobile, truck and utility rentals, service stations, junk yards, crematory facilities etc., landfills. Things that we find to be more the noxious uses I-2 have been written in as prohibition. It does propose vehicular access from that Caldwell Park Drive. That would be extended to the site and built to local industrial standards. Would also provide an emergency and temporary private secondary access that could be through Abercromby Street there just to the south.

Also, would prove a 12-foot-wide multi-use path and eight-foot planting strip along the frontage of Caldwell Park Drive and the extension of Caldwell Park Drive. It does specify that building facades from public streets would avoid the use of undifferentiated surfaces. So, it would include at least two following design elements, variations in building height; step-backs or recesses, fenestration, variation in materials, pattern, textures, or colors or use of accent materials. Would also provide a minimum 30-foot Class C buffer along I-485, a 50-foot Class A buffer adjacent to the residential uses along University City Boulevard as well as fairly significant undeveloped space there to the south adjacent to the single-family residential community that again is south of this petition. Also, a dedicated total of five acres to Mecklenburg County Park and Rec for a greenway connection and a public access area.

As mentioned, staff does not recommend approval of this petition in its current form. We would like a little bit more information on noise mitigation and some buffering to the nearby single family uses, mainly to those to the south. I do understand there was some communications and conversations with some of those community members including a recent trip to a similar center to understand how some of those noise impacts may affect the houses that are just to the south of this site. I understand that was a positive interaction. I'll let the petitioner elaborate a bit on that, but that's something also that we'd like to get a little bit better understanding of, is any noise mitigation that would be proposed as a result of this use. So, we'd like to see some of that incorporated prior to the Zoning Committee. Outside of that, those are the questions that we would like to get answered. So, with that I'll turn it over to the petitioner and we will take any questions you may have following their presentation. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said great. Mayor Pro Tem, Council members, Collin Brown on behalf of the petitioner. It's rare that I encounter a zoning or use that I have not worked with before. So, here we have a data center and I've read about these all over the State of North Carolina. We see the big splashy headlines the data centers coming to these Counties surrounding Charlotte. So, I was pretty interested when we got the call about this. As Dave mentioned, this is a site that you're probably familiar with. Here it is, we're on the edge of Cabarrus County, there's the County line. It'd be great to capture this in Mecklenburg County but we're at the edge of 49. There's 49, there's 485. This may be familiar. We brought this through a rezoning a little over a year ago working with Councilmember Johnson and it is currently entitled for about 600 homes. When the data center opportunity came along, the petitioner thought this was interesting. We thought the site makes sense for a couple of reasons. Here it is. 130 acres. So, a large site, big enough for something like this, really bordered. So, here we've got 485. To the north of the site there's a heavy rail corridor. Here to the east of the site is an existing Duke Power substation and then a Duke heavy transmission line. So, kind of all sides of this site are buffered. So, there's good

separation there already. We thought it made a lot of sense. So, we've proposed the current zoning.

Again, here's what's allowed now 600 homes or so. We talk about traffic; we talk about school impact. The current zoning, if it were developed residential would have 5,000 plus trips. A data center would have a couple hundred or less. So, it does have significantly less impact on the parts of the infrastructure that we talk about. Prior to that rezoning, this did have a recommendation for industrial type uses. So, it's something the City has acknowledged before. So, we think it's a good fit. As Dave mentioned, staff has a couple of outstanding issues. We had some attendance at our community meeting. We had some folks say, "Hey, what do these sound like?" To be honest with you, I've never heard one. So, our team did take a couple community leaders out to a site at Forest City so they could see it and hear it yesterday. I won't speak for them. I'll let you hear from them. My understanding too was that that was positive, and we plan to continue over the next month working with those community leaders and staff to add some conditions that will tailor this to address those issues. Happy if any of you are interested in going out to the site. We're happy to coordinate another to go out and look at those so you can actually see what they look like in person. That said, since I am not the expert on data centers, I'm going to ask Greg Rowles to talk a little bit about that, about the company and about why this location in Charlotte.

Greg Rowles, 1660 International Drive, Suite 500, McLean, Virginia said thank you Collin. Mayor Lyles, Mayor Pro Tem Winston, honorable members of the Council, my name is Greg Rowles. I'm the Managing Director of Development and Construction for American Real Estate Partners and its data center platform, PowerHouse Data Centers. We appreciate the opportunity to discuss our plans for the property this evening. We're extremely excited about this development and the opportunities it presents for Charlotte and the community at large.

A little bit about our company. I represent a 20-year-old company with 150 professionals operating in real estate investment, development and construction, leasing property and asset management and marketing. We're a highly experienced fund manager and operating partner with a long tenured executive team that averages over 30 years in commercial real estate. We successfully delivered complex projects for Fortune 500 companies like AOL, Verizon, Amazon and Bank of America. Today, our PowerHouse Data Center platform has committed over \$1 billion to roughly 2.2 million square feet of data center space. Why are we here? What's driving the need for data centers? We continue to create and consume more and more data everyday and on a worldwide scale. Coupled with the rapid and unprecedented acceleration of high density computing an under supply of data centers has been created. High density computing supports everything from artificial intelligence to self-driving cars and the constant need for hyperscalers to process more data faster. Hyperscalers, just to clarify, are really the five or six large users of data centers and consumers of data. Amazon, Apple, Microsoft, Meta, Google and Oracle.

To satisfy the under supply, lesser utilized markets have emerged or edge markets which bring processing and storage closer to where data is generated and consumed. We believe Charlotte is one of those emerging markets which is ready to break out and accelerate. Why do we believe that? Three primary reasons for here in Charlotte. Number one, connectivity. Downtown Charlotte offered several network pairing sites and interconnection points where internet networks connected and exchanged traffic. Additionally, major fiber carriers already exist throughout the City providing diverse paths to these pairing and interconnect points. Number two, power. Power constraints in many major internet markets have refocused users to other areas that can provide reliable and available power and Duke Energy does just that. They're also a leader in renewable energy production. Currently 50 percent of their power comes from various renewable sources, which is very important to the hyperscale users. Finally, demand. Co-location providers and hyperscalers are already here, thereby validating the market, but there are few that are as proximate to downtown and the pairing points as we will be. Proximity means lower latency and faster compute speeds.

A few of the positives that we bring to our developments. The design you see here is just one example of how we strive to be good stewards for the community. In many markets, you'll see monolithic concrete boxes for data centers, but we take great pride in our superior aesthetic and thoughtfulness of design. Economic and community benefits, tax-based boost not only during construction and operation, but also from the deployment of tenant specific hardware, specifically servers. High paying job opportunities and highly skilled local workforce and minimal impact on local services, schools and emergency services and minimal impact on traffic. Data centers are far less populated than any other use class. More about the untapped opportunity and more positives for Charlotte and the property. Continued data center investment will likely consolidate regional demand in the Charlotte metro area increasing the City's profile as a world class destination for technology companies, and some site-specific attributes.

First of all, as Collin mentioned a moment ago, power. The red indicates the site. The black dot indicates a tie station that Duke Energy has on site presently. Seen here, that tie station is in the top left corner and you can see its proximity to the site. It is the convergence of multiple high transmission power lines that will ultimately provide power directly to the project. So, this slide summarizes a study that was done by Ernst and Young on major data center markets and its comment relative to Charlotte was, "Demand in Charlotte could grow significantly as one hyperscaler entrance could attract others in an effort to compete." They also outlined the other various advantages of Charlotte. "Immediate and available power, efficient lower cost of land and lower cost of power," which is very important. "Connectivity," that I spoke to earlier and "A significant potential for growth."

So, in summary why we believe in this development and in Charlotte. Connectivity and power are in place and major users have already validated [inaudible] creating a strong ecosystem that is poised for growth. We look to take advantage of that growth opportunity. We're confident in it. I look forward to working with the City to make that a reality. Thank you.

Mr. Brown said we've got about 40 seconds left but we'll cede that.

Councilmember Anderson said thank you for that update on your company and organizations. Data centers like these can be the trifecta of growth in certain areas and in particular in the western part of North Carolina. They've seen a tremendous amount of growth with data centers in that space and I believe that this would be a benefit to Charlotte overall given that we're number one in business in the entire country as well as number five as it relates to technology presence in the entire country. We're the fifth highest state of technology companies and organizations. So, the good paying jobs and the minimal traffic impact, all of those things are wonderful. However, I do know that the community has voiced some concerns about noise mitigation and the humming that comes with the presence of data centers. I would like for you to just speak a little bit about the experience that you had in Forest City because I believe it was a positive experience and some of the community members have a different perspective now. So, can you share a bit about that?

Mr. Brown said it's a funny interaction we had with one of the community members who I think you all know. She emailed me and said, "Hey, I watched this episode of Blacklist last night and it drove people crazy." Of course, I never Googled, so I go on Google. You know, when you go on Google, you can go down a black hole. So, I was like, "Are these things terrible?" The answer was well 10 or 15 years ago they were pretty loud, but with the technologies we have now, they're not. So, we do have a sound consultant here just in case tonight. Rather than talk sound consultants and decibels, we ought to just go see one and see what it's really like. I was not able to join yesterday, but our team had gone out and they said, "You can't hear this thing." I said, "Well okay, take some others and let them see if that's the case." So, that was the experience. That was Meta's facility out in Forest City. So, I think just seeing it in person and seeing how the modern facilities are not a loud buzz or anything, I'll let them speak for themselves, but I think that was it. When you go see one and it's not loud, you see that for yourself, you feel better and say, "Okay, there is a way to do this." So, we'll continue talking with staff.

Staff asked us specifically about a berm. At this location, we don't know but we're happy to look into that.

Ms. Anderson said great. Thank you for that feedback.

Councilmember Mayfield said thank you Mayor Pro Tem. A couple of questions because I know a little bit about data centers, not a lot. So, I just did a Google search and one of the things that comes up in drier areas is mainly the amount of water usage as well as electricity. I'll have to dig more into reading all this, but it would be helpful if you can share what does that mitigation look like for environment, not just the possible sound, but the amount of water usage that is needed as well as electricity because in areas that are drier, they're having a lot of concerns. Even though we're not as dry as some areas, we've experienced not as much rain as we had a decade ago. So, what is the model with this data center as far as environmental controls or impacts?

Mr. Rowles said excellent question. We still don't fully understand what the final design is going to look like, but from a mechanical cooling perspective, there are different types of equipment that can be used in order to cool the data center. Some use very little water, some actually use more water than that. The water that could be used potentially actually comes from the municipal system. So, we're not extracting water from the aquifer for any of the site. We're not doing that. So, if in fact we were going to have a data center that required water for cooling, we would certainly work with municipal water authority to make sure it's available and use it responsibly and use it only to the extent obviously that they would allow.

Ms. Mayfield said so, would the amount of gallons of water potentially needed be based on the square footage of the building? It's gallons of water that's generally needed for a data center. So, I'm trying to get an idea. I know staff has some concerns, but when we're looking at some potential growth challenges with access to sewer and water currently, I'm just trying to get an idea of what that potentially could look like. Mr. Pettine, there's a question also for you in there as far as I don't know if that was one of the questions that you all had as part of the outstanding issues. Is it based on the square footage or the design?

Mr. Rowles said yes, it's actually based on the type of mechanical cooling equipment that's selected to most effectively cool the data center. That's correct.

Ms. Mayfield said is there any consideration, since we did rezone this a number of years ago Mr. Brown for residential, to have a combination of residential and industrial so this is just for an industrial site that's right here in a space surrounding? We have our SEAP (Strategic Energy Action Plan) plans and our environmental plans and goals. I'm trying to think this being in an industrial area where it's surrounded by other buildings, the potential we talk about, unintended consequences. Well if we're looking at this decision now, I'm trying to think of all the possible questions that I can ask you in this hearing to see the conversations that are happening and also the expectation I have of staff and their questioning as well as Zoning Committee for what the potential worst case scenario impact could be for something like this being so close to residential versus being off of Westinghouse or closer to the airport in our more predominant industrial areas.

Mr. Brown said so, I shook my head no when I said no residential component. Actually, the petitioner who controls the property would continue to own a piece here to the south. It could have a residential component. That would be the nearest residential units.

Ms. Mayfield said I'm thinking for the employees.

Mr. Brown said it would be separated. The data center area would really be kind of self-contained between the interstate, the rail corridor, the existing Duke facility and Duke's high-power line. The petitioner would intend to develop a small number of residential units next door. He controls both properties now. So, he has every incentive to make

sure that this facility is a good neighbor to his future residential parcels. That zoning is going to kind of remain unchanged. This is a new entry into the market, right?

Ms. Mayfield said right.

Mr. Brown said so, it's tough to cover all of this. So, we're happy to do follow ups. We kind of wanted to get it out there together. We'll be happy to put together a visit. So, we'll just have an ongoing conversation.

Ms. Mayfield said I would definitely appreciate that because again the article I'm looking at is in Mesa. It's very different than our climate.

Mr. Brown said I Googled too and went down a dark hole. So, I said going to see it is the way to do it and learn. So, we're happy to do that.

Ms. Mayfield said thank you.

Councilmember Johnson said when I met with the developer and the developer reps, I had a question also about the impact on the environment and I was asking questions. I was surprised that the noise level was one of them. So, it was nice to hear from the residents. How close is this to the single-family subdivision?

Mr. Brown said so, here is single family to the south of us. I think we're probably talking well over 1,000 feet as we've looked at that between buffer on our side. As it turns out we may need a new Duke station. The Duke station we're trying to put between ourselves and that single family neighborhood to be an even greater buffer, but over 1,000 feet is what we're looking at. That's frankly what staff is asking us for because our current zoning has just site as building envelope. So, staff is saying, "Look, how far south are you going to bring those buildings so that we can have a line?" That's what the team is working on designing now. We have until Thursday to get that plan in. So, our future plan will have a more exact answer for you on that separation.

Ms. Johnson said okay is that 1,000 feet all the way around?

Mr. Brown said no. Your question and what I was responding to was to the nearest single family.

Ms. Johnson said okay.

Mr. Brown said so, that's where we're trying to be the most sensitive to the area that's not separated by an interstate.

Ms. Johnson said okay. What's the name of that subdivision? If you could email me that, that would be good.

Mr. Brown said I don't want to get it wrong. The Back Creek neighborhoods on this side of 485 is who we've been in the most contact with, but I'll get you the names.

Ms. Johnson said Councilmember Mayfield mentioned unintended consequences. If you've followed me, you know that phrase just is kind of my pet peeve because we're elected to mitigate those consequences. So, some things, while they might be unintended, they're not unforeseeable. So, it's our job to make sure that we mitigate those. What about effects on health from the radiation from a data center? Is there any documentation or any study on that?

Unknown said do we want to call Kenneth and get him on the speaker list?

Mr. Brown said there's none that I'm aware of or their team is aware of. Again, we'll be happy in follow ups with you. We have a number of consultants with us that we can sit down one on one and go through everything that they know.

Ms. Johnson said okay. It just seems like we don't know what we don't know.

Mr. Brown said you don't know, and I don't know either because I haven't done a lot, but the good news is we've got a developer that does know a lot, that's on the team and has the consultants to do that in a forum that I think where we could really communicate that.

Mr. Rowles said I'll just reiterate Councilmember Johnson, that I'm not aware of any adverse health effects as the result of data centers being in existence and operating.

Ms. Johnson said okay, good. That's good to know. Thank you.

Councilmember Driggs said so we're talking about noise. I'm wondering what kind of objective reference we have here? For example, we have a noise ordinance that says you can't create more than 70 decibels at the property line. So, do you know what kind of decibel sound levels there would be on the line to residential properties?

Mr. Brown said we've got a lot of experts that do and we would certainly be in conformity with the Charlotte Noise Ordinance. If you do go down this Google hole, it says, "Oh, it's not the loud, it's the humming." So, there was a concern about the humming. I think it helps to see in the more modern facilities, you don't hear the hum either. So, to the objective standards though, certainly we can do this.

Mr. Driggs said right. So, we've had discussions in the past about A weighted, C weighted and so on and there are different qualities of noise that can measure differently. So, if we could get more objective about that I guess. That was why my question to you Mr. Pettine was going to be when you say you want additional information on noise mitigation, what would satisfy you? What are you looking for?

Mr. Pettine said I think we'd also like to understand what the difference is. From what we know about previous types of older facilities that have raised some of those concerns over the years. Again, as Mr. Brown stated, myself included, I haven't worked on a data center project in my planning career yet either. So, I don't have much experience with these either. So, I think that's why we're asking these questions. So, I think just understanding what the difference is from previous built facilities that have some of those noise impacts that we all read about versus what the technology is now. If we can get some explanation of how these operate, where some of the buildings will be in proximity to the residential so we can understand is noise really an impact or is it more because some of those outdated facilities have equipment that just doesn't operate as efficiently. Just some additional info from the petitioner and some of their noise experts on how these are set up, where those buildings may be in reference to the single family to the south. That will certainly be a great start for us.

Mr. Driggs said you're right on 485. That's pretty loud. I live near 485 and I can attest to that myself. So, it's fair to say that if you did get comfortable on the issue of noise, that then you would be willing to support this? Is that [inaudible]?

Mr. Pettine said I believe those are the main issues that we've got concerns with. I know we've got an inconsistency with this petition as far as the policy map goes. I will point out that the previous policy for this area, the previously adopted plan did recommend this to be an industrial site. It's just that change to MX that we went through back in I believe 2019 or 2021 that rezoned it to this residential piece. Actually, changed that map from industrial to residential. So, this was always envisioned as an industrial land use area until that petition changed it. It was approved in May of 2022 looking back on it. So, I think it does make some sense for a facility. When you think about industrial uses like warehousing and distribution that we've seen so much of over the last four or five years with the traffic impacts associated with those heavier truck traffic and those types of things, this would, from what we understand would be less of a traffic generator. So, in terms of industrial uses it's more industrial on the surface but not in industrial intensive or in the sense of some of those trip generations with heavy trucks or some of the manufacturing types of uses that you would typically see. So, I think if we

get through those additional issues that we've cited, that would certainly put us I think in a better position to feel a little bit more comfortable with this request.

Mr. Driggs said I know that our Denada Jackson is involved in the dialogue that we have about this. I want to shout out to her.

Ms. Mayfield said Mr. Pettine, I would like to encourage that outside of the noise that we look at the environmental impact working with Sarah Hazel and Phil Reiger and his team with our SEAP. As y'all are having the conversations, there are ways to build greener data centers. There's some options that are out there because we have seen across the nation some challenges with data centers in communities. So, outside of just the water usage and the electricity usage, unfortunately in other areas there has been environmental impact for residents and some of them showing up in children in forms of different potential health related issues. There are some greener alternatives. So, I would love to be able to have a meeting to learn a lot more about the plan as this is something new for our area. For me, looking at this, this seems like something that really should be an industrial area not around immediate residential because even across the street we know the impact is more than just the potential of humming. There can be a serious environmental impact when we have some SEAP goals. So, it would be helpful because what I did not see Mr. Pettine in the staff's comments is our conversations with our green team. That will be helpful as this is something brand new and you'll very well be opening the door for other opportunities, making sure that we try to create the best outcome for everyone.

Mayor Pro Tem Winston said I would say it is interesting in relation to that. Data is very energy intensive, and you see that a lot, it is draining local power in areas, and the close proximity that this has to power transmission, it would be interesting to see how many data centers actually have that advantage or if it is a distance transmission that does add to that. So, just interesting.

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

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ITEM NO. 63: HEARING ON PETITION NO. 2022-049 BY TURNSTONE GROUP LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.84 ACRES LOCATED ON THE SOUTH SIDE OF OLD DOWD ROAD AT THE INTERSECTION WITH SAM WILSON ROAD FROM NS (NEIGHBORHOOD SERVICES) TO I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2022-049. It's 9.84 acres on Old Dowd Road just at the intersection with Sam Wilson Road. It is currently zoned to NS, neighborhood services. The proposed zoning is for I-2 conditional, and the Adopted Place Type is for commercial for this site. The proposal would allow up to 92,000 square feet of indoor self-storage as well as warehousing, warehouse distribution, and offices as secondary uses. It does allow for accessory uses permitted in the I-1 district. It also allows for outdoor storage of boats and recreational vehicles. It does prohibit things like adult establishments, automobile services stations, repair garages, car washes, dry cleanings, landfills, etc. Would also provide a minimum 54 ½-foot Class A buffer that would be reduced from the typical 73 feet due to having a berm included as part of it. Also provides landscape screening between the proposed outdoor storage area and Old Dowd Road. You can see that on plan left, and also commits to the following transportation improvements. That would include 150-foot westbound left turn lane on Old Dowd Road, would restripe southbound Sam Wilson Road to include a combination of a through left turn lane. Would also install a traffic signal at the site entrance and intersection of Old Dowd and Sam Wilson Road to be coordinated with

both CDOT and NCDOT, and an eight-foot planting strip and six-foot sidewalk would be incorporated along the site's frontage on Old Dowd Road. Staff does recommend approval of this petition. We do have some outstanding issues with transportation and site and building design to work through. While it's inconsistent with the Commercial Place Type, there is some self-storage uses that are allowed in commercial, but this included enclosed self-storage facility would fall under inconsistent. It would take it to more of a Manufacturing and Logistics Place Type, but overall staff doesn't have any significant concerns as there is Manufacturing and Logistics Place Type in close proximity including adjacent to this site. So, with that we'll turn it over to the petitioner and take any questions you may have following their presentation. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said as Dave mentioned, this site has some challenges. It's got a rail corridor, a gas pipeline, a Duke right of way and a stream buffer. So, most of the site will be undeveloped. One of the things that would fit on the site is a self-storage facility. The reason we're going for I-2 is this is an area where folks have a lot of boats and RVs with their proximity to the lake. They need a place to park those as their HOAs do not allow it. So, this site seemed to be a good fit. So, that's what we're proposing. Very challenging, but again most of the site will be undisturbed building at this location. Offsite parking area there. As Dave mentioned, I think it will be able to address all of the transportation issues in our revised plan that we'll submit prior to Zoning Committee. Happy to answer any questions.

Councilmember Mayfield said so, it's a boat water storage?

Mr. Brown said no. We have an area. So, if folks own boats and RVs if you have a house with an HOA, they can't park their boat or RV there. So, they're looking for where do you park your boat. So, it's not in the water.

Ms. Mayfield said oh. Like if you have it on the back of a trailer?

Mr. Brown said correct. You come and park it there.

Ms. Mayfield said okay. I understand. Okay, that's pretty cool. Okay.

Mr. Brown said there's apparently a real demand for it in this part of Charlotte which is near the lakes.

Motion was made by Councilmember Mayfield, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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ITEM NO. 64: HEARING ON PETITION NO. 2022-146 BY KTED LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.9 ACRES LOCATED ON THE NORTH SIDE OF ALBEMARLE ROAD, WEST OF HARRISBURG ROAD, AND SOUTH OF PENCE ROAD FROM IC-1 (INSTITUTIONAL CAMPUS) AND R-12MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-12MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) AND R-12MF(CD) SPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright. 2022-146 just under four acres off Albemarle and just to the west of Circumferential Road. It's currently zoned to IC-1 and there's a small portion of that zoned R-12MF. This petition is actually incorporated as part of the overall project with that R-12 piece just to the left. So, there is some integration between the two sites. So, this petition again is proposing to go to R-12MF conditional, and that site plan amendment is really just for that small portion there just in that orange sliver. Overall, it is generally consistent with Community Activity Center, not consistent with that Neighborhood 1 Place Type recommendation that's

included on the Policy Map. The proposal is up to 47 single-family residential attached units located within those illustrated building envelopes there in orange. All residential units would have pedestrian connections to sidewalks, internal private drives would connect to Dunsinane Drive Extension. A 26-foot Class C buffer along property lines that abut existing single family residential and institutional uses would be reduced. That could also be reduced if they provide a wall and/or fence within that buffer. It does also illustrate a 30-foot and 35-foot post construction control buffer, water quality easement, as well as some open space. You can see that there just on the bottom left hand of the plan. Overall, staff does recommend approval of this petition. We do have some outstanding issues that we'll continue to work with the petitioner on, get those hopefully cleared up before the Zoning Committee meeting in a couple of weeks. Again, this petition is inconsistent with that Neighborhood 1 Place Type. It does mention being inconsistent with Community Activity Center. There are some residential uses allowed in the Community Activity Center. It may not be envisioned for this kind of single family attached, maybe more intensive uses, but generally staff didn't have any concerns with those Place Types being modified, and if it did get approved, it would take this to Neighborhood 2 which would be generally in line with what was approved just next door on that R-12 multi-family piece that again, this is integrated into as part of the overall project. So, with that, we'll turn it over to the petitioner and we'll take any questions you may have following their presentation. Thank you.

Robert Davis, 6916 Wannamaker Lane said my name is Bob Davis. I'm the Principal of RD Davis Engineering. This site is as you can see, a heavy use commercial use on Albemarle Road to the south. To the north is additional R-3. We believe that townhome community is the perfect and appropriate step back down from the more intense commercial to the residential. You may have a letter from the pastor of the Cornerstone Church that was submitted through the Clerk where he supported it. They've had a tremendous problem with drugs, prostitution and other people hanging out in that area behind these residents and they're really looking forward to this going in a place to be able to get a little bit more stable situation there. That's all I have. We're committed to doing whatever we have to do to work with staff to get the outstanding issues resolved. I'm here to answer any questions you might have.

Councilmember Mayfield said for the petitioner, is this a for sale or rent product?

Mr. Davis said at this time I'm not sure.

Ms. Mayfield said I think this question is for you Mr. Pettine. I was looking at one of the notes that we have. So, we say for this 3.9 acres, the entitlement is too many years to determine, but for this use, based on a 47 single family attached, we're looking at about potentially 310 trips a day but we're also looking at the possible CMS impact all of the areas except for Rock River which I believe is a high school, is over 100 percent. So, I'm trying to understand the recommendation of the petition based on the Place Type and the area.

Mr. Pettine said sure. So, school wise the existing development could generate one student. CMS let us know and then under this proposal up to eight. Even with those eight students all the percentages for the schools both for J.H. Gunn, Albemarle Road and Rocky River High all remain at their percentage. I know some of those are 103 percent and 107 percent for the elementary and middle, but there aren't any increases as a result of this petition to those percentages. For us, when we looked at the petition, we do have some commercial uses just to the south that would be able to be accessed by residents that live here as well as the petition back in 2020 that was approved for essentially a very similar product and that petition worked very closely with both the community and at the time Councilmember Newton to get through that process successfully. We saw this as a bit of an extension of that project and didn't have any real significant concerns even though it doesn't line up 100 percent with that Community Activity Center, I think it does still contribute to the overall health of having an activity center that bears both mix of nonresidential and residential uses in fairly close proximity to it.

Ms. Mayfield said okay. Outstanding issues Mr. Pettine, we have on here a conditional note specifying, "All transportation improvements will be approved and constructed before the site's first building Certificate of Occupancy is issued." Thinking about that and thinking about the development and the final paving because I'm noticing this in some neighborhoods where we have a development that may be two, three, four years old but the final paving of the road before it's transferred, or the City hasn't been done. So, will these outstanding issues address that on the front end between three and four?

Mr. Pettine said so, the timing of that final asphalt wouldn't be necessarily tied to, Jake corrects me if I'm wrong, that first CO (Certificate of Occupancy). It would be the improvements for dedication of right of way, any new road construction that's associated with the project, sidewalk construction, but that final topcoat of asphalt, what they like to refer to as that last inch or so of asphalt wouldn't be impacted by this. That gets done once they get that greenlight to then put that final coat on. Usually that comes after everything is fairly well closed out so they don't continue to tear it up, but the things like any other offsite improvements or the connection to the existing development just to the west of this would tie into all that has to be done and in place prior to that first Certificate of Occupancy. So, it's essentially all those big improvements that get you the infrastructure to put in and then that final bit of asphalt, that final topcoat, that usually comes at the very end.

Ms. Mayfield said the final question for whoever has the clicker, if you can give me an idea, under environment, number five is, "The site must show a minimum of 15 percent of the overall site as tree save." So, where is that identified?

Mr. Pettine said it's a pretty heavily wooded site and there are some tree save areas identified on the site plan. A lot of times they will show that. It may move around a little bit during permitting. We just want to make sure that the petitioner is aware and has the appropriate notes on there that say they'll adhere to the tree ordinance and just make sure that there's not a conflict on the plan. So, that either comes in just providing that note that says we'll meet the tree ordinance or showing that graphically on the plan or both. So, we just need to get that rectified, but I don't see that as being an issue heading into Zoning Committee.

Ms. Mayfield said so, for moving forward, if we say 15 percent as far as tree save, you're identifying from my understanding from staff, when you're looking at it, you're looking at 15 percent of the total acreage, 15 percent of that but they're not identifying a section or an area because we've seen a lot of clear cutting that has happened. We're just saying out of this total acreage, the expectation and the understanding that 15 percent of that must be maintained so that we can have mature trees.

Mr. Pettine said yes, they could either maintain it. I don't know if they have options for replanting in this district. I'd have to follow up and ask our urban forestry folks, but there has to be some combination of that to meet the 15 percent requirement on site and I can get you some details in a follow up.

Ms. Mayfield said thank you.

Mr. Pettine said you're welcome.

Motion was made by Councilmember Mayfield, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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ITEM NO. 66: HEARING ON PETITION NO. 2023-014 BY CHARLOTTE TRUCK CENTER, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.29 ACRES LOCATED ON THE SOUTH SIDE OF CANNON AVENUE, EAST OF NORTH

GRAHAM STREET, AND NORTH OF INTERSTATE 85 FROM N1-B (NEIGHBORHOOD 1-B) TO B-2(CD) (GENERAL BUSINESS, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said this is approximately 1.29 acres located on the south side of Cannon Avenue, east of North Graham Street, and north of Interstate 85. It's currently zoned N1-B, Neighborhood 1-B and it has a single-family house on it. The proposed zoning is B-2 CD, general business, conditional. The 2040 Policy Map recommends Neighborhood 1 for this site. The petition would allow off street parking and other uses on the adjacent site. Off street parking includes customer parking, employee parking and the parking of inventory vehicles only. No principal or accessory buildings would be developed on the site. Vehicular access to Cannon Avenue would be prohibited. It provides an eight-foot planting strip and a six-foot sidewalk along Cannon Drive and provides a 75-foot Class B buffer along the western boundary of the site, that's roughly three-quarters of the property. The property is about 100 feet wide. So, 75 feet of that would be buffer and then the rest would be allowed to be developed for parking. Staff recommends approval of the petition upon the resolution of the technical revisions related to transportation. It is inconsistent with the 2040 Policy Map recommendation for Neighborhood 1, but the uses proposed by this petition though not consistent with the Policy Map recommendation would offer a better transition from the surrounding uses to the existing single-family properties adjacent to the site. It would contribute to the goals of the Comprehensive Plan to mitigate the condition of industrial uses adjacent to residential uses. Offers to provide sensitivity to adjacent sites by proposing a 75-foot Class B buffer along the western boundary of the site. Proposes streetscape improvements along the frontage of Cannon Avenue to include the eight-foot planting strip and six-foot sidewalk. It would revise the plan from Neighborhood Place Type to Commercial Place Type for the site. I'll take any questions.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, member of Council and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner, Charlotte Truck Center. As Mr. Kinley stated, the site contains about 1.3 acres located on the south side of Cannon Avenue between Wild Rose Lane and Equipment Drive. So, the site's outlined in green here. This is the petitioner's existing automotive sales repair facility. They sell trucks but not the trailer. They service and sell tractor trailer trucks but not the trailers. So, they have a very successful business and they need a little more area for parking. So, this is the zoning map. So, the petitioner's existing business site is zoned I-1 C2 and B-2 CD. The site subject to the petition is zoned N1-B. The request of the rezoned, that 1.3 acre site to B-2 CD to accommodate accessory off street parking that would serve and only serve the adjacent Charlotte Truck Center. Off street parking could include customer parking, employee parking and the parking of inventory vehicles as Mr. Kinley stated. That would be the only permitted use. Principle buildings, accessory structures would not be allowed. I think one of the most important conditions is that a vehicular connection to Cannon Drive would not be permitted and that was something that was appreciated at the community meeting. This is our rezoning plan. This is the site here. A 75-foot buffer that could be reduced to 56 feet with the installation of a fence would be located along the western boundary line. Once again, no access to Cannon Drive. The site could only be accessed from the petitioner's adjacent site. We have one outstanding issue, it's a labeling issue which we will address this week and get the plan back in, but we appreciate your consideration and happy to answer any questions.

Councilmember Anderson said thank you for that feedback from the meeting with the community. Were there any other concerns that were borne out of that community meeting?

Mr. Carmichael said it was a very positive meeting Councilmember Anderson. I've got the bullet points here. We had actually two community meetings because there was another site we are currently pursuing but we've since dropped it, but one attendee comment. He's concerned that the homeless could potentially set up in the buffer area, but a fence would prevent that. We had several positive comments that they support the

project because it'll improve the neighborhood. One attendee said, "The project sounds good for the neighborhood." I was asked how would this impact property values. I said, "I really didn't know, but I didn't think it would be an issue particularly since there's not any connection to Cannon Drive." Then that was really it. Then there was another comment about having a fence. So, it was a very well-received petition, I think.

Ms. Anderson said thank you for that update. So, effectively it's bringing the zoning of the existing business in alignment with this parcel that we have here and there will be no access to Cannon Drive?

Mr. Carmichael said that's the condition of the plan, yes ma'am.

Ms. Anderson said excellent. Okay, thank you.

Councilmember Johnson said tractor trailer parking has been a huge issue that I've taken the lead on. So, is this open to the public?

Mr. Carmichael said this is a private business. It's basically like a car dealership except they sell tractor trailer trucks. They don't sell the trailer, they sell the trucks. Now somebody could come in and they could put their trailer there and then you fix the truck and then they would leave, but this is not open to the public for the parking of trailers.

Ms. Johnson said okay.

Mr. Carmichael said the only permitted use under this plan Councilmember Johnson is accessory parking to serve the adjacent user.

Ms. Johnson said okay. Well, thank you. I know we're still working with City staff on solutions for that. So, thank you very much.

Mr. Carmichael said thank you.

Motion was made by Councilmember Mayfield, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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ITEM NO. 68: HEARING ON PETITION NO. 2023-022 BY CHARTER PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.46 LOCATED WEST OF N TRYON STREET, EAST OF MOREHEAD ROAD, AND NORTH OF FLOYD SMITH OFFICE PARK DRIVE FROM N1-A (NEIGHBORHOOD 1-A) TO R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

Maxx Oliver, Planning, Design & Development said good evening, Mayor Pro Tem and Council. Petition 2023-022 is located west of North Tryon Street, east of East Morehead Street and north of Floyd Smith Office Park Drive. The site is approximately 14.46 acres in size and it's currently vacant. The site is currently zoned N1-A, Neighborhood 1 zoning district. The proposed zoning district is R-8MF (CD), multi-family residential, conditional. The 2040 Policy Map recommends Neighborhood 1 Place Type for the site. The R-8MF district is inconsistent with the Neighborhood 1 Place Type, however the petition would diversify housing options along the North Tryon corridor and the site is adjacent to approved multi-family residential to the west. Site constraints exist due to the narrow width of the site, utility rights of way and stream buffers. The petition would improve pedestrian and bicycle mobility along both Morehead Road and North Tryon Street by implementing an eight-foot planting strip and 12-foot multi-use path. The proposal calls for the development of up to 70 single family attached residential dwelling units. Proposes two development areas that will not be connected on the Mecklenburg County side due to a stream buffer though they will be connected to an

adjacent development on the Cabarrus County side on the line. Establishes a 30-foot setback on Morehead Road and North Tryon Street with a 50-foot right of way dedication from the centerline of Morehead Road. An eight-foot planting strip and 12-foot multi-use path on both sides. Commits to architectural standards including pitched roofs, covered porches and stoops. Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, site and building design. Approval of this petition would revise the Policy Map to the Neighborhood 2 Place Type. I'm happy to take any questions at this time.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. I'm pleased to be here this evening with John Porter with Charter Properties and Nick Bushon with DRG (Design Resource Group). Maxx did a great job on the presentation. So, I'm just going to touch on a few points. When you're looking at this site, as he mentioned, it's R-3, it's N1-A zoning right on the Cabarrus County line. It's important to note that the Speedway is also right up there in the corner. So, the corridor in this area is very much transitioning to nonresidential uses. So, while it is an N-1 Place Type, you can see that there are Commercial Place Types next to it and the Cabarrus County side is anticipated to have a mixed-use development with residential and commercial features. So, you can see how this site plays into again, a larger mixed-use community. It will have townhomes on the Mecklenburg County side within Charlotte. On the Cabarrus County side and in Harrisburg we anticipate there being additional apartments, townhomes, and the commercial uses. This portion of the site is only seeing the 70 townhomes. I'm happy to answer any questions.

Councilmember Driggs said I have a question for staff.

Mr. Oliver said yes sir.

Mr. Driggs said is this your first time presenting to us?

Mr. Oliver said this is my first time. Hopefully I'm not too bad.

Mr. Driggs said so, I just wanted to welcome you. I look forward to working with you. Thank you.

Mr. Oliver said thank you.

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

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ITEM NO. 69: HEARING ON PETITION NO. 2023-027 BY 401 SOUTH COLLEGE STREET NC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.73 ACRES BOUND BY THE SOUTH SIDE OF SOUTH COLLEGE STREET, WEST SIDE OF EAST MARTIN LUTHER KING JR. BOULEVARD, NORTH SIDE OF SOUTH BREVARD STREET, AND EAST SIDE OF EAST BROOKLYN VILLAGE AVENUE FROM UC (UPTOWN CORE) TO UMUD-O (UPTOWN MIXED-USE DEVELOPMENT, OPTIONAL).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is a little under three acres at the intersection of South College and East Martin Luther King Boulevard. As you can see in this next image, it is in the heart of Uptown. It shares boundaries with the Charlotte Convention Center and is also right along the Blue line of the light rail. The current zoning is UC which was automatically translated from U-MUD on June 1, 2023, and it's proposing to go to U-MUD optional. That U-MUD optional request is consistent

with the Regional Activity Center Place Type and the proposal itself, really the intent is to allow for some optional provisions to create some flexibility in the site's design and allow the site to develop under one zoning district rather than going by-right and continuing with the UDO as well as the old ordinance under various phases.

So, the request itself is for a couple of optional provisions as mentioned which includes allowing maneuvering and the setback for the purpose of valet services, allowing a 50 percent reduction in the required number of loading docks, allowing the site to not adhere to street wall provision standards as further specified in those notes, and allowing the urban open space requirements to be met anywhere within the site. That would be accomplished through that shared urban open space with the Charlotte Convention Center which they will improve and amenitize further. It also commits to construct a portion of the Rail Trail that is contingent upon the Convention Center removing utility boxes from the corridor and the Convention Center constructing the portion of the Rail Trail from the Convention Center to the existing terminus at Brooklyn Village Avenue. Staff does recommend approval of this petition. It approves the existing open space in that courtyard that we have on the site, but it also allows for some significant pedscape improvements that would further the 2040 Comprehensive Plan connectivity goals through that Rail Trail amenity commitment that's specified on the plan. There are a couple of outstanding issues as it relates mostly to transportation, which the petitioner team is actively working through with C-DOT. We actually have a meeting scheduled with them tomorrow. So, we hope to have a revised site plan that is pretty good shape in regard to those outstanding issues that you saw listed on the staff analysis. I'll take any questions after the petitioner's PowerPoint.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here with Alex Hay and Max Cook as well as Tom Murray with the Convention Center. Holly did a great job describing the purpose and the intent of the rezoning. It really just comes down to the fact that this development is going to probably occur in three phases. So, this allows us the ability to work under one ordinance rather than transition from the old ordinance to the new UDO. It also gives us the ability to really enhance that common open space that's currently adjacent to the Convention Center, to have that open space over the Convention Center but also the next three phases that we anticipate on this site. Happy to answer any questions.

Councilmember Anderson said thank you Bridget for that update. I think this will be a great expansion to the pedscape and mobility as it relates to the Convention Center. So, happy to see that. I just have a tangential question. I know several months ago, I see Tom here, we had a conversation around potentially having the Rail Trail go through at least a portion of it, the actual Convention Center. I believe at that time, there were questions and concerns from the hospitality community as it relates to liability in having so much traffic in and around the Convention Center. Are there any updates on that or does that position still stand firm as it did several months ago? I would like to invite Tom to answer the question if that's possible Mayor Pro Tem.

Mayor Pro Tem Winston said I guess.

Councilmember Mayfield said doesn't he have to sign up to speak?

Unknown said I was going to say. He has to sign up to speak.

Mayor Pro Tem Winston said yes, he's not signed up to speak. So, he can't.

Ms. Mayfield said you had to be signed up.

Mr. Winston said I don't think it's necessarily a land use.

Ms. Mayfield said Ms. Hagler-Gray?

Mr. Grant said I can answer the question. There's no current change, but they are constantly evaluating that moving forward.

Ms. Anderson said okay.

Ms. Grant said currently no change.

Ms. Anderson said great. It would just be great to have an update as we move forward of any modifications around that, but happy to see what's going on outside the building.

Councilmember Johnson said I'll reach out to you and ask some questions.

Ms. Grant said okay.

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

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ITEM NO. 70: HEARING ON PETITION NO. 2023-029 BY MAGLC LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.65 ACRES LOCATED ON THE EAST SIDE OF NORTHLAKE CENTRE PARKWAY, SOUTH OF INTERSTATE 485, AND WEST OF INTERSTATE 77 FROM B-2(CD) (GENERAL BUSINESS, CONDITIONAL) TO B-2(CD) SPA (GENERAL BUSINESS, CONDITIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

Maxx Oliver, Planning, Design & Development said alright. Petition 2023-029, it's located on the east side of Northlake Centre Parkway, south of Interstate 485, and west of Interstate 77. The site is approximately 16.65 acres as mentioned and is currently vacant. The site is currently zoned B-2 CD, General Business Conditional. The proposed zoning is B-2 CD, SPA, General Business Conditional site plan amendment. The 2040 Policy Map recommends Commercial Place Type for this site. The B-2 district is consistent with the Commercial Place Type. The petition proposes to amend the previously approved petition 2022-010 and that was approved in October of 2022. Proposes an increase to the maximum floor area and minor modifications to development envelopes. Retains previously approved automotive sales, repair, and rental uses. The site is bound by the south side of I-485, Northlake Centre Parkway and located west of I77. The neighboring existing and planned uses make the site an appropriate location for autocentric commercial business as it's fairly removed from pedestrian oriented environments. Proposal calls for increasing gross maximum floor area. Minor modifications to the approved development envelopes and corrects labeling mistakes from previous rezonings regarding the step back along 485 and the buffer width. There are no outstanding issues. Staff recommends approval of this petition. I can take any questions.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, member of Council and the Zoning Committee. I'm John Carmichael on behalf of the petitioner. With me tonight are Jeff Kropp of the petitioner and Nick Bushon on Design Resource Group. I'll be really brief. Maxx did a great job going through everything. The purpose of the request is to increase the allowed square footage from 78,000 square feet to 110,000 square feet for this automotive sales and repair facility, a Class A facility. The modifications to the site plan are really just enlarging the building envelopes to allow the increase in the square footage. Everything else remains the same. We're happy to answer any questions that you may have.

Councilmember Johnson said so we know all of our decisions have impact, but this is one of those decisions and petition that I'm really excited about and the impact it's going to have on the Northlake Mall area. For those of you who are new or don't recall, this is

a luxury car dealership. Is it Porshe and Maserati? I think it's Porshe and Maserati. It's minority owned, I'm excited about it. This is some intentionality around Northlake when we talk about helping to sustain that area and bringing in consumers at a higher wage area, you all know we're also building multi-family around Northlake. So, I'm excited about this and it's good see you again Jeff and I look forward to supporting.

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

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ITEM NO. 71: HEARING ON PETITION NO. 2023-049 BY WELLS FARGO BANK FOR A CHANGE IN ZONING FOR APPROXIMATELY 30.1 ACRES LOCATED ALONG THE NORTH SIDE OF VANCE DAVIS DRIVE AND WEST SIDE OF OLD STATESVILLE ROAD, SOUTH OF INTERSTATE 485 FROM OFC (OFFICE) TO ML-1 (MANUFACTURING AND LOGISTICS 1).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said this is approximately 30.1 acres on the north side of Vance Davis Drive, west side of Old Statesville Road and south of Interstate 485. The pond basically to the west was just recently rezoned. I think it was maybe last month. We had a public hearing for that for basically a similar proposal. It's currently OFC zoning. The request is for ML-1, Manufacturing and Logistics. The 2040 Policy Map calls for Manufacturing and Logistics. Staff recommends approval. It's a conventional petition and it would allow all the uses permitted under the Manufacturing and Logistics zoning district and it's consistent with the Policy Map. I'll take any questions after Mr. Fox's presentation.

Anthony Fox, 800 South Tryon Street, Suite 800 said Mayor Pro Tem, members of Council, members of the Zoning Committee and staff. Thank you for the opportunity to be here on behalf of Wells Fargo this evening. This is a conventional rezoning request. It is very similar if not identical to the request of the abutting property owner that you made a decision on this evening, reference to item number 22 on your agenda. This is really to align the property, which was formerly a business park designation, and then under your UDO change converted to an office designation. Now that desire is to take it to a ML-1 designation consistent with your prior action tonight. So, I hope for a favorable consideration of this request. If you have any questions, I'm here to answer them. Thank you.

Councilmember Mayfield said this is really just for staff. It would be helpful if when we have it noted that, "The petition proposes all uses permitted by-right under the prescribed conditions of ML-1," can we have those somewhere? Again, iLegislate to give the perimeter of what it is because we've had a couple tonight that they fit under this umbrella but, there were a couple of times where we had listings. Here are the things that could go there or we'll list what can't go there. That would be helpful as we're having these conversations since this is a conventional rezoning. We're not asking specifically what it is, but it would be nice to know what it could be. If we can have that available, and if not available on iLegislate, available in print for Monday. That would be very helpful. So, thank you Mr. Fox. Not a question for you just clarification for staff.

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

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ITEM NO. 72: HEARING ON PETITION NO. 2023-050 BY MUDASSAR MOHAMMED FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.219 ACRES LOCATED ON

THE EAST SIDE OF DONNA AVENUE, SOUTH OF ATMORE STREET, AND NORTH OF THE PLAZA FROM ML-1 (MANUFACTURING AND LOGISTICS 1) TO N1-D (NEIGHBORHOOD 1-D).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this parcel is located on the east side of Donna Avenue, south of Atmore Street, north of The Plaza. I'll note, and you can see in the aerial graphic in the next slide that this is in a residential area that there are some nonresidential uses just to the west of it. Directly north and south of the site are single family existing residential uses. So, the existing zoning is ML-1 but again that doesn't necessarily reflect the development that we already see on the east side of Donna Avenue. You see those two other houses that are also in the ML-1 zoning district just to the south of it. The site automatically translated to ML-1 from the I-1 zoning district on June 1, 2023. The majority of this neighborhood is already N1-C, Neighborhood 1-C and is proposing to go for this lot to N1-D. I'll just point out that the Neighborhood 1-C and the Neighborhood 1-D zoning districts allow the same residential uses. Really the only difference that you're looking at for those two districts are as it relates to lot dimension standards. So, N1-D could be applied to a slightly smaller lot than N1-C for example, but the uses would be extremely compatible. The Adopted Place Type for this site is Neighborhood 1. So, it is consistent with the Adopted Place Type here and the 2040 Plan. There are no outstanding issues. It is a conventional petition. So, there is no associated site plan. I'll be happy to take any questions.

Councilmember Mayfield said if we can go back in the slides. I'm looking for what we were sent. On the west of the site, that car park lot that's directly in front of the residential homes, where is his site in proximity to that?

Ms. Cramer said so, are you talking about the industrial uses that are on the west side of Donna Avenue?

Ms. Mayfield said so, I'm just going by the picture you have uploaded. It says, "To the west of the site is a car park lot." So, we have some residential homes and directly across the street from that residential looks like older used car lot. Where is that?

Ms. Cramer said yes, it's just on the west side of Donna Avenue there.

Ms. Mayfield said so that's across the street?

Ms. Cramer said yes, it's in the ML-1, ML-2 zoning district. There are already houses here on the east side of Donna Avenue and again we do have existing residential development all along the east side. It's really just along the west side that you see some nonresidential uses in this little block here.

Ms. Mayfield said okay. Thank you.


There being no speakers, either for or against, a motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.

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ADJOURNMENT

Motion was made by Councilmember Anderson, seconded by Councilmember Mayfield, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 8:29 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 3 Hours, 14 Minutes
Minutes completed: July 31, 2024