

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, September 19, 2022, at 4:05 p.m. in Room 267 of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Braxton Winston II presiding. Council Members present were Dimple Ajmera, Danté Anderson, Tariq Bokhari, Malcolm Graham, Renee Johnson, Lawana Mayfield, and James Mitchell.

ABSENT: Mayor Vi Lyles, Councilmembers Ed Driggs and Victoria Watlington.

ABSENT UNTIL NOTED: Councilmember Marjorie Molina.

Mayor Pro Tem Winston said welcome to the December 19th Zoning Meeting of the Charlotte City Council. Happy holidays to all that are out there. Happy Hannukah, Merry Christmas, Happy Kwanzaa, Happy New Year to all those that celebrate. We will call this meeting to order, and we will start with introductions. The requirements of notice access in minutes are met as required by law, and the public in the media are available to view this meeting on the Government Channel, the city's Facebook page, or on the city's YouTube page. We will begin our meeting with an invocation which is an expression and inspiration followed by the Pledge of Allegiance. The invocation by the Council member is intended to solemnize our proceedings. We celebrate the religious diversity of our community including those without a religious faith. Tonight, Councilmember Ajmera will be so gracious to give us our invocation.

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INVOCATION AND PLEDGE

Councilmember Ajmera gave the Invocation followed by the Pledge of Allegiance to the Flag.

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EXPLANATION OF THE ZONING MEETING PROCESS

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

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INTRODUCTION OF ZONING COMMITTEE

Mayor Pro Tem Winston said at this time I would like to introduce the Zoning Committee Chair, Phil Gussman and allow the Zoning Committee to introduce themselves.

Phil Gussman, Zoning Committee said hi Happy Holidays and thank you Mayor Pro Tem. I'm Phil Gussman, Chairman of the Zoning Committee of the Planning Commission. I'd like to introduce my fellow committee members. I'd like to introduce my Vice Chair, Douglas Welton, Ronnie Harvey, Melissa Gaston, Courtney Rhodes, Will Russell, and Terry Lansdell. The Zoning Committee will meet Wednesday, January 4th at 5:30 p.m. here at the Government Center in conference room 280. At that meeting the Zoning Committee will meet to discuss and make recommendations on the petitions that have public hearings tonight. The public is welcome at that meeting, but please note it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you're welcome to contact us to provide input. You can find contact information and information on each petition on the City's website at charlotteplanning.org.

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DEFERRALS/WITHDRAWALS

Councilmember Molina arrived at 4:14 p.m.

Motion was made by Councilmember Anderson, seconded by Councilmember Graham, and carried unanimously to defer: a decision on Item No. 16, Petition No. 2022-042 by Brian Iagnemma to January 17, 2023; a decision on Item No. 17, Petition No. 2022-060 by Providence Group Capital to January 17, 2023; a decision on Item No. 18, Petition No. 2021-284 by Beacon Acquisitions, LLC & Crescent Communities to January 17, 2023; a hearing on Item No. 28, Petition No. 2021-277 by Buildom LLC to January 17, 2023; a hearing on Item No. 29, Petition No. 2022-029 by Wade Miller – Skyline Townes, LLC to January 17, 2023; a hearing on Item No. 30, Petition No. 2022-037 by SunCap Property Group, LLC to January 17, 2023; a hearing on Item No. 31, Petition No. 2022-066 by Wood Partners to January 17, 2023; a hearing on Item No. 36, Petition No. 2022-059 by Taylor Morrison to January 17, 2023; a hearing on Item No. 39, Petition No. 2022-092 by Sam's Mart to January 17, 2023; and withdrawal of Item No. 15, Petition No. 2021-238 by Lennar Carolinas, LLC; withdrawal of Item No. 25, Petition No. 2022-043 by Lucrum Seven, LLC; withdrawal of Item No. 26, Petition 2022-113 by Goode Properties; and withdrawal of Item No. 27, Petition 2022-124 by SHJ Construction Group.

ITEM NO. 2: FOLLOW UP REPORT

There was no follow up report.

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CONSENT AGENDA

ITEM NO. 3: CONSENT AGENDA ITEMS 4 THROUGH 14 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.

Mayor Pro Tem Winston said Ms. Mayfield has requested Item Number 12, Petition 2022-067 be pulled for a separate vote. Please note that all the other petitions meet the following criteria: There was no opposition to the petition at the hearing, the Zoning Committee recommended approval and there were not changes after the Zoning Committee's recommendation, and also that staff recommends approval of these petitions. Are there any additional Consent Agenda items Council would like to pull for question, comment, or a separate vote, noting that Ms. Mayfield has requested Number 12 to be pulled for a separate vote?

Motion was made by Councilmember Bokhari, seconded by Councilmember Graham, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 12 which was pulled for discussion.

The following items were approved:

ITEM NO. 4: ORDINANCE NO. 440-Z, PETITION NO. 2021-083 BY MQC1, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.38 ACRES LOCATED AT THE INTERSECTION OF ARDEN STREET AND KOHLER AVENUE, EAST OF STATESVILLE AVENUE, AND WEST OF NORTH GRAHAM STREET FROM B-2 (GENERAL BUSINESS), I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL), R-5 (SINGLE FAMILY RESIDENTIAL), R-22 MF (MULTI-FAMILY RESIDENTIAL) TO MUDD (CD) (MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Rhodes, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map recommended Neighborhood Center Place Type for the parcels along Statesville Avenue, but inconsistent with the recommended Neighborhood 1 Place Type for the parcels along Arden Street, Kohler Avenue and Lomond Avenue 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 Center place type for the parcels along Statesville Avenue but recommends Neighborhood 1 place type for the parcels along Arden Street, Kohler Avenue, and Lomond Avenue. 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 creates a good transition by buffering the more intense uses and building form along Statesville Ave from the established single-family neighborhood. This petition complements the growing development in the Statesville Corridor. This petition will contribute to housing access and variety along the Statesville Corridor. This petition is sensitive to the adjacent single-family neighborhood as building heights on parcels "B" and "C" limited to 48-feet. The petition commits to enhancing the streetscape environment by providing an 8-foot planting strip and 8-foot sidewalk along Statesville Avenue, Kohler Avenue, and Arden Street, and an 8-foot planting strip and 6-foot sidewalk along Lomond Avenue. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 355-356.

ITEM NO. 5: ORDINANCE NO. 441-Z, PETITION NO. 2022-003 BY JOY HOMES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.39 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH TRYON STREET JUST NORTH OF ORCHARDGATE DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-1 (motion by Rhodes, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be 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 petition is compatible with the adjacent multifamily residential, which followed a recently approved rezoning. The petition is within ¼ mile of a community activity center. The petition would extend Clovercliff Road, creating a parallel street to S Tryon Street, which will ultimately improve mobility in the vicinity of the site. The petition proposes to improve the S Tryon Street streetscape with a minimum 8' planting strip and 12' multi-use path along the site's frontage. • The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility. 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 65, at Page(s) 357-358.

ITEM NO. 6: ORDINANCE NO. 442-Z, PETITION NO. 2022-015 BY FIORENZA PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.49 ACRES LOCATED ON THE EAST SIDE OF NORTH SHARON AMITY ROAD, NORTH OF CENTRAL AVENUE, AND SOUTH OF WILORA LAKE ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-1 (motion by Welton, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: this petition is inconsistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: The adopted 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 recommended densities in the Neighborhood 1 Place Type, the petition's proposal for attached single-family uses is consistent with the existing development pattern in the area. The petition is an appropriate transition from multifamily uses to the south to single family uses to the north. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 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 ordinance is recorded in full in Ordinance Book 65, at Page(s) 359-360.

ITEM NO. 7: ORDINANCE NO. 443-Z, PETITION NO. 2022-034 BY ROERS COMPANIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 17.32 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF OLD STATESVILLE ROAD AND GIBBON ROAD, EAST OF STATESVILLE ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL), I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO R-17MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Gaston, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be 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 Commercial and Neighborhood 1 Place Types. 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 increases the variety of housing in the area along Old Statesville Road. The petition helps to conform this site to the surrounding residential land uses and acts as a better transition from the more intense commercial and industrial land uses and building form along Old Statesville Road and Gibbon Road. The petition reserves space for the Mecklenburg County easement for future Seam Trail. This petition will contribute a 12-foot multi-use path and 8-foot planting strip along Gibbon Road and Old Statesville Road, as well as 8-foot planting strip and 8-foot sidewalk on the internal private street network. The petition commits to an open space with landscaping, seating areas and hardscape elements. This petition commits to enhanced building design features such as usable porches and/or stoops where possible. The petition calls for a 50-foot class C buffer between the site and adjacent single-family neighborhood. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Commercial and Neighborhood 1 Place Types to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 361-362.

ITEM NO. 8: ORDINANCE NO. 444-Z, PETITION NO. 2022-041 BY BVB PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.68 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD AND SOUTH SIDE OF SUNSET ROAD, EAST OF INTERSTATE 77 FROM CC (COMMUNITY CENTER), B-1 (NEIGHBORHOOD BUSINESS) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 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 Commercial Place Type. Therefore, we

find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition's request for allowing B-2 uses maintains consistency and adds to the strong commercial uses along the corridor. These uses would be appropriate as the site is surrounded by industrial and commercial uses. The petition proposes street improvements along Statesville Road to include a southbound right turn lane. The petition also proposes street improvements to Sunset Road including an eastbound right turn lane as well as a median to restrict left turn movements.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 363-364.

ITEM NO. 9: ORDINANCE NO. 445-Z, PETITION NO. 2022-056 BY MARK PLOTT, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.27 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF BENFIELD ROAD AND RIDGE ROAD, NORTH OF INTERSTATE 485 FROM R-3 (SINGLE FAMILY RESIDENTIAL), CC (COMMUNITY CENTER) TO B-1 (CD) (NEIGHBORHOOD BUSINESS, 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 recommendation for the Neighborhood 1 and consistent with the Community Activity Center Place Type based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition is an appropriate and compatible use with the surrounding Community Activity Center and residential neighborhoods. The petition helps to serve the surrounding community by providing access to fresh, healthy, seasonal produce. This petition will dedicate 57-feet of ROW to the future alignment of Highland Shoppes Drive. 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 Community Activity Center Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 365-366.

ITEM NO. 10: ORDINANCE NO. 446-Z, PETITION NO. 2022-061 BY AHC INVESTMENT GROUP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.21 ACRES BOUND BY THE SOUTH SIDE OF NORTH CHURCH STREET, NORTH SIDE OF NORTH TRYON STREET, AND EAST SIDE OF WEST 31ST STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends Innovation Mixed Use. 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 TOD-NC district may be applied to parcels within 1 mile of a rapid transit station. The site is within a ¾ mile walk of the 36th St. and 25th St. stations on the Lynx Blue Line. The site is located on N. Tryon St. in an area with recent rezonings to TOD designations. The proposed zoning would allow the site to be developed with transit supportive uses compatible with existing commercial development and recent redevelopment occurring in the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute

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

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 367-368.

ITEM NO. 11: ORDINANCE NO. 447-Z, PETITION NO. 2022-064 BY CROSLAND SOUTHEAST AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.60 ACRES BOUND BY THE SOUTH SIDE OF CENTRAL AVENUE, WEST SIDE OF PECAN AVENUE, AND NORTH SIDE OF EAST INDEPENDENCE BOULEVARD FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO B-2 PED-O (GENERAL BUSINESS, PEDESTRIAN OVERLAY, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Rhodes, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be 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: This rezoning petition does not modify the entitled land uses for the site. Through the use of an optional provision, this proposal would allow for the development of one rooftop sign on a building that is less than 30' in height. No other changes to the site or optional provisions are proposed in this rezoning petition. The proposed sign would provide a visual identifier along Central Avenue for the planned Commonwealth mixed-use development. The limited scope of this rezoning petition maintains the intent of the pedestrian overlay along this corridor in Plaza Midwood and does not significantly alter the pedestrian-level viewsheds of the area.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 369-370.

ITEM NO. 13: ORDINANCE NO. 448-Z, PETITION NO. 2022-072 BY HECTOR GUADARRAMA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.62 ACRES LOCATED ON THE EAST SIDE OF MARMAC ROAD, NORTH OF TUCKASEEGEE ROAD, AND WEST OF TODDVILLE ROAD FROM R-3 AIR LLWPA (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) TO R-4 AIR LLWPA (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 7-0 (motion by Gaston, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed residential use is consistent with the 2040 Policy Map as well as all surrounding land uses. The petition would maintain the existing residential character of Marmac Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 371-372.

ITEM NO. 14: ORDINANCE NO. 449-Z, PETITION NO. 2022-165 BY WINTERWOOD, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.3 ACRES LOCATED ON THE SOUTH SIDE OF MILTON ROAD AND WEST SIDE OF BARRINGTON DRIVE, NORTHWEST OF NORTH SHARON AMITY ROAD FROM I-1 (LIGHT INDUSTRIAL), O-1 (OFFICE) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: The adopted policy map recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposal for multi-family residential is consistent with the Neighborhood 2 Place Type goal 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 could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 373-374.

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ITEM NO. 12: PETITION NO. 2022-067 BY CC FUND 3, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.92 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF SAM WILSON ROAD AND WILKINSON BOULEVARD, NORTH OF OLD DOWD ROAD FROM I-2 (CD) LLWPA (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA), B-2 LLWPA (GENERAL BUSINESS, LOWER LAKE WYLIE PROTECTED AREA) TO TOD-NC LLWPA (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: The adopted policy map recommends the Innovation Mixed-Use Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is within a 1-mile walking distance of the planned Sam Wilson transit station. The TOD-NC zoning district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The site is along the future Silver Line, making it an appropriate location for TOD development that further encourages pedestrian and transit connections. The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. The Innovation Mixed-Use Place Type allows for office, research and development, studios, light manufacturing, showrooms, hotels, and multi-family residential uses. The TOD-NC Zoning District generally maintains the high level of design standards associated with the TOD-UC Zoning District but is preferred over the TOD-UC Zoning District where less intensity is more appropriate, such as adjacent to a Neighborhood 1 Place Type. This site is adjacent to Neighborhood 1 to the southwest. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Graham to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: The adopted policy map recommends the Innovation Mixed-Use Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is within a 1-mile walking distance of the planned Sam Wilson transit station. The TOD-NC zoning district may be

applied to parcels within a 1-mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The site is along the future Silver Line, making it an appropriate location for TOD development that further encourages pedestrian and transit connections. The use of conventional TOD-NC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. The Innovation Mixed-Use Place Type allows for office, research and development, studios, light manufacturing, showrooms, hotels, and multi-family residential uses. The TOD-NC Zoning District generally maintains the high level of design standards associated with the TOD-UC Zoning District but is preferred over the TOD-UC Zoning District where less intensity is more appropriate, such as adjacent to a Neighborhood 1 Place Type. This site is adjacent to Neighborhood 1 to the southwest. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Councilmember Mayfield said our Council colleague, Ms. Watlington, who is the closest City Council representative to this area has been in communication with the residents in this ETJ area. So, I do want to remind my colleagues and for those who did not have a chance to read her email, “Advise you that in line with concerns expressed during the Zoning Committee discussion,” I am reading from her email, “I am extremely concerned with approving speculative TOD petitions along future unfunded Silver Line routes. This exasperated displacement particularly on the east and west sides. Furthermore, without a real infrastructure plan in place setting a precedent at this time is detrimental to our most vulnerable. Please join me in denying this petition. I have expressed this concern with the petitioner’s agent.” So, Councilmember Watlington did ask for us to consider a denial for this particular petition based on the concerns from the community and I will be supporting her recommendation.

Substitute motion was made by Councilmember Mayfield and seconded by Councilmember Johnson to deny Petition 2022-067.

Councilmember Mitchell said I think anytime when a Council member of that district weighs in and brings to us what I call legitimate concerns, do we have staff to address the Silver Line lack of funding, Ms. Watlington’s issue?

David Pettine, Planning, Design & Development said a question about funding for the Silver Line. Who would address that? Is that the question? That would be CATS (Charlotte Area Transit System). Our partners at CATS as far as addressing additional funding for that project and when that timeline is, yes, that would be our partners at CATS.

Mr. Mitchell said do we have someone here representing CATS Dave?

Mr. Pettine said I do not believe we do.

Mr. Mitchell said okay.

Councilmember Bokhari said so, it’s tough when it gets to this point. Did anyone know this was coming? Does the petitioner know and has decided to roll the dice or are they unaware? Can you give us a little more context?

Ms. Mayfield said it was noted from Councilmember Watlington that she has spoken with the petitioners and to the petitioner’s agent.

Mr. Bokhari said they just decided to move forward anyway?

Ms. Mayfield said exactly. That was noted.

Mr. Pettine said I think they would prefer to move forward and if the petition looks like it's not going to get a favorable outcome, I would imagine they would prefer a deferral so they can continue to work on it than a straight denial.

Ms. Mayfield said that's not how that works.

Mayor Pro Tem Winston said we have a substitute motion. So, those are the motions on the table and they have to carry at this point in time.

Mr. Bokhari said so, if we vote for the substitute motion and it passes, because that is a denial not for approval that isn't done, does that then block this parcel up for two years?

Mr. Pettine said to a degree yes. There are some caveats to that two-year prohibition. It could be a different project that comes forward. Council does have some discretion to look beyond that two-year halt on rezoning, but there are some nuances to that, that if they propose something different or come to a different type of project, this proposed Council may be able to consider that within that two-year time period.

Councilmember Ajmera said so, because now there is a motion to deny, I just want to give the petitioner an opportunity if they would like us to defer it. Have they requested a deferral? I didn't see it in the deferral list.

Mr. Pettine said there wasn't a deferral requested.

Ms. Ajmera said so, I'm assuming that then they would like us to proceed at this point.

Mr. Pettine said I would imagine they'd like us to proceed, yes, but I would also imagine that if they had the opportunity to defer the petition, they would prefer to do that than take a denial.

Mayor Pro Tem Winston said I'll just recognize that we don't have another option for anything else besides the two motions that are on the table unless the substitute motion is withdrawn, and I don't think that's going to happen. So, we have a vote on the table.

Ms. Ajmera said so, we have to proceed with the substitute motion?

Mayor Pro Tem Winston said correct.

Mr. Bokhari said I would just say while obviously district rep's comments weigh heavily on all of us, and they should, we can't get in this practice of having one email shot out and then all of a sudden, we're trying to respond and react on the fly without any knowledge of the details. There's a certain weight when a Council member in a district comes forth and asks to block both staff and Zoning Committee's opinions. I mean I of course defer to a district rep normally, but there's a level of responsibility. Call in all of us. If you're going to go against the entire system, you know, you've got to whip the votes for that kind of stuff, so we understand what's going on and what we're doing. I think this is a really bad precedent. While I do hope to understand more about what the problem is so we can help, my gut tells me it's the broader infrastructure meeting and the broader macro topics that we talked about today that aren't going to be solved in the near term. So, I have to vote against this substitute motion. I would hope that you guys will join us in setting the precedent that we have to do this in an organized fashion. We can't be behind the dais making these kinds of decisions.

Mayor Pro Tem Winston said thank you.

Ms. Mayfield said I would like for us to consider, one, that this wasn't sent out last minute. It was sent out yesterday. We as Council have a responsibility to talk to each other. If anyone had additional concerns, we could've picked up the phone as well and reached out. The whole purpose as someone who served as a district representative for eight years and who attended quite a few meetings in ETJ area, it is part of our responsibility to make sure we're understanding what the expectation is. For this

conversation, there has been very few times in the eight years prior that I served as a district rep that if I shared concerns with the developer or the petitioner, that the community had concerns that that petitioner would still move forward and say, "You know what? I'm going to move forward with this," even though there are concerns and not attempt to work towards addressing the concerns.

We just had multiple conversations just earlier today regarding how we want to move forward. I agree, the conversation shouldn't be held at the dais, but what we have the ability to do is either approve or deny. At the end of the day, that is Council's responsibility. Just because a developer creates a product, that doesn't mean that product is necessarily going to benefit our community and we have seen just in the last three to four years the impact of some of our decisions on community. Now there's clear concern that has been identified and approving language for a development when we don't have the infrastructure in place. I am supporting my colleague's request for denial because of one, I am familiar with the area, but most importantly as the district representative, she has been out speaking with the community and she reached out to the petitioner. The petitioner chose to bring it to full Council for full Council to then make a decision of approving or denying.

At this point, as you stated earlier Mayor Pro Tem, it is us for a vote. It is not my responsibility to try to create a win for the developer. We're either going to support the denial which is my motion amended or we revert back to the original vote.

Councilmember Graham said quick question. In the consent items, could you outline the process for getting there? Was there anyone at the hearing and spoke against this petition?

Mr. Pettine said no. No, so this met all the criteria that we had. No opposition at the hearing, Zoning Committee recommendation for approval, no changes after Zoning Committee. It's a conventional petition. So, there wouldn't have been any changes and staff is supporting the petition as well. So, it did meet all four criteria beyond consent and then of course we have the opportunity always to pull things off and discuss them as we are there.

Mr. Graham said the Zoning Committee vote was?

Mr. Pettine said 7 to 0 on this one.

Mr. Graham said staff recommends it as well?

Mr. Pettine said correct. There were some discussions about infrastructure and the intersection of Sam Wilson Road and some of the challenges that may pose, but in the end the discussion did move forward to a full recommendation from there.

Mr. Graham said yes. Thank you. Again, Councilmember Mayfield referred to the meeting we had earlier today in reference to infrastructure. I get it. I get that we're a growing city and that there's impact in certain parts of our community. If we're not growing, we're dying. I'm a district rep and there were some times where I wanted something and the Council voted against it and I defer it to the will of the Council, I didn't take it personally because I understand that everyone has different perspectives. My perspective is to try to create controlled growth, to do it in a matter that is fair and equitable throughout this city, that we treat anyone that comes before us, developer, petitioners, the community with respect and understanding. Again, we just got the email yesterday. So, we just got it yesterday and with no phone calls from her. So, thank you.

Mr. Pettine said you're welcome.

Mayor Pro Tem Winston said thank you very much. Thanks for the discussion.

Councilmember Molina said I think what's happening here from my perspective is I think there's a complete miscommunication in how our process works. Because we

have seven districts with an immense amount of people, the district rep is assigned to talk to the people that they represent. I think for a developer to put us in his position is unfair because we haven't had the time to defer to the people with concerns. So, we depend on our colleagues to do that for us and now we have a colleague from the dais who has told us that the people who voted her in have an issue with the petition that we now have. So, this is a tough decision, and I don't like making tough decisions that are permanent infrastructure decisions without having had the opportunity to do my own research if you will. So, the only other measure we have at this point is to depend on what our colleague has done.

I think that's unfortunate because what I would've like to have seen in a situation like this is that we defer it until the Council member is present. Because I think this would first of all be a whole lot easier if we had our representative here because she could really articulate what conversations she's had with the community, and she can articulate that for the public as well. So, right now we're going to have to take a vote without her words. I mean we have her words through an email, but without specificity. So, like I said for me ideally, I would've liked to have had a vote like this one deferred until we could have more information from both her and even the developer who is involved in this project. We do have a motion on the floor that we have to entertain, but this is not how we create policy discussion. I just feel like we've missed the ball for this particular one.

Councilmember Anderson said if I am understanding properly, we have a substitute motion on the floor and if that substitute motion fails then we can go back to the original motion and defer this particular project?

Mayor Pro Tem Winston said no. So, Ms. Hagler-Gray you can correct me if I'm wrong. If it passes, it carries. If it fails, we go back to the original motion. If the original motion doesn't get six votes, then there's no action on it and if there's no action there's no approval or denial.

Terrie Hagler-Gray, Senior Assistant City Attorney said then you could move to defer.

Mayor Pro Tem Winston said then you could move to defer.

Ms. Anderson said that's what I was understanding. That we would have the opportunity to defer if we deny this substitute motion. That will provide ample time for all of us to become up to date with the issue and our colleague can have additional conversations with us as well as the petitioner as it relates to the concerns of the constituents.

Mayor Pro Tem Winston said thank you. I was just having a sidebar with some of my colleagues. Obviously, there's concerns around the dais and there's some concerns about the way we're going about dealing with it. Regardless of how we feel, it's just a matter of fact. So, I would ask Ms. Johnson and Ms. Mayfield if they would consider pulling back their motions to deny so I can make a motion to defer this so we can touch base with Ms. Watlington. We can all have our one-on-one meetings if necessary so we can do that. Would you be willing to entertain? Yes, or no?

Ms. Mayfield said withdraw the denial.

Substitute motion was withdrawn.

New substitute motion was made by Councilmember Mayfield, seconded by Councilmember Johnson and carried unanimously to defer Item No. 12 to January 17, 2023.

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DECISIONS

ITEM NO. 18: PETITION NO. 2021-284 BY BEACON ACQUISITIONS, LLC & CRESCENT COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 146.9 ACRES LOCATED ON THE WEST SIDE OF RHYNE ROAD SOUTH OF MOUNT HOLLY ROAD AND NORTH OF BELMEADE DRIVE FROM I-1, I-2 (CD), R-3 LLWPA (LIGHT INDUSTRIAL, GENERAL INDUSTRIAL, CONDITIONAL, SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-1 (CD) LLWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA).

The Zoning Committee voted 4-1 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be partly consistent and partly inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is consistent with the part of the site recommended for Manufacturing & Logistics place type. The petition is inconsistent with the part of the site recommended for 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: While a portion of the site is inconsistent with the recommended Neighborhood 1 Place Type, the remainder is consistent with the Manufacturing & Logistics recommendation. The site is adjacent to railroad and other industrially zoned and developed properties. Also, it provides quick access to Interstate 485 via Rhyne Road and Mount Holly Road. The proposed site plan will provide adequate buffers from adjacent residential uses in the form of a minimum 75' buffer with a berm. The petition commits to several transportation improvements including an 8' planting strip and 12' multi-use path along the site's Rhyne Rd frontage and a \$250,000 contribution towards intersection improvements at Mount Holly Rd & Rhyne Rd / Sonoma Valley Dr. The petition commits to dedicating to Mecklenburg County 3 acres for a public park and a minimum 90' wide trail easement along the western property boundary. The petition could facilitate the following 2040 Comprehensive Plan Goals: 5: Safe & Equitable Mobility, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the adopted Place Type as specified by the 2040 Policy Map, for a portion of the site from current recommended Neighborhood 1 Place Type to Manufacturing & Logistics for the entire site.

Motion was made by Councilmember Mayfield, and seconded by Councilmember Johnson to defer Item No. 18, Petition No. 2021-284 by Beacon Acquisitions, LLC & Crescent Communities to January 17, 2023.

Mayor Pro Tem Winston said we have a motion to defer that has been made and seconded. Do we have any discussion on the item.

Councilmember Mayfield said same reason Mayor Pro Tem. Councilmember Watlington did send us an email [INAUDIBLE] neighborhood, which as representatives we are supposed to be here to hear and represent our constituency. So, there were concerns with this project as well and based on the last petition, in order to be fair and moving to defer to give an opportunity for the Council representative to be here to speak as to what the community concerns were for 2022-284.

Mayor Pro Tem Winston said any other comments?

Councilmember Bokhari said so, what it feels like is happening right now is pretty much just turning down all the petitions and that's okay. All I'm saying is the person needs to be here for that. This is serious stuff, and it seems like people are being caught unaware. So, I'm certainly caught unaware, but it seems like others in the community may be as well. So, I don't know. I would make a substitute motion to approve it, but I don't know how that's going to go.

Councilmember Johnson said yes. 284 should not come as a surprise to any of us. Ms. Watlington sent this email out, but she's been saying this all along. There's overwhelming community opposition to this petition and Councilmember Watlington has tried to work with the developer. So, the developer is moving forward. There should be no expectation of a rubber stamp from Council. So, she sent this out based on the last conversation, we said we wanted to defer to give her an opportunity to be here tonight. So, we're just trying to be consistent. We can certainly proceed with a decision if Council prefers, but that was why that motion was to defer.

Councilmember Anderson said I will be supporting the deferment because I'd like to understand and be scrubbed in as it relates to the issues with the constituents for Councilmember Watlington. I would also like to just in addition state that we added this meeting to our annual calendar the week before Christmas and some of us made changes and some of us could not make those modifications. So, I certainly do not want to depict Councilmember Watlington as not being responsible for her constituents. Having responsibilities and obligations that you've already made void of a new meeting and unable to move those things around. So, I will be supporting the deferment so we can have full information and the constituent's voices can be heard.

Councilmember Graham said I just hope that we're consistent because folks are watching what we're doing and I'm a district rep now. I've been a district rep before. I understand the influence that we have on zoning decisions, but again it feels like just by listening over the last several weeks and months that this is more than just what's on our paper. It's about a broader conversation we just had earlier today about infrastructure, and I'll just say it again. We should be responsive to our constituents. I want to be responsive to mine. There's several here tonight for a zoning petition in my district off of Beatties Ford Road. So, we should hear them. We should give them every consideration, but we also have to be balanced on our approach. We never rubber stamp I don't think. That's not what we do around here. We don't rubber stamp, we make informed decisions. Thank you.

Ms. Mayfield said we have 21 items that we're going through tonight. I want to remind Council part of our responsibility and our job is to do exactly what we're doing tonight. There should never be any expectation of any developer that just because you submit a project that it is going to be rubber stamped by this Council when there's opposition. So, to be clear Councilmember Watlington did send an email to all of us. "Overwhelming opposition by community who desires to retain both buffer and opportunity for mixed use at a key intersection in the area. Additional industrial in this area impacts property values, transportation, environmental safety and overall quality of life. The residents in the immediate area are being inundated with industrial rezonings despite continued pleas to their representatives to provide balanced planning, equitability across the city, eliminating the opportunity for the residents to participate in a meaningful way in the upcoming area plans."

Our language through Council has created areas. Those plans are sometimes inconsistent, yet they are approved by this Council. They are sometimes inconsistent to the community needs. This Council, our responsibility is a yay or a nay and a deferral. If we are not going to do that job, if it is going to be an expectation that whatever you present to Council should be rubber stamped, then that is a completely different conversation and there is really no need. The Planning Commission could do that all on their own.

So, I challenge the idea that we're creating a hardship for a business to do business in our city. I also want us to recognize that yes, we are one of the fastest growing cities in the nation, but if we don't take the time to not only ask the right questions, but make the right decisions, we're going to be running into challenges that a lot of other communities are running into because they just thought, "Just let them build whatever they want." We don't need the infrastructure challenges that some of our sister cities are having. We have a chance to do it a little different. I am supporting my colleague this time by asking for a deferral instead of a deny, but we need to remember where our responsibility and what our role is. It is not my job to rubber stamp just because a developer came before

me or my colleagues and said, “Hey, here’s a project I want to do.” We need to listen to the community and look at the impact of those choices that we’re making. Thank you.

Councilmember Molina said the sentiments that my colleague Ms. Mayfield said, I think I completely identify with, and I want to make clear as a district representative. There’s no one closer to the community than the representative of the district. The leaders from that district call us, they tell us what they’re experiencing and although we live in the district, we can’t live where they live. So, that feedback is fundamental to our decision making. So, I think for anybody to seek to have a decision made in our city I think it behooves you if you’re going to enter into that process, that you contact that district representative. Allow that district representative and the strong ties that they’ve built to win elections work on your behalf because that district representative has that rapport by the people who trusted them to elect them.

So, I also will be supporting a deferral because I trust my colleague that she’s made the decision to reach out to the people who elected her to represent them and they have an issue, and if they have an issue then we all have an issue. I think the deferral is actually being very kind to say that we’re going to give both parties more time to articulate this to the broader Council so that we can make a better and more informed decision.

Mayor Pro Tem Winston said thank you very much.

Substitute 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 partly consistent and partly inconsistent 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 part of the site recommended for Manufacturing & Logistics place type. The petition is inconsistent with the part of the site recommended for 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: While a portion of the site is inconsistent with the recommended Neighborhood 1 Place Type, the remainder is consistent with the Manufacturing & Logistics recommendation. The site is adjacent to railroad and other industrially zoned and developed properties. Also, it provides quick access to Interstate 485 via Rhyne Road and Mount Holly Road. The proposed site plan will provide adequate buffers from adjacent residential uses in the form of a minimum 75’ buffer with a berm. The petition commits to several transportation improvements including an 8’ planting strip and 12’ multi-use path along the site’s Rhyne Rd frontage and a \$250,000 contribution towards intersection improvements at Mount Holly Rd & Rhyne Rd / Sonoma Valley Dr. The petition commits to dedicating to Mecklenburg County 3 acres for a public park and a minimum 90’ wide trail easement along the western property boundary. The petition could facilitate the following 2040 Comprehensive Plan Goals: 5: Safe & Equitable Mobility, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the adopted Place Type as specified by the 2040 Policy Map, for a portion of the site from current recommended Neighborhood 1 Place Type to Manufacturing & Logistics for the entire site.

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

YEAS: Councilmembers Dimple Ajmera, Tariq Bokhari, James Mitchell, and Braxton Winston II.

Substitute motion did not receive six or more votes to carry.

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

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ITEM NO. 19: ORDINANCE NO. 450-Z, PETITION NO. 2022-024 BY MOFLEHI BOWMAN, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.37 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF REAMES ROAD AND PRESTBURY BOULEVARD, SOUTH OF WEST W.T. HARRIS BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

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 inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition adds to the variety of housing options in the area. While the petition is inconsistent with the Neighborhood 1 place type, it is consistent with the residential recommendation. The petition is compatible with the existing residential uses and the Neighborhood 1 place type uses adjacent to the site. This petition proposes a 32-foot type C buffer between the site and the adjacent single-family neighborhood. The petition commits to enhanced building design features such as usable porches and/or stoops when possible. The petition commits to a 6-foot sidewalk and 8-foot planting strip on all public streets. The petition also proposes transportation improvements on Reames Road by way of a buffered bike lane. The petition commits to providing a sidewalk and a crosswalk network that links all the principal buildings on 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 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.

Motion was made by Councilmember Johnson, seconded by Councilmember Mayfield, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition adds to the variety of housing options in the area. While the petition is inconsistent with the Neighborhood 1 place type, it is consistent with the residential recommendation. The petition is compatible with the existing residential uses and the Neighborhood 1 place type uses adjacent to the site. This petition proposes a 32-foot type C buffer between the site and the adjacent single-family neighborhood. The petition commits to enhanced building design features such as usable porches and/or stoops when possible. The petition commits to a 6-foot sidewalk and 8-foot planting strip on all public streets. The petition also proposes transportation improvements on Reames Road by way of a buffered bike lane. The petition commits to providing a sidewalk and a crosswalk network that links all the principal buildings on 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 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 65, at Page(s) 375-376.

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ITEM NO. 20: ORDINANCE NO. 451-Z, PETITION NO. 2022-047 BY JOSEPH LELAND AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.28 ACRES LOCATED ON THE WEST SIDE OF EASTWAY DRIVE, SOUTH OF ARNOLD DRIVE, AND NORTH OF CENTRAL AVENUE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO O-2 (CD) (OFFICE, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends Neighborhood 1. 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 located in area with a mix of uses along Eastway Dr. Eastway Dr. is a major thoroughfare which is a street type that supports non-residential uses. There is a mixture of uses in the area along Eastway Dr. The parcel is not located within a single-family subdivision. The conditions of the petition maintain the existing residential structure and proposes to convert it for office use. Buffers will be provided per Ordinance requirements along the property lines adjacent to single family homes. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Mintue Neighborhoods, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Commercial Place Type for the site.

Motion was made by Councilmember Anderson, 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 map recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is located in area with a mix of uses along Eastway Dr. Eastway Dr. is a major thoroughfare which is a street type that supports non-residential uses. There is a mixture of uses in the area along Eastway Dr. The parcel is not located within a single-family subdivision. The conditions of the petition maintain the existing residential structure and proposes to convert it for office use. Buffers will be provided per Ordinance requirements along the property lines adjacent to single family homes. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Mintue Neighborhoods, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Commercial Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 377-378.

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ITEM NO. 21: ORDINANCE NO. 452-Z, PETITION NO. 2022-050 BY ASCENT REAL ESTATE CAPITAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.94 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF LONG AVENUE AND CONNECTION POINT BOULEVARD, WEST OF EAST INDEPENDENCE BOULEVARD FROM MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 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 site is located in a Community Activity Center which are areas intended for a mix of uses developed in a pedestrian friendly form. The site is in an area with a mix of uses and within walking distance to shopping and personal service uses. The previous rezonings established a mixed-use development for the site and surrounding parcels. The previously approve plan did not specify any residential component. The petition introduces a residential component to the development and increases housing options in the general area. Increases vehicular and pedestrian connectivity around the site by constructing a private street with public access easement connecting Connection Point Bv. to Long Av. Commits that if single family attached units are constructed, they will be alley loaded. Maintains previously approved maximum building height of 65 ft. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Mintue Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

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. Amended the site plan to show potential access points to the private street at in coordination with adjacent parcel owner's and at their request.

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

Motion was made by Councilmember Molina, seconded by Councilmember Mayfield, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The map recommends Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is located in a Community Activity Center which are areas intended for a mix of uses developed in a pedestrian friendly form. The site is in an area with a mix of uses and within walking distance to shopping and personal service uses. The previous rezonings established a mixed-use development for the site and surrounding parcels. The previously approve plan did not specify any residential component. The petition introduces a residential component to the development and increases housing options in the general area. Increases vehicular and pedestrian connectivity around the site by constructing a private street with public access easement connecting Connection Point Bv. to Long Av. Commits that if single family attached units are constructed, they will be alley loaded. Maintains previously approved maximum building height of 65 ft. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Mintue Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, as modified.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 379-380.

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ITEM NO. 22: ORDINANCE NO. 453-Z, PETITION NO. 2022-051 BY JOSEPH BOYAPATI AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.98 ACRES LOCATED ON THE SOUTH SIDE OF SAM NEELY ROAD, WEST OF STEEL CREEK ROAD, AND EAST OF KRISLYN WOODS PLACE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 5-0 (motion by Russell, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. This infill of this site with six quadplex buildings allows for a moderate increase in density to approximately 4.8 DUA over the currently entitled 3 DUA. Although the petition is inconsistent with the recommended Place Type and more closely represents Neighborhood 2 development, it proposes building forms supported in Neighborhood 1. The proposal includes a 6' buffer with a fence against the existing single family uses along the site's western boundary and a Class A buffer against the site's eastern boundary which is along an area zoned I-1. In conjunction with the Charlotte WALKS and BIKES Policies and the Vision Zero Action Plan the petition proposes a 12' shared multi-use path along Sam Neely Road. Redevelopment of this site, which although adjacent to a single-family neighborhood to the south and west, would not transect an existing neighborhood. 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 recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. This infill of this site with six quadplex buildings allows for a moderate increase in density to approximately 4.8 DUA over the currently entitled 3 DUA. Although the petition is inconsistent with the recommended Place Type and more closely represents Neighborhood 2 development, it proposes building forms supported in Neighborhood 1. The proposal includes a 6' buffer with a fence against the existing single family uses along the site's western boundary and a Class A buffer against the site's eastern boundary which is along an area zoned I-1. In conjunction with the Charlotte WALKS and BIKES Policies and the Vision Zero Action Plan the petition proposes a 12' shared multi-use path along Sam Neely Road. Redevelopment of this site, which although adjacent to a single-family neighborhood to the south and west, would not transect an existing neighborhood. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

Councilmember Johnson said I just want to state for the record because it was said earlier that there was some type of blanket attempt by the Council member. This is the same email from Councilmember Watlington. Item No. 22, 2022-051 approve outstanding community issues addressed in permitting. So, the district representative does support this petition and I will be supporting that as well. Thank you.

Mayor Pro Tem Winston said thank you very much. Any other comments?

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

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 381-382.

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ITEM NO. 23: ORDINANCE NO. 454-Z, PETITION NO. 2022-057 BY MATTAMY HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE

TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 21.50 ACRES LOCATED ON THE WEST SIDE OF OLD PLANK ROAD, EAST OF BROOKSHIRE BOULEVARD, AND WEST OF DALE AVENUE FROM R-4 (SINGLE FAMILY RESIDENTIAL), I-1 (LIGHT INDUSTRIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be 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 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: This petition contributes to the variety of housing options in the area. The petition proposes a density of +/- 5.08 dwelling units per acre, which is only a slight increase from the existing, surrounding 4 units per acre. This petition helps to provide a good transition between the intense industrial land uses along Brookshire Boulevard and the more residential uses across Old Plank Road. The petition is appropriate and compatible to the existing single-family neighborhood uses along the Old Plank Road corridor. The petition proposes pedestrian improvements including a 5-foot bike lane, 6-foot sidewalk and 8-foot planting strip along Old Plank Road. The petition proposes stub connections to the adjacent sites for future development connections. Commits to coordinate with Mecklenburg Parks & Recreation to dedicate and convey a future 1-acre park site. The petition proposes a 50-foot Class C buffer along Old Plank Road adjacent to the established single-family neighborhoods. The petition proposes a 100-foot class A buffer between the site and the adjacent industrial uses. 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 Place Type to the 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. Prior to the issuance of the first certificate of occupancy, Petitioner shall provide the proposed internal road network up to intermediate course and install curb, gutter, and storm pipe/drains.
2. Petitioner shall ensure that all off-site transportation improvements (e.g., turn lane) and Old Plank Road frontage streetscape improvements are substantially completed prior to the issuance of the Site's 25th building certificate of occupancy.

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

Motion was made by Councilmember Graham 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 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 contributes to the variety of housing options in the area. The petition proposes a density of +/- 5.08 dwelling units per acre, which is only a slight increase from the existing, surrounding 4 units per acre. This petition helps to provide a good transition between the intense industrial land uses along Brookshire Boulevard and the more residential uses across Old Plank Road. The petition is appropriate and compatible to the existing single-family

neighborhood uses along the Old Plank Road corridor. The petition proposes pedestrian improvements including a 5-foot bike lane, 6-foot sidewalk and 8-foot planting strip along Old Plank Road. The petition proposes stub connections to the adjacent sites for future development connections. Commits to coordinate with Mecklenburg Parks & Recreation to dedicate and convey a future 1-acre park site. The petition proposes a 50-foot Class C buffer along Old Plank Road adjacent to the established single-family neighborhoods. The petition proposes a 100-foot class A buffer between the site and the adjacent industrial uses. 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 Place Type to the Neighborhood 2 Place Type for the site, as modified.

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

YEAS: Councilmembers Dimple Ajmera, Danté Anderson, Tariq Bokhari, Malcolm Graham, Renee Johnson, James Mitchell, Marjorie Molina, and Braxton Winston II.

NAYS: Councilmember Mayfield.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 383-384.

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ITEM NO. 24: ORDINANCE NO. 455-Z, PETITION NO. 2022-162 BY DREAMKEY PARTNERS, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.23 ACRES LOCATED ON THE WEST SIDE OF WEDDINGTON ROAD, NORTH OF WALKER ROAD, AND SOUTH OF MCKEE ROAD FROM R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-17 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-1 (motion by Gaston, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends Neighborhood 2. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is a vacant infill parcel on a major thoroughfare, Weddington Rd. The site is located approximately 1/2 mile from shopping and dining opportunities at the intersection of Weddington and McKee Roads. The site was previously rezoning from institutional for daycare use to R-12MF(CD) to allow multi-family development. The proposed zoning would increase the allowed number of units by 26 units, for a total of 96 units at a density of 13.3 units per acre. The petition limits the number of buildings to 1, with parking to the rear and buffers abutting single family use and zoning, similar to the previously approved zoning. The multifamily use provides a transition from the single family to the west and south to the institutional uses across Weddington Rd. The proposal would add additional housing types and options to the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 5: Safe & Equitable Mobility, 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm.

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. Off-site sidewalk. The Petitioner shall make good faith efforts to enter into an agreement with the City of Charlotte which will include the following material

terms: (1) the Petitioner will construct an off-site sidewalk from the site to Fincher Farms; (2) the City will agree to pay for all cost associated with construction of the sidewalk including but not limited to construction, easements, utilities, design and/or similar, through reimbursement of Petitioner or other financial mechanism agreed upon by Petitioner and the City; (3) within six months of the approval of this rezoning, the City will demonstrate that funding is available and earmarked for reimbursement to the Petitioner for the sidewalk costs; and (4) in event the City is unable demonstrate the availability of funding within such time, the Petitioner shall not have any obligation to construct the off-site sidewalk. It is understood that the off-site sidewalk construction and completion shall not delay or prevent the Petitioner's plan approval or certificate of occupancy.

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

Motion was made by Councilmember Bokhari, seconded by Councilmember Molina, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The map recommends 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 site is a vacant infill parcel on a major thoroughfare, Weddington Rd. The site is located approximately 1/2 mile from shopping and dining opportunities at the intersection of Weddington and McKee Roads. The site was previously rezoning from institutional for daycare use to R-12MF(CD) to allow multi-family development. The proposed zoning would increase the allowed number of units by 26 units, for a total of 96 units at a density of 13.3 units per acre. The petition limits the number of buildings to 1, with parking to the rear and buffers abutting single family use and zoning, similar to the previously approved zoning. The multifamily use provides a transition from the single family to the west and south to the institutional uses across Weddington Rd. The proposal would add additional housing types and options to the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 5: Safe & Equitable Mobility, 7: Integrated Natural & Built Environments, 9: Retain Our Identity & Charm, as modified.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 385-386.

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HEARINGS

ITEM NO. 32: HEARING ON PETITION NO. 2021-237 BY BALOGH PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.08 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD, NORTH OF SOUTH SHARON AMITY ROAD, AND SOUTH OF ANDOVER ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2021-237. It's just over 2 acres on Providence Road just to the east of Providence, north of South Sharon Amity Road and south of Andover Road. It is currently zoned as mentioned R-3. Proposed zoning is UR-2, conditional. The adopted Place Type from the Policy Map does recommend Neighborhood 1. The proposal is for up to 20 single family attached town home dwellings in 4 buildings. That comes out about 9.6 units per acre. It does limit building height to 40 feet. Also provides a 75-foot front setback along Providence Road where

the tree save then would be located in front of those buildings. It does include architectural standards in regards to exterior materials, roof design, blank walls, etc., as well as garage setback requirements. Also provides a minimum of two parallel guest parking spaces along the private alley. Incorporates a 6-foot-tall brick wall with masonry columns along the rear property line. Then also a 20-foot Class C buffer adjacent to the parcels northeast that would have a minimum of 75 percent evergreen tree plantings. Also, would have access from one private alley off Providence Road. Also discusses that the petitioner may coordinate with the adjacent development to the south which was approved under rezoning 2021-104 to provide a possible internal connection if desired by the adjacent developer. You can see that just off to the right of this plan where it's grayed out and says approved. Also constructs an 8-foot planting strip and 12-foot multi-use path along Providence Road and proposes a south-bound leftover on Providence at the site's access point.

As mentioned, staff does not recommend approval of this petition in its current form. We would like to continue to see some revisions to the side yards and dumpster location for us to continue to evaluate our recommendation. As mentioned, it is inconsistent also with the Policy Map recommendation for Neighborhood 1. We'll be happy to take any questions that you may have following the petitioner's presentation. Thank you.

Mayor Pro Tem Winston said thank you very much Mr. Pettine.

Collin Brown, 1420 East 7th Street, Suite 100 said good evening, Council members. Collin Brown on behalf of the petitioner Balogh Properties. Andrew Balogh is here with us tonight. Thanks, Dave, for that presentation. I'll try to move through quickly. I think Dave has done a nice job. The goal here is to find some of that missing middle housing. Providence Road corridor certainly a desirable area to live. Dave's right about the townhome concept. We started out this petition at 24 units. We are now down to 20 units, and we believe we can address staff's outstanding issues with regard to the side yard and dumpster location. So, we will be submitting a revised plan following this hearing. We hope that addresses staff's concerns and that we're able to gain their support. Happy to answer any questions you might have.

Mayor Pro Tem Winston said thank you very much.

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

Mayor Pro Tem Winston said just for those that are watching or may be their first time, as you recognize there are some Council members that are not at the dais. Their vote sticks. The quorum sticks once they have left, and they are recorded as an automatic yes vote.

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ITEM NO. 33: HEARING ON PETITION NO. 2022-027 BY CHILDRESS KLEIN FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.27 ACRES LOCATED ON THE EAST SIDE OF SHARON ROAD, WEST OF COLONY ROAD, AND NORTH OF FAIRVIEW ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT - OPTIONAL, SITE PLAN AMENDMENT.

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development 2022-027 is approximately 2.27 acres located along the east side of Sharon Road just across from South Park Mall. It is currently zoned MUDD-O and the petitioner is requesting a site plan amendment to the originally entitled MUDD-O that was granted several years ago. The Policy Map does recommend a Regional Activity Center Place Type for this property. The proposal, there's lots on here. I'm not going to read these verbatim. They are included also in your

staff analysis, but some of the main items are for the request to increase the maximum building height from the entitle 75 feet to 225 feet. It does increase maximum building square footage from 105,000 square feet with up to 20,000 square feet of retail, EDEE (eating/drinking/ entertainment establishment) uses to the following.

So, now we can up to 250,000 square feet with up to 20,000 square feet of commercial EDEE. Medical office, if provided would be limited to 30,000 square feet with a maximum of 150,000 general office. It does increase the setback along Sharon Road to 20 feet and includes an 8-foot planting strip and 6-foot sidewalk. That goes to a 22-foot setback from that original 20. Now we have an 8-foot planting strip and 14-foot sidewalk. So, again an increase to the sidewalk width from 6 to 14 and the setback from 20 to 22.

It does add some optional provisions to allow maximum building height. Again, up to 225. Also parking between the building and street until redevelopment of the site occurs. That's an existing condition. They're looking to just get some confirmation for that to remain. Also, that the streetscape would remain until redevelopment of the site occurs as well. Did add some access from Element Way and Colmore Lane. Improvements to the signalized driveway on Sharon Road and it also extends Colmore through the site to Sharon. Relocates existing crosswalk at the intersection of South Park. It does commit to a TTM (Temporary Traffic Management) for some transportation analysis on Sharon Road and South Park Drive signal. There are some provisions and commitments to the Loop Trail for South Park that are either construction outcomes or monetary outcomes for that. Also does maintain some of the optional provisions to allow for a drive through with a bank branch as well as an expansion of no more than 2,500 square feet until redevelopment occurs.

Again, there's architectural details built into it. So, it's a pretty exhaustive list that we have on the slide here, but again, that's all wrapped in your staff analysis as well. As mentioned, staff does not recommend approval of the petition in its current form. The main concerns for staff are that we would like some additional resolution on the request for additional height. Typically, when we see that, we also get some commitments for additional open space or lead certification for a building, things of that nature that really kind of provide a little bit more beneficial outcome for the project to help to offset that height request. Conversations we had with the petitioner leading up to the hearing. We feel very confident that those are essentially addressed in email, but we'd like to see them addressed in the plan submittal following this hearing later this week.

So, I have full confidence that those will be resolved, but because the petition doesn't include them at this juncture, that's why staff's recommendation is the way it is. Again, feel fully confident those will be resolved. It is consistent the Policy Map recommendation for Regional Activity Center, and we'll be happy to take questions following the petitioner's presentation. Thank you.

Bridget Grant, 100 North Tryon Street, Suite 4700 said that's correct. Happy Holidays. Good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, I'm working on this petition with my colleague Jeff Brown. We're pleased to be representing David Haggard and Childress Klein on this rezoning. As Dave mentioned, it was originally rezoned in 2010 and much of the site plan amendments that we're seeking are just in keeping with some of the changes that we've seen in South Park, but also surrounding our site that's caused us to have to look at some of the access and edge treatments. As Dave mentioned, based on our current submittal, staff doesn't support but we've been working hard over the past few weeks to get some points put in that we believe will address and justify and provide the benefits for the additional height.

So, if we do go above 120 feet, we'll be constructing a portion of the Loop Trail on an adjacent parcel that's already included in our rezoning. The building will be high performance construction Tier 1 basically, 3 percent of our parking spaces will be EV (electric vehicle) installed and an additional 7 percent of the parking spaces will be EV capable. With that, I'm happy to answer any questions.

Mayor Pro Tem Winston said thank you very much.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2022-033 BY TM BTR OF THE CAROLINAS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 48.49 ACRES LOCATED ON THE SOUTH SIDE OF ALEXANDRIANA ROAD AND EAST SIDE OF NORTHLAKE CENTRE PARKWAY, NORTH OF INTERSTATE 485 FROM R-3 (SINGLE FAMILY RESIDENTIAL) AND BP (BUSINESS PARK) TO MX-2 INNOV (MIXED USE DISTRICT, INNOVATIVE).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development 2022-033 is approximately 48.49 acres located on the south side of Alexandriana Road. It's just north there of I485 and Northlake Mall. The current zoning is a split zone. We've got R-3 and BP which is a business park zoning, one of our older business and commercial zoning districts. The adopted Place Type does recommend Neighborhood 2 for a portion of the site as well as Neighborhood 1 for a portion of the site. This project is proposing up to 353 detached and/or attached dwelling units. We do have some innovative standards programmed into this project. It does limit the number of units to four per building. Those innovative standards include that no internal private streets would have public access easements. • No minimum lot size or width would be provided or required. Individual units also would not be required to have frontage on public or private streets. All units will be within 400 feet of a public or private street and then reduced setback along those private streets from 14 feet from back of curb. So, again those are all the innovative standards being proposed.

It does also provide some transportation improvements through construction of a westbound approach of Access B which is there on Northlake Centre Parkway. That would have one ingress and one egress lane as well as an internal protected stem of 100 feet. It does also construct an eastbound right turn lane along Alexandriana Road with a minimum 100-feet of storage. It does construct a westbound left turn lane along Alexandriana Road with a minimum of 100 feet of storage as well. Then a northbound approach of Access C which you can see there on Alexandriana Road. That would also have one ingress and one egress land with 100 feet of storage.

It does provide a 12-foot multi-use path, an 8-foot planting strip on Alexandriana Road, and then an 8-foot planting strip and 8-foot sidewalk on Northlake Centre Parkway. Then an 8-foot sidewalk and 8-foot planting strip along internal private street connections. 10 percent of the site would be used for common open space at minimum. It does dedicate greenway easement to Mecklenburg County which would include a minimum of the 100-foot stormwater management buffer of Dixon Branch and then also architectural standards are included within the petition as well.

Staff does recommend approval of this petition. There are no outstanding issues to be resolved at this time. The petition is both consistent with a portion for Neighborhood 2 but inconsistent with the Neighborhood 1 Place Type recommendation. Again, staff does feel it is an appropriate project in this location and we are recommending approval. Be happy to take questions following the presentations by the petitioner and the public. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said Mayor Pro Tem, Council members, Zoning Committee members. Collin Brown on behalf of the petitioner. Thanks, Dave, for his good overview. Megan Ledbetter from Taylor Morrison is here if you have questions. As Dave said, staff is in support. If you can see this map, I know there's been a lot of talk about infrastructure. This is an actual area that has infrastructure. It is close to all

the goods and services around. So, obviously there's 77 and 485 almost if you can see it. There's the Northlake Mall campus, super Walmart, North Mecklenburg High School, plenty of employment in this area. So, just a great location to provide some much-needed housing in the area. 50-acre site is a large assemblage. If you'll note from the zoning map, we have multi family zoning to our west and our east. The 2040 Map does call for N2 which is high density on a portion of the site in one. We think this is a fairly low-density proposal at just over seven units per acre.

So, we think that is a good fit for the area. There's a look at it in context. I hope you'll find that fitting. Taylor Morrison, this is a something different to the market. It will compete with your traditional garden apartments but is a townhome style living. So, folks would have their own yard, be able to walk to their door. So, it's really kind of an innovative housing option. It's not competing with single family; it's really geared to compete with multi-family. When Megan talks about it, she says their market goes after the dumbbells in the market. Kind of empty nesters, maybe folks that have end of the dumbbells as the kind of demographic bell curve. Really looking at folks that have maybe lived in an apartment, they don't want to maintain a yard on their own, they'd like to have a yard. So, this is something this brings into the market. Happy to have staff's support. I know there is a speaker in opposition. At our community meeting, the only representative was from the apartment community next door. I reached out but have not gotten communications with the opposition. So, I will let them speak and then I'll do my best to respond. Thank you.

Mayor Pro Tem Winston said thank you very much. Unless anybody else from the team wants to use any of the eight minutes. I don't see anybody coming up.

Zachary Moretz, 300 McGill Avenue, NW, Suite 100, Concord said thank you members of the Council, Mayor Pro Tem. Appreciate you hearing me this afternoon. Appreciate all your hard work today especially during the holiday season. God bless y'all for the long days y'all are putting in for this stuff. We appreciate it. Again, I'm an attorney here in town. I've been practicing commercial real estate law for 23 years here in town. I represent Eaton Vance Management which is the owner of one of the apartment complexes that's next door. Don't want to hide that fact. They don't have any problem renting their apartments. I think all the apartments in this area stay very well rented, but they do oppose this project because they think it's a bad project for this area.

This project kind of has the worst of both worlds. It's not dense enough to really take advantage of all the infrastructure that you have here, which certainly it is close to interstates and employment, but it's also too dense for what it is. It's all rentals. So, this is basically low-density rentals. It's all small rental houses. That's a concept we feel is yesterday's news. The fact is there are no affordable housing units in this project at all. There's no mixed uses, there's nothing to serve the neighborhood or the units that are already there.

So, just some recent headlines that you all are well aware of. "Charlotte empties out housing trust fund to assist developers to build affordable housing." Again, we have apartments here but no affordable housing at all. Many of you pointed out at that meeting that we don't have enough affordable single-family housing. A lot of that is millions of dollars that y'all spent went to rentals. You know as well as I do, rentals go in boom and bust cycles.

We've been through a boom cycle of approving thousands and thousands of multi-family units. What happens at the end of a boom cycle? We all know, and I think we're at that point. One of you said, "These projects are not enough to move the needle." Well, here you're just doing another project that's rentals only with no affordable component at all and no retail or community services at all to serve the neighborhood. Another headline. "A Charlotte starter home is about \$300,000 right now. Affordable housing is sorely lacking." Only 3.8 percent of our houses now available in the market are considered affordable in this market. Finally, another final headline. "Congress can tame inflation by boosting housing supply." The reason prices are so high right now is

because we have a lack of affordable housing that people can own and live in as opposed to rent. A lot of the good parcels are going up for rentals rather than single family.

Right now, you have about 1,500 multi-family units in this area within a quarter mile. There is very little that's walkable here. None that folks in those areas can walk to. They've got to get in the car to drive to Northlake Mall or other places. What you have scheduled here in your land use plan is Neighborhood 1 and Neighborhood 2. Staff has specifically told you and Mr. Brown stated this is totally incompatible with the Neighborhood 1 section and even the Neighborhood 2 section is not really compatible with your land use plan. You don't have any mixtures of uses, you don't have any mixtures of housing types here. They're all just straight single-family units, one maybe two story. You don't have any variety of housing types. You don't have anything to serve those residents in those housing types. So, they're all going to be getting in their car to drive every morning, every afternoon.

The amenities that are provided for in this project are also cursory in our opinion. If you look at what you have here, you have some wetlands, you have a pipeline easement creek. None of those areas are developable anyway. So, the developer is stating that they're proposing some greenways and things like that, but they can't develop those areas anyway. So, anybody that develops this property is going to be giving you those amenities anyway. They're just arguing that they're giving amenities for areas that can't be developed anyway.

The improvements of Alexandriana Road, it's a two-lane road. A very busy road. Backs up in traffic right now and they're providing some turn lanes but no real improvements for that. So, we think traffic is only going to be exacerbated by a project like this. This project is project whose time has come and gone. The proposal that's in a transitional use between multi-families nearby is really kind of a way of saying this is sort of a project designed by a committee. It's not a quality project that takes a really good piece of land that's got good access and uses it for something that can really move the needle and be a quality project.

A quality project that's mixed-use, has an affordable component can be built here without any rezoning at all. You need something that's well thought out, that addresses this area and Charlotte's immediate needs now, not a couple of years ago when everybody was proposing all these rental housing and this is now just coming up before y'all. You can do that and still be consistent with your plan. Remember, once you approve a project, you've lost the opportunity to move the needle for this particular piece of land. It's going to be done once it's approved. It could be something great and you can still stick with your plan for Neighborhood 1 and Neighborhood 2, mixed-use with a strong affordable housing component project that's not just more of the same but actually does move the needle. We'd encourage you to deny this request on that basis. Thank you.

Mayor Pro Tem Winston said thank you very much Mr. Moretz. Mr. Brown you have a two-minute rebuttal.

Mr. Brown said thanks to Zach who I've known for a while. It's a tough job to represent an apartment community and come in and oppose multi-family housing across the street. So, the note on that is national landlord opposes new housing in competition. So, if our goal is to keep driving up housing prices, certainly heed those words.

To the point about affordability, I think we all agree with that. It is very difficult to bring new affordable units online. I think that property owner has probably a much lower basis in the land and we'd certainly love for them to provide some affordable units in the area. As far as units in the area, certainly this is a multi-family area as I mentioned in my presentation, we think this is terrifically located. This is a medium density project at only 7.25 dwelling units per acre. This is not an eyepopping number. If I could have my slides, I'll even show. Again, infrastructure in place. We're on four lane frontages.

Walking distance to employment. Probably within a mile to schools, employment and strong retail.

To give you a look, here's the property on the right. Mr. Moretz' client, the apartments are on the left-hand side of the screen. So, I hear you guys. Sometimes we're doing these on two lane roads, but these are five lane sections, median installed. Alexandria can use some work, but here at the intersection, this is certainly a location that I think is a very good fit for this and I think this product type is something new in the market. Happy to take questions.

Councilmember Johnson said thank you for the presentation. I do have a question actually for Mr. Moretz if that's okay.

Mr. Moretz said yes ma'am.

Ms. Johnson said thank you for the presentation. I'd like to address what Mr. Brown said and I want to clarify your position today. Are you representing the apartments across the street?

Mr. Moretz said yes.

Ms. Johnson said are you here as a resident?

Mr. Moretz said no. No, they hired me to be here. Full disclosure. Yes. That doesn't change the facts of I think what I said. This site can be something great and this is not it.

Ms. Johnson said right. Are the apartments that you represent, are those affordable housing or below market rate?

Mr. Moretz said they've been there for a while, and I don't know what the statistics are on that. I wouldn't be surprised if there aren't any. There should be. I believe there should be but I do not know the answer to that.

Ms. Johnson said okay. I'm just trying to understand the position.

Mr. Moretz said yes, for sure.

Ms. Johnson said okay. Alright, thank you.

Mr. Moretz said okay, thank you.

Councilmember Molina said I have another question to follow up if you don't mind. So, I like to, when I have someone in opposition of something saying that they don't like it, I would like to see what they feel like is the right decision to be made. So, what do the people that you're representing then feel like should be there? Did they recommend that?

Mr. Moretz said neighborhood mixed-use and neighborhood retail, I think. Again, you have probably 1,500 apartments immediately adjacent. You've already approved some just to the right there. Autumn Field Drive, those are 300 and something that are being built now. Just on the other side of 485 you've got 300 more being built. You've got 600 across the street. Part of those are my clients but another part is somebody else's. There's a bunch of apartments out here. So, we think it could be best used for neighborhood retail but have an affordable housing component that you're not requiring but you're getting a lot of proposals for that and a lot of other projects because we need it. This doesn't have any, which kind of stood out to us.

Ms. Molina said so, you're saying that the residents that you represent would like to see more economic development as opposed to more housing?

Mr. Moretz said yes, I think that would be accurate. Yes. I think I would argue with Mr. Brown as far as can you walk to anything here. I don't think there's anything walkable. You take your life in your hands walking to Northlake Mall. Those roads are highly trafficked and Alexandriana, two lanes. So, it's real tight in rush hour, but there's really nothing you can walk to here to serve all these residents which means whatever goes here would be putting a lot of cars on the street with people driving to the grocery store and stuff. You called for mixed-use, both the Neighborhood 1 and Neighborhood 2 calls for a variety of housing types which you do not have here. It's just all these little square rentals. Two, it calls for retail and other civic uses that will serve those housing types which you also don't have here at all. So, you can stick with your plan and still get all that stuff. So, they're asking you to change your plan. We think arguably the plan that you have, you can do a project consistent with that and make a great project without having to make a change.

Ms. Molina said thank you.

Ms. Johnson said this question is for city staff and this kind of goes in line with what we were talking about earlier today. I'm familiar with quite a bit of development in this area Mr. Pettine, and I wanted to know if there is a map or something in the petition that would help us to take a look at the pending development in that area. I thought I had seen a graph. Are we looking at just the 2021-50 and the 2020-010? I see that, but I thought there was a bit more development in close proximity to this petition. You can give that information to me offline, but I'd like to see the other developments surrounding this along with traffic and traffic counts. That's just the kind of information that helps us envision how this petition fits in the holistic or the comprehensive impact in that area.

Mr. Pettine said yes, certainly. Yes, there've been quite a few rezoning off Northlake Parkway for townhomes, apartments. We did have the auto dealership there was I think 2022-010 that was shown. The other petition that showed up in the staff report was apartments as well. Then we had some further to the south, but yes, I'll be happy to send you a list over of the activity we've had in that area over the last five years. We have some pending petitions infilling in and a little bit closer to Northlake Mall itself. So, there's quite a bit of activity in the area, but yes, we'll be happy to send that along to you.

Ms. Johnson said right. So, that's the kind of information that I would like as the Council rep, as far as how this fits in. There is quite a bit of multi-family. So, that helps.

Mr. Pettine said yes, no problem. We can get that over to you.

Ms. Johnson said thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Winston, and carried unanimously to close the hearing.
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ITEM NO. 35: HEARING ON PETITION NO. 2022-058 BY BALDWIN SRE-A LLC, HAMPSTEAD SC (SRE) LLC, AND BALDWIN SRE-C, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.4 ACRES BOUND BY THE SOUTH SIDE OF BALDWIN AVENUE, WEST SIDE OF EAST 4TH STREET, AND EAST SIDE OF EAST 3RD STREET, NORTH OF QUEENS ROAD FROM MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development 2022-058. It's 3.4 acres as mentioned. It's along 3rd Street, Baldwin Avenue, East 4th Street. It is currently zoned

MUDD-O through a rezoning that occurred back in 2017 and the proposed zoning is to do a site plan amendment for that previously approved MUDD optional plan. It's a Community Activity Center recommended on the Policy Map. It does say on the slide Neighborhood 1. Apologize for that. It was probably a carry over from a previous slide, but it is, as you can see, Community Activity Center along that property there.

So, the proposal for the site plan amendment really focuses on one component which is an intersection improvement which getting into the details does note to restrict left and through movements from Baldwin Avenue. It does maintain the existing right turn in and out with those restrictions on Baldwin Avenue, with the intent to limit through vehicle traffic from the planned development into the neighborhood via Baldwin Avenue. So, again that left and through movements are really intended to limit some of that through vehicle traffic from the project. It does also incorporate a bicycle signal and lane to allow through bicycle connectivity on Baldwin Avenue across 3rd Street. It does also provide coordination between NCDOT (North Carolina Department of Transportation). 3rd Street is a NCDOT maintained road as well as C-DOT (Charlotte Department of Transportation). That was conducted in collaboration to ensure a safe and functional intersection design and signal operation between those two entities. The resulting design is a significant alteration to the operation, access and traffic patterns of the project's existing transportation requirements and does reflect a substantive change to the approved site plan and overall transportation commitments.

To get into the details of those transportation improvements and how they came about and what they mean for the project, C-DOT staff is on hand and would be happy to answer those questions for you. Again, that's the only aspect of this project and petition that is changing. These intersection improvements weren't called out in this fashion on the original plan. When we get into permitting for something like this, staff does need those notes and commitments to really match up to what the outcomes are, otherwise we could get into a situation where the petitioner says, "Look I didn't agree to these on paper, so we don't want to necessarily do everything as being requested." So, as staff worked through and C-DOT and NCDOT and the community as well to get this outcome, the notes on the plan then need to match what that desired outcome is so there's some accountability for that in the permitting process.

So, that's again really the only aspect of this original rezoning from 2017 that is changing. None of the other entitlement requests have changed. None of the other development standards or commitments have changed. It's just this aspect of transportation improvement that is being proposed through the site plan amendment. So, again staff does recommend approval. We do have just some minor outstanding issues on tech revisions that we need to get cleaned up. One of those is related to an additional request beyond just the standard two years vesting. Some of those original notes that were approved back in 2017 for five years were carried over. Those have been committed to, to be taken off but that is an outstanding issue for us to just get that addressed.

It is consistent with the Community Activity Center. All the uses and what we'd like to see from a project are consistent with that outcome. It is inconsistent with the building height that could be allowed in Activity Center, but again, just wanted to call that overall, it is consistent with the desired use as an outcomes. That height is just different than what would be potentially allowed under that Community Activity Center Place Type.

So, with that, staff will recommend approval like I said upon resolution of issues. We'll take any questions you may have following presentations by the petitioner and members of the community. Thank you.

Colin Brown, 1420 East 7th Street, Suite 100 said Collin Brown on behalf of the petitioner and to reiterate it, I don't want to sound like I'm beating a dead horse, but I think it's important to repeat. As Dave mentioned, no changes really to this rezoning. Some of you may recall this was a fairly contentious rezoning probably five years or so ago, but no changes to that zoning. When the zoning was approved, this is the subject property here. Our approved traffic improvements would allow someone to go straight

across Baldwin into the Cherry neighborhood and drive through the Cherry neighborhood. It would also allow left turns. So, you could travel down Providence towards the Myers Park area which frankly our team really likes. That's a lot of movement, that's more access to the site. We find that very positive. We worked very hard through the rezoning process to have that allowed.

Since this rezoning was approved, C-DOT and neighborhood leadership in Cherry has spent a lot of time and are very concerned about the traffic impact of the approved design. So, C-DOT and the neighborhood worked together and came up with an alternate design which is on the screen, which frankly we don't really like. On Baldwin, you could now not take a left and go to Myers Park which would be very convenient for our users, and you cannot go straight across to Cherry. After going back and forth with C-DOT a good bit, C-DOT said, "Hey, this is really the direction we want to move." So, we've agreed to that. So, essentially all this rezoning is doing is incorporating into the zoning plan the transportation improvements and frankly limitations that I think the neighborhood wanted.

So, essentially, we said, "Okay, no changes." There was in our original zoning. It did have a five-year vested right because it did. We've taken that out of this one. So, we're not getting to one up another five years. So, that is the extent. I just wanted to make sure that was very clear. I know there had been heartburn with the original rezoning. Nothing changing there. The only thing changing is incorporating the transportation improvements that I believe the neighborhood is in support of. Thank you.

Barbara Rainey, 317 Baldwin Avenue said good evening. My name is Barbara Rainey and I'm here on behalf of the Cherry Community Organization in opposition in part to this rezoning petition. I want to start by saying that we support the reason for the site plan amendment, to change the traffic pattern that would have brought more traffic into the Cherry Community directly in front of our neighborhood park and one of our affordable family housing sites at Cherry.

We thank C-DOT and Mr. Ed McKinney for working with us over the last two years to find a solution that would really address our concerns about the health and safety of residents in Cherry. That being said, we still have some concerns about this development on this site. We disagree with the staff analysis and statement of consistency. As we said in 2017, the building was inconsistent with the Place Types being proposed at that time. We now see that the proposed building is still inconsistent with the recently adopted Policy Map Place Type. The adopted Community Activity Center, CAC Place Type recommends 5 to 7 stories, up to 81-feet in height and low to mid rise building, but this building would allow for up to 27 stories, 299 feet in height, a high-rise building.

Since the staff analysis addresses more than just the traffic pattern changes in the consistency statement, we felt that it was important for us to address the significant inconsistencies with this petition and the recently adopted comp 2040 Policy Map and CAC Place Type. Thank you for your time.

Mr. Brown said I don't know that I have much to rebut on that. I'm not getting into the weeds. It doesn't matter to me if staff takes no position on the policy. Again, we're bringing this forward to amend the transportation. I do think the neighbors want that. So, we're fine moving that forward if that is the change that they would like.

Councilmember Anderson said can we David, have staff address the inconsistencies that Ms. Rainey just spoke to?

Mr. Pettine said certainly, yes. As we mentioned, the uses are consistent with an Activity Center with a mixed-use building with some different design standards and outcomes are consistent again with that Place Type as far as uses go. The building height that again was entitled back in 2017 before we had our Policy Map would be inconsistent generally with the Community Activity Center Place Type, but again staff didn't weigh in much to that conversation because that's not an aspect of the project

that's looking to be changed. That was entitled five years ago. It was inconsistent at that time. We're just simply calling out that the uses are consistent but the height that would be allowed that was already approved is just still a matter of an inconsistent aspect of the project overall.

Ms. Anderson said thank you.

Mayor Pro Tem Winston said I just want to give a little bit of background. I think only Mr. Bokhari, Ms. Ajmera and myself were on Council when this petition first came through. That leaves folks that are here right now, it was very contentious, and I think ultimately, we got to a pretty good place. I think it was the tallest building outside of the 277 loop that was approved at that point in time, at least going in that direction, not towards the Southend. It took a lot of back and forth and ultimately, I think it was one of those situations where it was true compromise. Nobody got exactly everything that they wanted, but one of the things that got the Cherry Community there were some of the safety improvements that were agreed to. Even then, they didn't get everything that they wanted. I'm kind of thinking that this access to Baldwin was one of those things that they really did want challenged to prevent the hotel or high-rise traffic going through the Cherry Community.

So, I guess I do have a question for Ms. Rainey and the Cherry Community Organization. Why would we not want the increased protections for Cherry to be codified onto the plan? That's what I understand that this rezoning is asking to do. Not approving this rezoning would not disallow the building to be built, it just would not codify those increased protections for traffic going through the Cherry Community. If you could come down. As Ms. Rainey is coming down, I know that some folks in the community had some concerns that this could be done through administrative change and not through a zoning change, but my understanding from staff is that they want to do this through a zoning change to kind of protect the interest of the community to ensure that these increased protections actually do get built. So, I'm kind of confused why there would be opposition to that at this point in time.

Ms. Rainey said okay. I wish I was somebody else at this point, Dr. Silvia Bittle Patton which I'm not. What we were really in opposition to was the height of the building and that we wanted to be put on record that we were in opposition to that.

Mayor Pro Tem Winston said got you. Yes, that was one of the compromises that the community didn't like the building, didn't like the overall structure, but ultimately, we got to a compromise where we pushed to get some of the improvements that would not have been there otherwise. So, I hear what you're saying. You just want to go on record to say that you're still opposed to the intensity of the building, you still don't think that the intensity is correct.

Ms. Rainey said right. Like I said, we were just in opposition in part, not totally.

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

Councilmember Ajmera said yes, if you could just stay there Ms. Barbara. So, I just want to make sure. So, you are opposed to the building height, which was previously approved. I remember this was very contentious rezoning, but you're not opposed to the transportation improvements.

Ms. Rainey said exactly.

Ms. Ajmera said which really this focuses on right now.

Ms. Rainey said right.

Ms. Ajmera said okay. So, we received an email from Ms. Gardner about expressing some concern that Mr. Winston had alluded to. So, maybe Mr. Pettine can address that or someone from the zoning staff. The community is not clear as to why the rezoning is

required. I know Ms. Gardner might be listening or other neighbors. So, I would like you to clarify why this rezoning is required and they had asked for a deferral of this rezoning because they were only notified last week about this. They had no time to engage. So, there were no community meetings at all. Is that right? There were no community meetings?

Mr. Pettine said yes, they would have to.

Ms. Ajmera said so, why was there not a community meeting?

Mr. Pettine said no, there were community meetings.

Ms. Ajmera said there was?

Mr. Pettine said yes.

Ms. Ajmera said so, I'm not sure why Ms. Gardner sent an email saying there was no community meeting, they were not informed.

Mr. Pettine said yes. So, they would have had to have a community meeting for this to even be at a hearing in front of us this evening because that's required for a conditional rezoning and a site plan amendment is technically a conditional rezoning as well. So, the requirement for this to go through a site plan amendment versus doing this at a staff level, staff does have limited discretion in our ordinance to make changes to approve rezonings. We also have the discretion to say we don't want to take that discretion if that makes sense. In some cases, the level of changes also get to a point where they're more significant than staff is really comfortable with doing at just an administrative level without going through some form of public process. In this instance, you had the staff that worked on this and these changes, who also had a lot of that history from 2017 of this being contentious and this being something that had a lot of community conversation and felt that the best process was again for this to continue to play out in that realm of the public side versus staff just restamping a plan internally.

So, I think there was some more cautionary discretion used in this one to take this through the site plan amendment. The changes are fairly significant. They weren't something that was envisioned when this was previously approved and typically when they rise to that level, staff does kind of kick it into that site plan amendment process, which is what occurred here. So, I know there was some concern about notice. Of course, we mail our notices out within that 10-day period. Once they get out of our office, which is usually a week to 10 days or plus prior to the meeting, we rely on the post office to get them out in a timely manner. That may not have occurred. I know there was some folks that got them late.

We did have a pretty lengthy call with the community on Thursday with several members from Cherry, Myers Park, Chantilly, Elizabeth and talked through all of that as well. So, I'm certainly aware of the concerns. We actually did a turnaround also in request on the petitioner to see if they wanted to defer just to give the community some more time and of course that's at the petitioner's discretion. They declined, which I also understand because there's been a lot of dialogue on this project over the years. So, that's where we are and how we got to this point. I think that it was a good decision to move this into that site plan amendment process just to have this conversation again publicly, but again that was at the discretion of zoning staff and that's where we take our information from, from that group.

Ms. Ajmera said got it. That is very helpful Mr. Pettine. This is the first time I'm seeing a rezoning just because of transportation improvements and certainly rezonings are expensive and it's time consuming.

Mr. Pettine said it is, yes.

Ms. Ajmera said so, was it because these changes were not in the original request that was in 2017?

Mr. Pettine said yes.

Mr. Brown said that's right. This resulted from a conversation when the community and C-DOT, they made this request of us. Frankly I wouldn't want to do it administratively.

Ms. Ajmera said right, because this was part of the community benefits that Council and the community had worked on to come to this middle ground to garner this hold from some community members. So, if you could reach out to the community members who had reached out to us. I know Ms. Gardner and some of her neighbors had reached out. So, if you could just sit down with them and address their concerns as to why this is necessary. Staff, if you could join them because they're not clear as to why this rezoning is needed. Second point. So, in the email that I received, they thought the decision was tonight, but the decision is not until the next month. So, that gives you almost four weeks to work through that with the community. Just help them understand this is actually a transportation improvement. It's a community benefit that the Cherry Community is deriving out of this as part of the negotiated agreement in the past.

Mr. Brown said okay.

Ms. Ajmera said yes. That would be helpful. That's all I have. Thank you, Ms. Barbara. I appreciate you coming up again reminding us that the community is still against the height that was approved in 2017. I don't know if there's anything we can do at this point, but Ms. Billie has taken a note and it's in the record that the community is still against that height. Thank you.

Councilmember Johnson said for those of us who weren't on Council in 2017, I want to understand this rezoning petition also. So, with this issue, the traffic was negotiated in 2017, right?

Mr. Brown said that's right.

Ms. Johnson said so, the petition was approved with the current traffic structure.

Mr. Brown said that's correct.

Ms. Johnson said so, why are we hearing this, and right now would we just be voting on the traffic or is all of that open for negotiation?

Mr. Brown said so, to answer your questions in order. Our approved zoning which is on the books to date says that we would be building a lane here that would go straight across into Cherry and there would be a turn lane here. Since in the five years, the community has continued conversations with C-DOT and does not want a lane that goes directly into Cherry. So, they have asked us to amend our petition and take that out of our petition. We have agreed to do that. That is the only purpose of the petition is to incorporate the improvements that they've requested.

Ms. Johnson said so, does that open up the entire petition?

Mr. Brown said well I represent the petitioner. We have filed just for this item at their request.

Ms. Johnson said okay. So, maybe I should ask Mr. Pettine. Does that open up the entire petition up for approval? What Ms. Barbara stated that she supports the traffic improvement, but she's letting us know that she's against the height. So, if we're hearing from the residents and there's a new Council, new Council representative who may think differently, the market's changed, I don't know. I'm asking you from a Council perspective. Are we looking at this petition as a whole?

Mr. Pettine said yes. This petition is solely to modify the transportation improvements. So, let's say this petition moves forward to decision in January, and the petition doesn't move forward and get approved successfully, gets denied. The 2017 petition is still in place without the transportation improvements being proposed. So, all the entitlements from 2017 will still be in place whether this site plan amendment gets approved or not. What won't move forward is the improvements to the transportation side of things that have since changed since 2017. So, that would be the only outcome affected by this petition not being potentially approved when it gets to decision time. Everything else from 2017 would remain intact. So, you wouldn't undo any of the entitlements from 2017, you would only be denying the proposed transportation improvements that are in front of us this evening.

Ms. Johnson said so, I think we would want to make sure the residents are clear about that. That this Council is only voting on the improved transportation. That the height is not up for decision under this Council. So, I would just want to make sure that the residents were very, very clear about that. Thank you.

Ms. Anderson said I just want to be clear for the record that these traffic pattern changes came about from working with the Cherry Community. So, this is something that the Cherry Community has provided input and insight into in conjunction with C-DOT. So, this specific petition is something that the neighborhood does want to protect the character of Cherry. It is not related to the petition from 2017. So, we can't reopen that, but I will say that the community very much supports this petition today and there have been multiple touch points with the community on this specific issue. Of course, there's always opportunity to educate other constituents in the neighborhood and expose them to what their representation of the neighborhood has worked very hard with the city on. So, in between now Collin and a month's time, we have the opportunity to spread that news that this is really and truly an effort of joint collaboration between Cherry neighborhood, C-DOT, and the petitioner. So, we have that opportunity Ms. Johnson, and we'll do that. We'll make sure that the residents are educated, and they know what's the current state, but this is something that the neighborhood supports.

Ms. Johnson said so, can I respond to that? I know you've worked closely, but it's confusing for me to see a resident that appears in opposition. If she can come back up and I can ask a question if that's okay.

Ms. Anderson said I think what Ms. Rainey was saying, because she went on the record to state it, that she was against the height. She wasn't against this petition in part. We can ask the clerk, but she said in part she was against it due to the height, but we can't address that tonight. What we can address is the traffic pattern that the neighbors have worked very closely with C-DOT and leadership for.

Mayor Pro Tem Winston said to be fair, Mr. Pettine wasn't here at that point in time. What I can say is that again, it's been reiterated a couple of times. This was very contentious but contentious in the sense that the community was very sure about what they wanted and what they didn't want. It was the height mixed with the use. I think there was a proposed hotel, some retail at the bottom, on top also an office tower that was part of it. This was not residential. So, the concerns were again, these traffic patterns that were coming in and out specifically turning on Baldwin to go through Cherry for folks that would be commuting. It was too intense of a development. The community never waived from their belief that this type of intensity would be appropriate, but even if the status quo remained in that area, there were traffic conditions along Providence Road that kind of abutted that they wanted to see improved. They saw this petition as a way to get some of those improvements.

This was one of those improvements that they wanted, but C-DOT didn't necessarily get there at that point in time. Again, it seems like the work has been ongoing. Again, as Ms. Anderson said and as it was stated in the email, they thought this change could've been done through an administrative change. So, they weren't opposed to this. The concern about going through a rezoning is something else that the community didn't

want to see was this kind of languished imperpetuity. They want to see if it's going to get built. They want to see these improvements get done.

So, when they saw that this was coming through a rezoning, their concern was the time from when this got approved to when development started would be extended which is why they wanted to just do an administrative change that would not have elongated that time. Mr. Pettine has said that there is no extension of those vested rights past five years like we did with the original one. So, again, this is a great thing. The Cherry Community is very smart about policies and about our procedures. They're utilizing their intelligence of the process to make sure that they are very clear about what they value and how they want their community developed and the surrounding area developed.

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

Ms. Johnson said we need the majority to approve that, right? What I asked before you all answered was if I could hear from the resident to make sure that they are clear. I just want to make sure that the residents understand and I'm not saying that you're not aware of the process. I want to make sure that it's understood that we're not hearing the most contentious part of the petition. That we are only voting on what you're in favor of. That's all I just wanted to make clear.

Mayor Pro Tem Winston said ma'am, Ms. Rainey, the Council member has asked you a question. You can come down and answer it if you wish.

Ms. Ajmera said I thought she did.

Ms. Johnson said do you feel like you've answered the question?

Ms. Ajmera said yes. I asked her that question and she said yes.

Mayor Pro Tem Winston said you can come down. If you're going to respond, please come down to the microphone.

Ms. Rainey said I just want to make sure that we were always in opposition to the height. It didn't just come up tonight. I just want to make that clear. I hear what you're saying, that tonight it's only about the traffic.

Ms. Johnson said right.

Ms. Rainey said we just want to be put on record that it still stands about the height, and you need to know that. We did say what we were in favor of. So, we're not totally against.

Ms. Johnson said I as a Council member who prides myself on listening to residents, if that's an area of contention, I want to let you know for the record that we don't have any control over that piece of it.

Ms. Rainey said okay.

Ms. Johnson said that's not up for decision.

Ms. Rainey said okay.

Ms. Johnson said the only thing up for decision is the traffic improvements that you're in favor of. Thank you.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2022-065 BY GRIFFIN FAMILY INVESTMENTS FOR A CHANGE IN ZONING FOR APPROXIMATELY 37.10 ACRES LOCATED ON THE EAST SIDE OF BEATTIES FORD ROAD, SOUTH OF MCINTYRE AVENUE, AND NORTH OF SUNSET ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, thank you. 2022-065. It's just over 37 acres off Beatties Ford Road, just south of McIntyre Avenue and just north of Sunset Road. It is currently zoned to R-3, single family residential. The proposed zoning is to go to a UR-2 conditional. Neighborhood 1 is the recommended Place Type on the adopted Policy Map. The proposal is requesting up to 236 townhome style dwelling units that would come in at about 6.3 units per acre. It does commit to an 8-foot planting strip and 6-foot sidewalk as well as a 5-foot bike lane along Beatties Ford Road. It does provide internal sidewalks and pedestrian connections through the site. It does construct a CATS ADA (Americans with Disabilities Act) compliant bus waiting pad and shelter pad along the site's frontage.

That will all be coordinated with CATS and permitting. It also would provide future street connections to the north and south of the site for future development and connectivity. It does also provide a minimum of two amenity areas including a clubhouse, pool, cabana, dog park, garden, or landscaping. Also commits to a 100-footwide buffer along the eastern property line adjacent to the industrially zoned property, and also there's some significant stream buffer and tree save area on top of that 100-foot buffer for a pretty good substantial separation between those uses. Also commits to architectural standards including building materials as incorporated through most of the conditional rezonings for attached single family.

Staff does recommend approval of this petition. We do have some outstanding issues related to transportation to resolve. It is inconsistent overall with the Neighborhood 1 Place Type for this map, however, would contribute to a variety of housing options and availability in the area. It's well-served by the Activity Center to the south. There are some open space commitments and pocket parks throughout the development, as well as an almost two-acre amenity area. Adequate buffering to the industrial adjacent to the site as well as the CATS shelter bus pad and bike lanes that are being improved on the site.

So, that would also, again with that CATS bus pad on Beatties Ford, that would provide some good transportation access within close distance to the site. So, again, staff does recommend approval and we'll be happy to take any questions following the petitioner's presentation and presentation by members of the community. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said Mayor Pro Tem, Council members, Collin Brown on behalf of the petitioner Griffin Family Investments. With me tonight are Larry Griffin and Mike Griffin. You'll hear from Mike in a moment. The Griffin family as many of you know, have been a presence on the Beatties Ford corridor for many years and have been very active in a lot of meaningful projects in that area. What we're talking about is really the homeplace of their family which has the star on it which I'll let the Griffins give you some of that history. Then there was also recently a neighbor who had lived for many, many years deceased, and they assembled that property. So, here are the properties that we're talking about. Good location, easy access to Food Lion shopping center here. Good employment opportunities and really, we think a good place for some of this missing middle housing that we talk about so frequently.

When it was apparent to the real estate community that the Griffins had assembled this large piece of real estate, they were approached by a lot of folks including a lot of industrial folks that had developments back here that thought this would be a good Phase 2. The Griffins I think have ongoing conversations with folks in the community and really made the commitment that they did not want to go in that direction. The best thing they could for the community was provide a high-quality residential product in the

area. So, that's what they've endeavored to do. 37 acres is a large piece of property. Current zoning is R-3. 2040 Plan calls for this to be N-1 as Dave mentioned and we're pretty close to that type of intensity. As you know, our new zoning if this were not approved our new ordinance would allow attached housing throughout.

We think we're doing a little bit better job with this plan. We think there's some positives that as we go through this conditional zoning, the community and the Council would get some assurances. So, obviously commitment to residential development townhome product, that density is only 6.4 dwelling units per acre. So, probably pretty close to a yield that would be allowed by right. Large buffers obviously to the rear where they're some wetlands to buffer up against that industrial. What's important is the commitment that the development team has made is for an alley loaded product. As you know that sort of creates a very nice streetscape and really ensures a higher end product. So, when you come down the streets, you don't see driveway, driveway, garage door, garage door. We have all alleys to the rear which is a commitment the team is making.

The specific builder has not been selected but the Griffins are building into the rezoning petition those types of commitments that ensure a higher level of product. So, the alley loaded design, architectural commitments and then a large community space in the center. That is a colored version of the plan. I think it blends nicely in the community. We've been doing early outreach. Have had a good number of conversations with the Hyde Park community leadership. Good responses from them. We have gotten some feedback at the community meeting of some concerns. Then we did get a little bit of a bomb this week. Councilman Graham connected us with the Deltas of Charlotte. The Delta Center is located here on Beatties Ford Road. I think we've got a robust turnout from the Deltas tonight. So, you'll hear from them. This was kind of news to us, and I'll let them tell the details of their story, but our understanding is that they may have been in some conversations some time ago with the prior owner of this property and had hoped to acquire some of the property for additional parking.

We have not discussed this with City staff of whether they would be supportive of that at all. We did have a call with some of the Deltas on Friday. Frankly we said to them, "Hey, we don't think we could accommodate that on our site, but we'll continue talking with you about it. We think there may be some solutions in the area on some other parcels." So, I imagine that will be a significant point of discussion. We did have some additional feedback from some neighbors here. We think we're providing good buffering, and this is not an overly intense development. So, with that high level overview, I did want to give Mike Griffin just a few moments to introduce himself and maybe talk about our plans for ongoing conversations.

Mike Griffin, 19109 West Catawba Avenue, Cornelius said thank you Collin. Thank you Council, Pro Tem and first of all a special thank you on this holiday season for your time. Sometimes a thankless job and really appreciate what you do for your city. It's a privilege to represent my uncle, my father, my two cousins and my brother. My grandparents bought this property in the 40s, half this property and we grew up there and had many holiday seasons there. So, with that said, we have a special amenity not just for this property but for the whole historic West End corridor and we wanted to make sure we did everything that we could possibly do to make it the top-quality product that we can. We do think this product is that product.

As Collin mentioned, we were not aware of the Deltas need for parking really until Friday. We had a nice conversation and tried to understand what their needs are. Not sure that we can accommodate that but we will continue to have some conversation with them. We didn't know about the previous conversation they had with Ms. Riley. She had lived there until her passing over 100 years old and we knew for the last 50 years that she had promised us the opportunity to purchase it, which we did unknowing that there was a need for the Deltas for that parking. We will try to continue to work with them when we can. Thank you for your time.

Amber McQueen, 5827 Crestwood Drive said thank you for your service and I will say I'm somebody that did think that you guys' just rubber-stamped stuff. My concern is I have two properties.

Mayor Pro Tem Winston said can you just identify yourself please?

Ms. McQueen said Amber McQueen.

Mayor Pro Tem Winston said thank you.

Ms. McQueen said I have two properties abutting this development and my concern is the buffer. They talked about the alleyway. I will basically be looking at an alley for 236 units. There are woods right there and so their communication from their lawyers basically said they think that's adequate and under the zoning they're not required to do any buffer. So, they're going to do 23 feet, that's about a 2-car garage length or width. So, my concern really is how am I going to address the noise, the pollution now that I have the alleyway behind me with cars driving back and forth if they're not going to put any kind of buffer.

So, if you see Crestwood Drive, I'm part of the Hyde Park neighborhood. Those are my properties up there. So, I'm really the only house that is directly impacted by this development. Outside of that, I really, again, pretty much felt like you guys would just go with it and having been here for almost 30 years I've seen the transformation of Charlotte and the gentrification. So, I just would like for them to be courteous and put an adequate buffer between my house and my property the same way they are doing some of the things for Industrial Park. I have pictures because this is now and as leaves and as we get colder, it opens up a lot more. So, I can actually see the putting range. I have four broken windows that will let you know that it's very close. So, that is really my concern. This is not sufficient, what is already existing between our properties. That's really all I have.

Mayor Pro Tem Winston said thank you very much Ms. McQueen.

Melissa Deas, 7420 Meridale Forest Drive said good evening. Thank you in advance for your open and collaborative minds and serving hearts as I speak to you today. I am Melissa Deas Snell and I'm a native Charlottean, a second-generation graduate of West Charlotte Senior High, an alumni of two UNC system universities. My roots and love and dedication to the city are deep and long and I stand here before you tonight representing two organizations that have deep roots as well. I stand before you as current Chair of Deltas of Charlotte Foundation and the 1,000 plus community members of our partner organization, Delta Sigma Theta Sorority, Incorporated, but most importantly the citizens of Charlotte.

I'm the current Chair of the Deltas of Charlotte Foundation, a 501 (3) (c) organization. Our mission is to strengthen the lives of women and children in the greater Charlotte region. I also extend regards on behalf of Katrina Young, President of the Charlotte Alumni Chapter of Delta Sigma Theta Sorority, Incorporated as she could not be in attendance tonight due to travel. Combined, we have given hundreds of thousands of dollars in scholarships, charitable donations and programming for the Charlotte community. Additionally, we provide 10-month programs for middle school and high school aged girls. The Delta center, the property has served the community in a myriad of ways. As an early voting site, as well as working to have youth rallies for some partner organizations in addition to fighting the food desert in the 28216 corridor.

So, there are a myriad of activities and programs that we do in the community in order to move the dial. We understand that the Council is responsible for the infrastructure of Charlotte, that you do not do programming. We do. So, a lot of times people from the city suggest that the Council should do things about affordable housing, but we do. We do programming for women and wealth, we do financial literacy programming. We do all of those things, and we give scholarships. So, we do all of those things that you can't

do. So, we need that type of partnership and we're looking to you for your influence and collaboration for us to meet those needs.

You should've received correspondence from me last week voicing our concerns. If you haven't had an opportunity to read it, I'll give you a quick background and context of our opposition to this zoning petition. We've been in touch with the Riley family for a number of years since 2011. Based on our many previous conversations, we were awaiting the time for when the family was ready to sell. We were given assurances, verbal assurances that we would be the first to know and willingness to sell us the parcels located directly behind our property which you've seen before.

Today, the parking lot has 45 spaces which hinders our ability to effectively scale the community service efforts to make a larger impact. Based on those assurances, in earnest we made individual sacrifices as members and were intentional in paying off our commercial loan in half the time, in addition to raising capital and anticipation of purchasing at minimum a portion or parcel when it became available. Approval of the petition and its current markup will hinder us from being able to do that, we'll be landlocked.

Shame on us for not having those verbal communications done in writing. So, we would like not to repeat that mistake with this petition. So, we did have a meeting and thank you Councilmember Graham for facilitating that conversation with us. When you look at the property, it's within 300 feet. So, the plans as they stand and looking at them, we were asking if they were single garage or double garages and there's not a lot of guest parking. There's no buffer between our property and that and we feel like that will impede our property and that there will be people that will park on our parking lot. If you've ever lived in a townhome, people use their garage as storage, or they don't like to move the two cars. They don't like to switch the cars out. It's easier just to park on the street.

If anyone has every lived in a community like that or there are any guests that they have, it's easy to pull into our lot and then walk the 300 feet to get over to the other area. With the lack of guest parking, it impedes what we will do, our ability to scale, and there is no significant barrier there. We have a detention pond at the back of the property. We wanted the organization to account for the maintenance of that drainage area and we could possibly fill it in and create additional parking for ourselves. In addition to that, we wanted to make sure that if there are any type of costs that come with the construction, that we have some avenue in order to try to recoup those expenses based upon anything that comes up with the construction.

So, what we're asking for, for your support as Council is a deferment until we can get those assurances in writing and to try to work out a neighborly solution for what we have. Just as an aside, I would also like to give you some feedback concerning the zoning process. The meeting in trying to find where we were going to go or about the petition, it took multiple phone calls. We didn't know about the community meeting until after the fact. I knew of the November 21st meeting, I signed into that on Facebook Live. I typically look a zoning meeting, I'm a political nerd if you will. So, I watch it for my own benefit, but to this date even for this meeting today, we never received notice in writing about this public hearing. We had to look for it and if you looked at the zoning calendar it wasn't available until just recently.

So, for those of us that are working in nonprofit areas or that aren't looking at things like this daily, it seems as if it's a check the box process in order for us to participate. It doesn't lend itself to a true dialogue about what's happening. I can appreciate the fact that the Griffins felt that we dropped a bomb on them. We felt the same. So, I just encourage you all to take a look at the processes that you have because it's not just the zoning petition. You're talking about businesses, you're talking about people's lives and you're talking about the good work that we do with the city. I thank you all for your time.

Mayor Pro Tem Winston said thank you very much.

Mr. Brown said certainly. I think that's fair. We mailed her a mailing, the sign is posted but I know they were just as shocked as I was. I could tell by the tone of our call on Friday. Interesting conversation, before the question being could we put some parking on our site. The comment tonight about maybe enabling them to park in their stormwater area. There's plenty to discuss. We are now connected with them. Frankly we kind of wanted this aired so everyone could hear as we have additional conversations maybe with staff and get feedback from you all and we will continue working with the Deltas as well as the adjacent property owner on some buffering for her. So, thank you.

Mayor Pro Tem Winston said thank you very much.

Councilmember Graham said let me take the opportunity to thank the ladies of Delta Sigma Theta for being here tonight and voicing their opinions about this particular rezoning. Mr. Brown, if you could come back for me and help me understand the issue. I've got five issues actually. One, parking and the conversations you've had with the ladies of Delta Sigma Theat about shared parking, the ability to purchase land from you guys to get parking. Is that a possibility?

Mr. Brown said so, you know we talk about parking a lot and some of you have different opinions on it. We think they're sufficient parking on this site with the driveways, the garages and on street parking. I think it had not occurred to us until we talked to the Deltas on Friday. I think one of their points was someone may park in the Delta's lot and one of our residents might park in our lot and walk over there. So, that's something we need to think through. Perhaps we can put some fencing to prevent that, but this is the Delta Center here. Their structure maybe is in here. They have parking to the rear, 45 to 50 spaces. They then have a significant percentage of the site is encumbered by a stormwater BMP (Best Management Practices) facility. So, our property is here.

So, when we started talking with them, we were talking about maybe an acre or two. So, taking all of this area in terms of parking which we do not think is a good fit. We think there could be some better opportunities for them with some adjacent parcels, but we have to talk through that. The Deltas will say they don't have a site plan. We don't either. It is something that the Griffins would have to engage their engineer to draw something up that we could look at.

Mr. Graham said these are adjacent properties that you own?

Mr. Brown said that's right. So, the speaker mentioned this property here had been owned by the Riley family. The conversations between the Rileys and the Deltas occurred some time ago which we were not aware of. The Griffin family now owns this property.

Mr. Graham said I'm familiar about how tight parking is over there. I sometimes park there a lot too when I'm at the Kappa House. So, I apologize. So, I get it. The detention pond, is that a possibility in the upkeep of it? Help me understand that.

Mr. Brown said I wanted to have this hearing so we could kind of get it out there. There are things that if I went in and talked to staff about it, there would be no way in the world, but this is not a terrible idea, which we would be happy to explore.

Mr. Graham said okay. You've got a listing of all their concerns. Have you seen the letter?

Mr. Brown said I don't know if we've seen the letter. You connected us. So, we're in contact. Certainly, we expect to have ongoing conversations.

Mr. Graham said so, what I would like to do is to help be a facilitator in those conversations to make sure that they are adequately heard in terms of the number of points that they have raised via their letter and just being a good neighbor.

Mr. Brown said okay.

Mr. Graham said also the young lady behind you, Ms. McQueen, she seems to have some significant issues too in terms of buffering. Could you help me respond to her concerns?

Mr. Brown said her property is in this area. We have looked at that. We do think there's good separation between our units and hers. We can talk with her and would probably end up us all going out here onsite and looking at it together and looking at the condition of her property. It may be that some additional buffering or fencing there is a good solution.

Mr. Graham said I am certainly willing to go onsite as well to visit with you and Ms. McQueen to make sure that she is heard and if there's something that we can do to help her out. That would be really nice. Certainly, I think the conversation with the Deltas is a little bit more involved on a number of points. So, hopefully after the holidays we can get together Ms. Deas to find out next steps. Obviously, a decision won't be made until January hopefully.

Mr. Brown said January at the earliest. I can imagine these conversations continue.

Mr. Graham said yes January. So, I think we still have some time, but I think they have some legitimate concerns that they have voiced. Again, I want to help be an honest broker to make sure that we can get together. I know the Griffin family. They are flexible, I hope. They've been flexible in the past and hopefully that type of flexibility will come in to play as we sit down collectively together to talk about how we can create a win-win for everybody. So, that's the goal for me and I will be in contact with you as well as Ms. Deas after the Christmas holiday to earnestly begin to tackle this. Ms. McQueen, I'll give you a call as well to get with the Griffins onsite to walk the property and make sure that there's a clear understanding between both parties involved. Thank you.

Mr. Brown said thank you.

Mayor Pro Tem Winston said thank you very much.

Councilmember Ajmera said thank you so much. Some of my questions were addressed by Mr. Graham. So, first I just want to thank the Deltas for the investments that you make in scholarships. I'm a beneficiary. I received my first scholarship from Delta when we didn't have resources. So, I really appreciate the investment that you made in my future to help me go to college. I'm very grateful and all the other work that you do.

A couple of questions that I have for you Mr. Brown. You may not have an answer to that today, but Ms. McQueen had mentioned and showed pictures of how this would look. Do you have a picture of how this alleyway would look from her property? Her concern was specifically around the buffer and then also how her view would be different with this development. So, can we see how it would look?

Mr. Brown said we can try. The photo she has, and we'll follow up, are probably the best because they're from her property. I think she's looking at what is a golf driving range now. So, it is not heavily treed. So, there is potential for us to supplement that and give them more screening probably than they have now.

Ms. Ajmera said even natural buffering would help. So, I don't know what the buffer is over there on the other side. Could you tell me what the buffer is from her property to this site right here?

Mr. Brown said 23 feet between the property line and the alleyway.

Ms. Ajmera said well, I think to put that in perspective, we have to see how it would look.

Mr. Brown said okay. You just mean a mockup?

Ms. Ajmera said yes. So, if you could just provide some sort of pictures, that would certainly be very helpful. I know Ms. Melissa had raised a concern about the buffer as well from the Delta Sigma Theta House. So, what does that look like right now under this site design?

Mr. Brown said well, the buffer is similar, and I think that conversation is going to be very different if we end up trying to create some parking there. So, I think we've got to see what direction we go and I think what they most would like is some parking and if we have some parking then we'll obviously figure out how to screen that. Currently, there was just the regular buffer, but I think that conversation is going to move in a different direction.

Ms. Ajmera said right, and I know Mr. Graham is going to facilitate that conversation especially to address the parking and the buffer, but I think having some sort of mockup would help us understand how this would all look. I think this is the second or third time today this public notice process question had come up. So, Mr. Pettine, if you could address that question because I just want to make sure that if we need to reconsider our process on what the timeframe is that's being given. I hear that not just today but even in the past where some community members did not get a notice, or they get it after the fact. So, I just want to make sure that doesn't happen again.

So, what is the current process? If you could just tell us a little bit about it so that people in the audience can hear it, and if Council can understand the current process and see if we need to make any changes to that. Thank you.

Mr. Pettine said so, the notice process is mandated by state statute. So, we have a notice period that we have to provide notice no sooner than 10 days and not any greater than 25 days. So, you have basically a 10-to-25-day window to mail notices out. We identify our public hearing ads within that same timeframe. So, that notice also includes an advertisement in the paper. So, when we send that first round of notices out for the legal ad that's going to run in the newspaper, that's when we start to generate our own notice letters as well. So, it all goes out around the same time and again, as we talked about earlier, we get those out of the office within that timeframe and then they get into the hands of U.S. Mail. They're not sent first class or priority, they're just sent standard mail. So, at some point that gets to be a little bit out of our control about how long they may take to get in the hands of folks. I've heard the same. We tried to get them out a little bit earlier than we have been in the past because sometimes we're getting up closer to that 10-day window. We're trying to get those out within that 15-day window to give us some extra cushion.

So, we're working to get them out within that timeline that state mandates that we have to do it in and unfortunately sometimes I think there's either delay in delivery or delivery to either a post office box which we've heard generates some concerns as well because folks don't always check that. Particularly we had some nonprofits from another rezoning earlier this evening that said, "We don't really go and check that box very regularly, so we didn't get it in a timely manner." So, sometimes there's things out of our control that we don't have a lot of time, but we always get our letters out within that mandated period that the state requires of us.

Ms. Ajmera said so, I hear that really the window is between 10 to 25 days.

Mr. Pettine said yes.

Ms. Ajmera said so, if you were to push it more towards 25 days, I think that would give a little bit more cushion.

Mr. Pettine said we've looked at that. The challenge with that is our review period to get petitions cleared to go to hearing. It starts to get within more of that 15-day period because we've got plan review cycles and everything else and those wrap up

essentially the same week that we've got to get the legal ad out. So, it's kind of a one, two, three kinds of thing. Plan reviews occur, they get finalized. We know that they're ready for hearing. We put them on the ad, and that's all within that 15-day window. So, we start that process really about as early as we can just because we have to do the planning reviews to get them ready to see if they're even ready for hearing. You might have a petition that's technically ready for a December hearing, but when you get to that last bit of review, you realize there's still too many issues and it can't go. So, we don't know that until that two-week period before.

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

Mr. Pettine said yes. There's always room for improvement and room for us to get them out quicker but that's kind of what we're up against as well.

Ms. Ajmera said I think this is something Ms. Craig and I were just talking in the back room about some of the processes and how it could be improved so that residents have more time to attend community meetings to voice their concerns because a lot of our community members, it's not every day that they come to zoning meetings. So, it's really a convoluted process. It really takes a lot of hand holding and it also takes a lot of research on their part to even come to this point. We need to figure out a way as to what we can do as a Council within that 10-to-25-day window that we have based on the state statute and make this process a little bit smoother for our residents.

Mr. Pettine said I'll say one thing that did improve things is on the front end of the process, that's when we do our NextDoor noticing as well, which has really captured probably thousands of more residents on that platform versus just a mailed notice. We may mail 30 letters, but you may capture 3,000 or 4,000 people that are subscribed to the neighborhoods within a half mile on NextDoor. So, that gives everybody like three months ahead notice, advanced notice that a petition has been filed and then there's information for them to go to the petition page on our website which has other info and who to contact and they can kind of keep track.

So, we're trying to get the early notices out and cover that a little bit greater which I think we've done a good job of, but that conversation of getting the community meetings and getting to hearings because we didn't go as far as including those in our notices on NextDoor. We also have to work with the city communication. We didn't want to inundate residents with City of Charlotte posts on NextDoor to where they just turn us off and don't listen anymore. So, we're balancing a lot of that also. The advance notice I think has been good, but it doesn't always lead to folks staying engaged throughout that entire process up to the actual hearing dates. So, that's something I think we can work on and try to improve a little bit further.

Ms. Ajmera said absolutely. Thank you. I wasn't aware that we were leveraging NextDoor for that. That's great.

Mr. Pettine said it actually generates a lot of interesting conversation as well on petitions. It's a benefit to us because we get to see some of that and it's a benefit to the petitioner and the community because they can kind of talk amongst themselves. So, I'd like to maybe see if there's other ways, we can leverage that a little bit more even further, but for now that's kind of where we are with it on our process. That early three month out engagement as soon as a petition gets filed.

Mayor Pro Tem Winston said I would also point out that Ms. Deas lives in 28269. So, is not a resident at the Delta house. So, we could've mailed those out three months in advance and posted it on NextDoor all day, but I would imagine many of the folks who frequent the Delta House would not receive those communications because they're not residents that live in that statutory vicinity. So, as we think about better ways to make or processes more accessible and more equitable, again, these are the conversations that we're having. It's not just the people that live in areas that are affected by growth and development. It's people who live, work and play in all these areas. So, we certainly are trying to figure out how to make equitable processes as we continue to grow as a city.

Councilmember Anderson said I just want to take the time to thank Chair Nell and my Sorors of Delta Sigma Theta for your commitment to scholarship and service to all Charlotteans. I of course have been to the Delta House and there's limited parking in general not at the center, but just in that area. So, when you're standing up programs to impact the lives of young women and women within the community, they need an opportunity and space to participate in that process. So, we have Deltas parking at the house, we have constituents, we have Kappas parking at the house, everybody's parking at the house. So, I'm really hopeful that Mr. Graham will facilitate and usher a process with the Griffins. Thank you for your investment in the community as well to the Griffin family.

I am hopeful now that you are aware of the list of challenges that the Deltas have that you will work with them and come up with some potential solutions. I also would like to say that, this is Mr. Graham's district, but within this area, if you were going to add 200 plus townhomes and potentially not have adequate parking or buffering, the amount of noise that will be introduced into that community as the young lady mentioned earlier, will be something new and potentially disrupt the neighborhood and the community. So, Mr. Brown, I know that you'll work to come up with some potential solutions to address these things.

So, I just wanted to say thank you and acknowledge you for your service and I also would like to agree with Ms. Ajmera. Mr. Pettine, I know that we're working on our process, but we do hear far too often from constituents that not only have they not been notified, or they did not receive the information, but just the mystification around this process in general, around the rezoning process is something that we all have to deal with in our districts. So, that's something I think we can address. It's within our wheelhouse to address that and to improve it. So, we're looking forward to working with staff to come up with some potential innovative ideas around how we can improve that process.

Mr. Brown said likewise. Thank you.

Councilmember Johnson said a couple of things. Thank you for coming out today. I want to thank Ms. Deas a District 4 representative I assume. So, thank you for your words and also for Ms. McQueen, the pictures that you have, is there a copy for Council for our packet?

Ms. McQueen said no.

Ms. Johnson said okay.

Ms. McQueen said I didn't know [inaudible].

Ms. Johnson said okay. Well, if you'll email that to Council members, we'd love to see.

Mayor Pro Tem Winston said email it to the clerk.

Ms. Johnson said email it to the clerk, yes, and then we'll get a copy. We will make sure you get her contact information. Thank you. Again, I thank you for your engagement. I look forward to supporting Councilmember Graham. Again, I'm curious to know how long the Griffins have owned the property.

Mr. Griffin said so, my father was born in 1940 and his brother's 1936. I think their parents bought it in 1944 or '43, half the property. Then the Ms. Riley property, she passed at 103 years old, and we just bought that in 2020. So, half we've owned for approximately 70 years and the other half 2 or 3 years.

Ms. Johnson said thank you. I just wanted clarification because I heard Ms. Riley owned the property and had made this verbal agreement. So, I was just trying to get clarification on the ownership.

Mr. Griffin said yes. Approximately we owned half and then Ms. Riley owned the other half until recently.

Ms. Johnson said okay. Again, I look forward to working with Mr. Graham. We heard the noise pollution, both speakers talked about the buffers. So, I think Mr. Brown, there's room to work with the residents and also the petitioner and compromise and some concession for the residents. Thank you. That's all.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2022-069 BY THE FALLON COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.69 ACRES LOCATED ON THE EAST SIDE OF SOUTH BOULEVARD, SOUTHWEST SIDE OF SOUTH CALDWELL STREET, WEST SIDE OF TEMPLETON AVENUE, AND NORTH SIDE OF EUCLID AVENUE FROM TOD-M(O) (TRANSIT ORIENTED DEVELOPMENT - MIXED USE, OPTIONAL) AND TOD-R(O) (TRANSIT ORIENTED DEVELOPMENT - RESIDENTIAL, OPTIONAL) TO TOD-UC (CD) (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER, CONDITIONAL) AND TOD-NC (CD) (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2022-069 is about 16.69 acres. It's located on the east side of South Boulevard just south of Caldwell Street, west of Templeton Avenue, and north side of Euclid Avenue in the Dilworth Community. The current zoning is TOD-M, optional and TOD-R optional. Those are our old TOD districts that were updated back in 2019. The proposed zoning is to take those older TOD districts and bring them forward to both the TOD-UC and TOD-NC districts. Both are being proposed conditionally. The adopted Place Type for the project does recommend a Regional Activity Center in blue on the front half and then Neighborhood 2 in that orange area on the back half of the property, a little more than half.

So, this project again, there's lots of notes on here. All of this is spelled out with all of these notes and a graphic in your staff analysis. So, I'm not going to cover these verbatim. There's multiple development areas that range from Development Area A through F. In those different areas, there are different proposed uses and intensities. So, Development Area A is 21 single family attached townhome units at 40 feet in height. That's the area primarily along Euclid Avenue. Development Area B-1 is TOD-NC conditional as well. That's for residential and optional ground floor retail. That would max out at 55 feet in height within 100 feet of single family uses and then 65 feet in height outside of that 100-foot distance. It does also provide 40-foot side yard with a 15-foot undisturbed buffer.

Development Area B-2 is where we get into TOD-UC that provides some residential and optional ground floor retail, again with the max height of 65. B-3 is TOD-UC for office and retail, capped out at 65 feet. Development Area C is TOD-NC and that's 1.6 acres of amenitized open space. You can see that area hatched with a green label on it on the screen. Development Area D is also TOD-NC, that's for residential and ground floor retail with a 65-foot height cap within 200 feet of single family and then beyond those 200 feet, up to 75 feet in height. Development Area E1, TOD-UC, 235 feet max height through bonus provisions and also providing 20 EV ready parking spaces.

Development Area E2, also TOD-UC. That's mixed uses with 150 feet in height through bonus provisions. Also allows some conversions of hotel to multi-family at a one to one rate. Development Area F. TOD-UC, residential uses currently exist within the existing Strawn Tower or redevelopment of that with residential capping out at 120 feet in height. Transportation provisions that are included would be as you can see, Phase 1

improvements located along Development Area D and E. Phase 2 improvements will be located along B-1, B-2, and E-2.

During Phase 1, Bland Street Extension would include signalization and pedestrian improvements with Cleveland Avenue Extension from Bland Street Extension to Caldwell Street and a new street connection between Cleveland Avenue and Euclid. Then during Phase 2, Cleveland Avenue Extension from Rensselaer Avenue to Bland Street Extension and also a contribution of \$100,000 for improvements to the South Boulevard corridor or Southend area as requested by C-DOT. An 8-foot planting strip and 8-foot sidewalks along all public streets, and also replace the existing CATS shelter pad along South Boulevard. That's stop 29-290. That would all be coordinated with CATS through permitting.

Staff does recommend approval of this petition. They have still some outstanding issues related to transportation, some technical revisions related to transportation and land use to work through. It is generally consistent with the recommendation for Community Activity Center. There are some consistencies with the Neighborhood 2 portion of the site, but because there are some nonresidential uses in there, it is deemed inconsistent. So, essentially if you look back at the site plan where the Caldwell Street Extension comes through the site, really that front half would go to that Activity Center for Community Activity Center and then the back half would basically go to Neighborhood Center which aligns generally with N-2 in terms of height. Again, those uses are where we start to get a little bit out of consistency overall with Neighborhood 2. Again, staff recognizes the petition was approved previously and we're making some general updates to the plan. So, hopefully we can move the development forward. Again, that's our presentation. Do recommend approval upon the resolution of those issues and we'll take any questions following the petitioner's presentation. Thank you.

Mayor Pro Tem Winston said thank you very much.

Bridge Grant, 100 North Tryon Street, Suite 4700 said good evening members of Council. Bridget Grant working with The Fallon Company with my colleague Jeff Brown. We have with us tonight Marissa Thompson and Brian Awe with The Fallon Group in case you wondered who was sticking around for this long night. Michael Wickline with DRGR Transportation Expert and Matt with The Stewart Group on the design side.

As Dave mentioned, this petition was rezoned back in 2010 to TOD-MO and TOD-RO. We have not changed any of the requested entitlements. I would look at this more as a technical clean up to align the zoning with the current districts. With that I'm happy to answer any questions.

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

Councilmember Anderson said Ms. Bridget, thank you for the work in the Dilworth Community. I want to say that this has been a good collaboration with the Dilworth Community Association. I have regular set cadence of conversations with them, and we've been discussing this project. So, I think this is a good example of how you can work and collaborate with community to ensure that new development has an opportunity to integrate within the neighborhood and allow constituents to feel like they are embraced and that their community continues to maintain the charm. So, I just encourage you to continue those conversations. We have very involved constituents in the Dilworth Community Association. They're fantastic stewards. So, I'm looking forward to how this will advance over the next few months.

Ms. Grant said thank you for your comment, which reminds me. We do have a letter of support from the Dilworth Community Association after months of work with them. So, thank you for that.

Ms. Anderson said yes. Thank you.

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

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ADJOURNMENT

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

The meeting was adjourned at 6:54 p.m.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 2 Hours, 49 Minutes
Minutes Completed: February 27, 2024