

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, June 17, 2024, at 5:01 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Danté Anderson, Tiawana Brown, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, James Mitchell, and Marjorie Molina.

ABSENT: Councilmember Victoria Watlington.

ABSENT UNTIL NOTED: Councilmember Tariq Bokhari.

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Mayor Lyles welcome and I want to call the June 17, 2024, Zoning Meeting for the City of Charlotte to order. We begin our meeting with an invocation, and I think that the plan was that Councilmember Brown would provide that today, but she is I believe still outside. She's on her way. Well, I'll just tell you that we celebrate our diversity of religious context and participation. So, we want you to know that while we are having Councilmember Brown provide words of unity and celebration of our ability to work together, we will then proceed.

INVOCATION AND PLEDGE

Councilmember Brown gave the Invocation and the Pledge of Allegiance to the Flag was led by all.

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EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Douglas Welton, Chairman of the Zoning Committee said thank you Madam Mayor. My name is Douglas A. Welton, and I serve as the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce the fellow members of the Zoning Committee and they include Will Russell, Shana Neeley, Rick Winiker, Terry Lansdell, Rebekah Whilden and Clayton Sealey. The Zoning Committee will meet on Tuesday July 9, 2024, at 5:30 p.m. At that meeting the Zoning Committee will discuss and make recommendations on the petitions that have public hearing tonight. The public is welcome to that meeting, but please note it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you are welcome to contact us and provide input. You can do this by finding our contact information and information on each petition at the City's website, Charlotteplanning.org. Thank you and back to you Madam Mayor.

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DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Ajmera, seconded by Councilmember Mayfield, and carried unanimously to defer: a decision on Item No. 13, Petition No. 2022-224 by SRL Central Avenue Properties, LLC to August 19, 2024, a hearing on Item No. 22, Petition No. 2024-035 by City of Charlotte to August 19, 2024, a hearing on Item No. 28, Petition No. 2023-165 by Central Avenue Multifamily, LLC to August 19, 2024, and a hearing on Item No. 31, Petition 2024-015 by BV Belk Properties to August 19, 2024.

CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 12 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK

Mayor Lyles said we also have a consent agenda and in the consent agenda we have petitions that qualify for the category that they are in. These petitions had to follow the following criteria: They had no public opposition the petition hearing, the Zoning Committee recommended approval, and there are no changes to the Zoning Committee's recommendation and staff recommends approval. Is there an item that a Council member would like to have for a separate vote?

Councilmember Mayfield said Item 11 Mayor.

Mayor Lyles said Item 11. Anyone else?

Motion was made by Councilmember Driggs, seconded by Councilmember Mitchell, and carried unanimously to approve the consent agenda as presented with the exception of Item No. 11 which was pulled for a separate vote.

The following items were approved:

Item No. 3: Ordinance No. 809-Z, Petition No. 2023-071 by Mt. Holly Investments, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.85 acres located at the southwest intersection of Oakdale Road and Mt. Holly-Huntersville Road, north of Interstate 485 from N1-A (Neighborhood 1-A) to CG(CD) (General Commercial, Conditional).

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes a mix of commercial land uses that have the potential to promote access to employment opportunity. The subject property is in an Access to Essential Amenities, Goods & Services gap. Access to essential amenities, goods and services is a high priority need in this area, and the proposal for 31,500 square feet of retail space has the potential to improve access. The subject property is not located within a half mile walkshed of a high-capacity transit station or major transportation corridor. The petition installs a 12-foot multi-use path along the site's frontages to add to the pedestrian infrastructure in the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-minute Neighborhoods, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 2 Place Type to a Commercial Place Type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 161-162.

Item No. 4: Ordinance No. 810-Z, Petition No. 2023-120 by Ascent Real Estate Capital, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.50 acres located along the south side of Central Avenue, west of Progress Lane, and east of Norland Road from O-1(CD) (office, conditional) and N2-B (Neighborhood 2-B) to N2-C(CD) (Neighborhood 2-C, Conditional).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type for a portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: A portion of the petition is recommended for the Neighborhood 2 place type. Parcels directly east, west, and north of the rezoning site are recommended for the Neighborhood 2 place type. The petition has been converted to a conditional request that commits to limiting the building height and construction of an ADA compliant bus waiting pad along the site's frontage of Central Avenue. The N2-C zoning district is intended for the development of multi-family dwellings in an urban environment with smaller setbacks and incorporation of build-to zones. CATS Local Bus Routes #9 and #17 run along Central Avenue. The rezoning site is located approximately 130 feet from the proposed Derby Acres stop and approximately .22 mile from the proposed Lansdale Dr/Rosehaven Dr stop on the LYNX Gold Line. A Class B landscape yard is required along property lines abutting single-family, duplex, triplex, or quadraplex dwellings. The rezoning site has frontage along Central Avenue, a major arterial road. This petition allows for housing opportunity within a half mile of a Neighborhood Activity Center. This petition allows for a diversity of housing options in an area that identifies access to housing opportunity as a priority. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, for a portion of the site from current recommended Neighborhood 1 Place Type to Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 163-164.

Item No. 5: Ordinance No. 811-Z, Petition No. 2024-001 by Jessica M. Moreno Hernandez amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.42 acres located on the north side of Victoria Avenue, west of Old Statesville Road, and south of Autumn Oak Drive from MHP (Mobile Home Park) to N1-C (Neighborhood 1-C).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for the Neighborhood 1 Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Approval of this petition could increase the housing options for middle density housing in the area. The neighborhood consists of a mix of single-family home types. The N1-C district allows for the development of single family, duplex, and triplex dwellings which can promote housing diversity as well as allow for flexibility in creation of housing within existing residential neighborhoods. The N1-C Zoning District allows for the development of residential dwellings on lots of 6,000 square feet or greater, which is consistent with the general lot pattern in the area. The specific dimensional and design standards of the proposed zone will allow for the development of residential dwellings that are compatible with the existing residential development pattern in the area. There is bus access along Old Statesville Road within a half mile of this site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 165-166.

Item No. 6: Ordinance No. 812-Z, Petition No. 2024-007 by Oak Hill Management amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 7.34 acres located at the southeast corner and

southwest corner of Executive Center Drive and Albemarle Road from OFC (Office Flex Campus) to CAC-1 (Commercial Activity Center-1).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Community Activity Center place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the recommended CAC place type. The CAC-1 zoning district is intended to accommodate those areas of the City that are transitioning from a more automobile-centric orientation toward a more walkable, well-connected, moderate intensity mix of retail, restaurant, entertainment, office, and personal service uses, including some residential uses. The CAC place type is recommended for nearby parcels located along Albemarle Road. CATS Local and Express Routes #221, #40X, 46X, and #9 run along Albemarle Road. The petition's request for the CAC Place Type should provide access to goods and services, dining, entertainment, and residential for nearby and regional residents. The petition is within a half a mile walkshed of the proposed Eastland Mall Gold Line Stop. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 167-168.

Item No. 7: Ordinance No. 813-Z, Petition No. 2024-009 by Ramon Adames amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.27 acres located on the north side of Ervin Lane, west of China Grove Church Road, and south of East Westinghouse Boulevard from N1-B (Neighborhood 1-B) to N1-E (Neighborhood 1-E).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 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 final staff analysis and the public hearing, and because: The proposed N1-E zoning is consistent with the N1 place type recommended by the 2040 Policy Map. The site is less than a half mile from the Blue Line I485/South Blvd light rail station as well as retail and services located along South Boulevard. The neighborhood surrounding the site along China Grove Church Road includes a variety of housing types including single-family and multi-family attached. The proposed rezoning could support some additional housing density by allowing residential dwellings on lots of 3,000 square feet or greater. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 169-170.

Item No. 8: Ordinance No. 814-Z, Petition No. 2024-018 by iClub Investments, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 4.62 acres located at the northeast intersection of Harwood Lane and Mt. Holly-Huntersville Road, west of Country Lane from INST(CD) (institutional, conditional) and N1-A (Neighborhood 1-A) to NC(CD) (Neighborhood Center, Conditional).

The Zoning Committee voted 6-0 (motion by Neeley, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the

final staff analysis and the public hearing, and because: This petition is appropriate and compatible as the proposed childcare center, medical office, and retail space would provide convenient access to daily needs in an area that has been identified as an Access to Amenities Gap by the 2040 Comprehensive Plan. The proposed development fronts on Mt. Holly Huntersville Road, designated by the Charlotte Streets Map as a 4+ Lane Avenue and considered an Arterial Street by the UDO and Harwood Lane designated as a collector street. The plan commits to providing a 12-foot multi-use path along Mt. Holly-Huntersville Road and an eight-foot sidewalk along Harwood Lane and the site has convenient access to the CATS number 18 local bus, providing Access to the Rosa Parks Community Transportation Center, forming the beginnings of a multi-modal transportation network. The site is located adjacent to a fire station and many residential developments which contributes to the establishment of a Neighborhood Center at this intersection. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Neighborhood Center place type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 171-172.

Item No. 9: Ordinance No. 815-Z, Petition No. 2024-019 by 517 East 17th, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.56 acres located at the northeast intersection of North Davidson Street and East 17th Street, south of Parkwood Avenue from UR-2(CD) (Urban Residential, Conditional) to N1-D (Neighborhood 1 - D) and N1-E (Neighborhood 1 - E).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 1. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This rezoning area is located in a part of the Optimist Park neighborhood that is primarily zoned N1-D and developed with single family homes in an area just south of the existing LYNX Blue Line with close proximity to denser activity centers east and west of the subject site. The existing conditional plans that were approved in 2019 and 2020 as petitions 2018-012 and 2019-126 proposed denser building forms than currently exist within the block. Bringing the site back under a zoning district that matches the rest of the block would allow for more compatible land uses but also maintain flexibility in building forms as a result of the N1-D and N1-E districts allowing for duplexes and triplexes. The proposed zoning districts are consistent with the recommended Neighborhood 1 Place Type. The existing UR-2(CD) plan entitles building forms and a site design that are inconsistent with the Neighborhood 1 Place Type. The N1-D and N1-E zoning districts allow for the same single family uses but differ slightly on standards such as minimum lot size and width. As a result, the N1-E district is being sought for two parcels in the rezoning area that would not be able to develop under the N1-D district because of the dimensional constraints of the lots.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 173-174.

Item No. 10: Ordinance No. 816-Z, Petition No. 2024-020 by 35N 80W, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.88 acres located at the eastern end of Willetta Drive, east of Nations Ford Road, and west of Interstate 77 from INST(CD) (Institutional, Conditional) to N2-B (Neighborhood 2-B).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040

Policy Map recommends Neighborhood 1 place type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition site is a remnant parcel that is heavily encumbered by utilities and a creek with associated 35-foot water quality buffer, rendering much of the site undevelopable. The site is accessed by Willetta Drive. All other properties along Willetta Drive are zoned N2-B. The petition would add to the housing options in the Nations Ford Road corridor. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 place type to Neighborhood 2 place type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 175-176.

Item No. 12: Ordinance No. 818-Z, Petition No. 2024-023 by City of Charlotte amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 11.79 acres located on the north side of Billy Graham Parkway, at the eastern end of Woodridge Center Drive from I-1(CD) (Light Industrial, Conditional), I-2(CD) (General Industrial, Conditional) to ML-2 (Manufacturing and Logistics - 2).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be partially consistent and partially 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 Manufacturing & Logistics place type for the eastern portion of the site and Innovation Mixed Use place type for the western portion of the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition site is located between a railroad and parkway, which provide physical buffers from uses further to the north and south of the site. The entirety of the site is currently zoned one of two conditional legacy districts that align with Manufacturing & Logistics place type: I-1(CD) and I-2(CD). The proposed rezoning would eliminate the conditions and establish zoning under the UDO. The majority of the properties to the north of the site and adjacent railroad are recommended for Manufacturing & Logistics place type and zoned ML-2. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map for the western portion of the site, from Innovation Mixed Use place type to Manufacturing & Logistics place type.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 179-180.

ITEM NO. 11: ORDINANCE NO. 817-Z, PETITION NO. 2024-021 BY FOUNDRY COMMERCIAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.20 ACRES LOCATED ALONG THE EAST SIDE OF STEELE CREEK ROAD, SOUTH OF BYRUM DRIVE, AND NORTH OF DOUGLAS DRIVE FROM N1-A ANDO (NEIGHBORHOOD 1-A, AIRPORT NOISE DISTRICT OVERLAY) TO ML-2 ANDO (MANUFACTURING AND LOGISTICS-2, AIRPORT NOISE DISTRICT OVERLAY).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is 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) calls for the Manufacturing and Logistics Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for Manufacturing

& Logistics place type and is surrounded primarily by other parcels both recommended for Manufacturing & Logistics place type and zoned ML-2. The site is less than one mile from Charlotte Douglas International Airport and is within the Airport Noise Disclosure Overlay, making it less attractive for development under the current zoning of N1-A ANDO. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

Councilmember Mayfield said I just wanted to acknowledge that I know Councilmember Brown who is the District Rep and myself received a correspondence but there was a question regarding the cemetery and who would actually maintain the cemetery. I would also like to acknowledge that from my understanding and from communication in regards to the petitioner, they worked out with Councilmember Brown and the community a possible relocation of an important building, but also the cemetery itself, the maintaining and just want to make sure that it is on the record that the church will maintain the maintenance of the cemetery, which we know is something that is very important. That was the only thing I would like to highlight.

Motion was made by Councilmember Mayfield, seconded by Councilmember Brown, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for the Manufacturing and Logistics Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for Manufacturing & Logistics place type and is surrounded primarily by other parcels both recommended for Manufacturing & Logistics place type and zoned ML-2. The site is less than one mile from Charlotte Douglas International Airport and is within the Airport Noise Disclosure Overlay, making it less attractive for development under the current zoning of N1-A ANDO. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 177-178.

Councilmember Bokhari arrived at 5:14 p.m.

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DECISIONS

ITEM NO. 14: ORDINANCE NO. 819, PETITION NO. 2024-033 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT FOR A TEXT AMENDMENT TO THE UDO TO MAKE CHANGES THAT WILL RESULT IN BETTER FUNCTIONALITY. THESE CHANGES PROVIDE GREATER CLARITY, NEW AND UPDATED DEFINITIONS, ADJUSTS USE PERMISSIONS AND PRESCRIBED CONDITIONS, REVISES USE NAMES, UPDATES GRAPHICS, AND MAKES CHANGES AND ADDITIONS TO STANDARDS. THERE ARE PROPOSED CHANGES IN 29 OF THE 39 ARTICLES.

The Zoning Committee voted 6-0 (motion by Neeley, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan based on the information from the post-hearing staff analysis and the public hearing, and because: The petition could facilitate the goals of the 2040 Comprehensive Plan. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions. The proposed text amendment will make the UDO a more user-friendly ordinance and result in better functionality.

Mayor Lyles said Mr. Pettine, I thought earlier today we talked about there's a partnership in this effort with something that the Council has already adopted in terms of the conservation as well as watershed. Is there any comment that we would like to be aware of for the [inaudible].

David Pettine, Planning, Design & Development said that'll be related the public hearing item we have further for another Text Amendment. This is basically a clean-up Text Amendment that's coming for this decision.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 181-182.

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ITEM NO. 15: ORDINANCE NO. 820-Z, PETITION NO. 2022-121 BY RK INVESTMENTS CHARLOTTE LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 53.07 ACRES LOCATED ON THE EAST SIDE OF ELM LANE AND WEST SIDE OF REA ROAD, SOUTH OF BEVINGTON PLACE FROM N1-A (NEIGHBORHOOD 1-A) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.

The Zoning Committee voted 5-1 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is a large parcel located between a Commercial place type and Neighborhood 1 place type. The project provides a transition of land use and building type between the single-family neighborhoods to the south and commercial area to the north. The site is within a quarter-mile walk of a commercial area to the north and the 62x bus route is located along Rea Rd. The petition installs a CATs bus waiting pad on the site's Rea Rd. frontage. The site is adjacent to the Four Mile Creek Greenway a significant multi-use path system in South Charlotte. The rezoning sites large size accommodates a mix of residential land uses and open space. The petition avoids development within the floodplain and sets aside the northern part of the site as open space and tree save area. The petition provides additional housing choices to the area. Given the sites proximity to the commercial node to the north, adjacency to Four Mile Creek Greenway and the public benefits the petitioner is providing by way of added pedestrian and bicycle connectivity along Rea Rd and Elm Ln and connection across Four Mile Creek to the greenway system some mix of dwelling types including multi-family development is appropriate. The petition has reduced the number of proposed dwelling units and capped the maximum number of single family attached dwellings per building to provide transition in building type and scale within the site. The petition is providing transportation improvements along Rea Rd., Elm Ln. and nearby intersections. The petition provides landscape commitments within and along the perimeter of the site and

screens parking areas from view of public streets and multi-use paths. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 to Neighborhood 2 place type for the site.

Motion was made by Councilmember Driggs, and seconded by Councilmember Anderson, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type. 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 a large parcel located between a Commercial place type and Neighborhood 1 place type. The project provides a transition of land use and building type between the single-family neighborhoods to the south and commercial area to the north. The site is within a quarter-mile walk of a commercial area to the north and the 62x bus route is located along Rea Rd. The petition installs a CATs bus waiting pad on the site's Rea Rd. frontage. The site is adjacent to the Four Mile Creek Greenway a significant multi-use path system in South Charlotte. The rezoning sites large size accommodates a mix of residential land uses and open space. The petition avoids development within the floodplain and sets aside the northern part of the site as open space and tree save area. The petition provides additional housing choices to the area. Given the sites proximity to the commercial node to the north, adjacency to Four Mile Creek Greenway and the public benefits the petitioner is providing by way of added pedestrian and bicycle connectivity along Rea Rd and Elm Ln and connection across Four Mile Creek to the greenway system some mix of dwelling types including multi-family development is appropriate. The petition has reduced the number of proposed dwelling units and capped the maximum number of single family attached dwellings per building to provide transition in building type and scale within the site. The petition is providing transportation improvements along Rea Rd., Elm Ln. and nearby intersections. The petition provides landscape commitments within and along the perimeter of the site and screens parking areas from view of public streets and multi-use paths. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 to Neighborhood 2 place type for the site.

Councilmember Driggs said I think everybody knows this one has been a year and a half in the making. It's hard not to know about it. Very high profile. A lot of discord frankly. In the end, we didn't arrive at a resolution that involved cutting the number of units initially proposed by half, preserving the benefits of the original petition in terms of tree save which is now up to 32 percent, all the traffic improvements that were approved for 1,100 units are going to stay in place for the 556 currently there. The pond will remain. There will be green barriers on both major roads. So, I think this is a good result. I'm sure there are still people who aren't completely satisfied partly because a lot of people would love to have seen this preserved as a beautiful patch of unspoiled nature in the middle of all of the development, but that's not really a choice we had. We had to decide whether to go with the final version of this petition or with by-right development which would not have offered those advantages. So, I sent to you, colleagues, and to the public at large, a more detailed description of the features of the final outcome and what the comparison with by-right would look like. I think it's a pretty open and shut case. So, I hope you will join me in supporting it. I did want to say a thank you to a number of people on this. I'd like to single out Tom [inaudible] a resident who kind of spearheaded the effort on behalf of all residents to improve the terms of the petition and he convened a Steering Committee early on. There were about 12 or 15 members at that from HOA (Homeowner Association) Boards. Also convened a meeting of about 60 HOA Board Members to look at the final proposal and consider whether it was preferable to the by-right development. There was a vote of 36 to seven among those who voted in favor of proceeding. City staff put in an exceptional effort here. Dave thank you, and others who came down to several meetings in order to provide the City perspective on traffic issues and other questions that residents had and I think

supported the conclusion that the outcome we have would be better than by-right. The petitioner did acknowledge and finally accede to a lot of the demands or the concerns of residents. I want to especially shout out to Tom [inaudible] who came and helped to get the entire conversation on to a good track. John Carmichael and Matt [inaudible] who represented the petitioner and did their best to be intermediaries there. So, finally the residents. I think that all of that energy that came out against the initial proposal did have the effect of making it possible to achieve the improvements that we have. So, with that colleagues, I'd like to recommend this for approval.

Councilmember Ajmera said first let me just thank the District Rep. I remember when we had this rezoning petition many months ago and how it started out with 1,100 units, now we are down to 566. Certainly, that shows tremendous work that's gone into this. HOA leaders, I had an opportunity to meet with Kim Hobbs and her group along with Tom who was representing the petitioner. Certainly, I struggled with this one in the beginning, but I'm very happy with the outcome in terms of the tree save, the density, traffic improvements. So, I think this is really a good example of collaboration and hope to see much more of that. So, I'll be in support. Thank you.

Councilmember Anderson said I just want to say a thank you to the community. I was invited out to Mr. Driggs' district to meet with several community members and talk through their perspectives and their challenges. I heard them loud and clear, and I just want to also just thank Mr. Driggs. He's been working on this for a very long time, we all have. If we haven't had a pressing stressful petition, we all will as District Reps and this is just one of Mr. Driggs'. I think he handled it with class listening to both sides of the perspective and trying to fight for the best outcome of his district. So, I will be supporting Mr. Driggs and supporting this petition this evening. Thank you, Madam Mayor.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 183-184.

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ITEM NO. 16: ORDINANCE NO. 821-Z, PETITION NO. 2023-033 BY CRD ELIZABETH AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.63 ACRES LOCATED ALONG THE NORTHEAST SIDE OF EAST 7TH STREET, SOUTH OF LAMAR AVENUE, AND NORTH OF CLEMENT AVENUE FROM CG (GENERAL COMMERCIAL) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL).

The Zoning Committee voted 5-1 (motion by Sealey, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 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 Elizabeth community is defined by low to mid-rise development along pedestrian corridors that seamlessly transition to surrounding single family neighborhoods with a unique and established character. This site is directly among a flourishing mix of uses in structures that prioritize sensitivity to abutting homes and often inhabit single family homes themselves. This swath of the corridor was designated as the Neighborhood Activity Center (NAC) Place Type to reflect its role as an existing hub for neighborhood services and needs. This Place Type is intended to facilitate middle density mixed-uses that consciously integrate into the surrounding residential areas. The 2040 Policy Map was adopted in 2022 as Planning staff worked to complete the complimentary Unified Development Ordinance (UDO), which was adopted in June of 2023 and replaced our City's legacy zoning ordinance, under which this rezoning request was submitted. The proposed conditional MUDD zoning district does not exist in the UDO. As the UDO's complimentary policy document, the 2040 Policy Map prescribes place types across all City and ETJ properties and outlines desired land uses, building forms, character,

mobility, and more for each place type. These place types are broader than the more distinct and specific zoning districts in the UDO, but each place type has a clear set of compatible and consistent UDO zoning districts. Petitions such as these which request legacy districts are assessed on a case-by-case basis to determine what elements may be considered consistent with the prescribed place type. Because the legacy zoning districts were not intended to match the place types outlined in current policy, legacy district petitions, especially with nuanced contextual factors, are almost always neither fully inconsistent nor consistent with the prescribed place types. Sequentially, many variables of this proposal have been weighed to determine consistency with the NAC Place Type including the proposed land uses, building form, mobility, buffers, etc. The NAC Place Type supports low to mid-rise building forms, and the complimentary Neighborhood Center zoning district allows for building heights to exceed 65 feet, up to 80 feet, with the application of bonus menu provisions. The petitioner has committed to provide a contribution to the Housing Trust Fund that aligns with what bonus menu provisions are required to allow for building heights above 65 feet in the NC zoning district. This contribution, which will support affordable housing in Charlotte, speaks to the intent of the NAC Place Type although a portion of the proposed structure would exceed 65 feet when located within 200 feet of property lines designated as Neighborhood 1 Place Type on the 2040 Policy Map. The proposal specifies a height plane transition across the site so that the portions of the building within 80 feet of the rear property line do not exceed 45 feet. This height transition is similar to what would be prescribed in the NC zoning district when abutting single family areas, which prohibits building heights above 50 feet when located within 100 feet of Neighborhood 1 property lines. Although densification is expected along this corridor, new developments must be cognizant of the fabric of the Elizabeth community and operate as transitional spaces between the single-family residential areas and the intensifying focal point of goods and services along East 7th Street. The uses allowed in the proposal are consistent with the NAC Place Type, and although not all portions of the plan align exactly to how a similar development would look in the NC zoning district, the petitioner has added several conditions to the plan to show an effort to meet the NAC Place Type vision. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 4: Trail & Transit Oriented Development.

Motion was made by Councilmember Anderson, and seconded by Councilmember Bokhari, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 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 Elizabeth community is defined by low to mid-rise development along pedestrian corridors that seamlessly transition to surrounding single family neighborhoods with a unique and established character. This site is directly among a flourishing mix of uses in structures that prioritize sensitivity to abutting homes and often inhabit single family homes themselves. This swath of the corridor was designated as the Neighborhood Activity Center (NAC) Place Type to reflect its role as an existing hub for neighborhood services and needs. This Place Type is intended to facilitate middle density mixed-uses that consciously integrate into the surrounding residential areas. The 2040 Policy Map was adopted in 2022 as Planning staff worked to complete the complimentary Unified Development Ordinance (UDO), which was adopted in June of 2023 and replaced our City's legacy zoning ordinance, under which this rezoning request was submitted. The proposed conditional MUDD zoning district does not exist in the UDO. As the UDO's complimentary policy document, the 2040 Policy Map prescribes place types across all City and ETJ properties and outlines desired land uses, building forms, character, mobility, and more for each place type. These place types are broader than the more distinct and specific zoning districts in the UDO, but each place type has a clear set of compatible and consistent UDO zoning districts. Petitions such as these which request legacy districts are assessed on a case-by-case basis to determine what elements may be considered consistent with the prescribed place type. Because the legacy zoning districts are assessed on a case-by-case basis to determine what elements may be considered

consistent with the prescribed place type. Because the legacy zoning districts were not intended to match the place types outlined in current policy, legacy district petitions, especially with nuanced contextual factors, are almost always neither fully inconsistent nor consistent with the prescribed place types. Sequentially, many variables of this proposal have been weighed to determine consistency with the NAC Place Type including the proposed land uses, building form, mobility, buffers, etc. The NAC Place Type supports low to mid-rise building forms, and the complimentary Neighborhood Center zoning district allows for building heights to exceed 65 feet, up to 80 feet, with the application of bonus menu provisions. The petitioner has committed to provide a contribution to the Housing Trust Fund that aligns with what bonus menu provisions are required to allow for building heights above 65 feet in the NC zoning district. This contribution, which will support affordable housing in Charlotte, speaks to the intent of the NAC Place Type although a portion of the proposed structure would exceed 65 feet when located within 200 feet of property lines designated as Neighborhood 1 Place Type on the 2040 Policy Map. The proposal specifies a height plane transition across the site so that the portions of the building within 80 feet of the rear property line do not exceed 45 feet. This height transition is similar to what would be prescribed in the NC zoning district when abutting single family areas, which prohibits building heights above 50 feet when located within 100 feet of Neighborhood 1 property lines. Although densification is expected along this corridor, new developments must be cognizant of the fabric of the Elizabeth community and operate as transitional spaces between the single family residential areas and the intensifying focal point of goods and services along East 7th Street. The uses allowed in the proposal are consistent with the NAC Place Type, and although not all portions of the plan align exactly to how a similar development would look in the NC zoning district, the petitioner has added several conditions to the plan to show an effort to meet the NAC Place Type vision. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 4: Trail & Transit Oriented Development.

Councilmember Ajmera said well, this one has been a difficult one. The reason this one has been a difficult one is the Elizabeth Community Association has been divided. This was the hearing last month and since then staff if supporting it. Certainly, there has been more progress that has been done on this rezoning petition. I did hear and talk to some folks that are in opposition. I've also talked to some neighbors that are in support of it, that are very passionate. I did read the former Mayor Clodfelter's six-page document that you sent as to why we should not support this. You know, I certainly have great respect for those that sent very passionate emails, not just the cookie cutter approach, "You shouldn't do this," or, "You should do this," and I hear both sides. I hear the side where we need to create more housing closer to public transportation. I also hear the side where we need to preserve the neighborhood's character. I also heard from staff, especially our passionate David Pettine and his team as to why they were not in support and why they are in support of it now. After hearing all of that as well as the District Reps, I'm having to make a tough decision, and I hate to be in this place because either way I make a decision I'm going to make certain folks unhappy about my decision, but I guess that's what I signed up for. After looking at everything and the progress that's been made, I'm going to support this rezoning petition, and I just would like to thank the staff because of the work that they have done, I think we have been able to make meaningful progress in the past couple of weeks. For those who are in opposition, I think Elizabeth, I think you all should be very proud to live in Elizabeth Community. The community, the neighborhood, is just so passionate where they come out. People are engaged. They have read through our 600 pages of UDO document. They know in and out about the 2040 Plan and I mean every single email that I have gotten, the majority, I feel like they have done the research. So, I commend you all for reaching out. I mean, I'm having to make a tough decision. I see you all who are in opposition. In fact, you all know I took your side the last time because I wasn't convinced, but I'm having to make a tough decision today. So, to my friends that are in opposition, it's very difficult for me to say no to you, especially Mr. Clodfelter because you being an attorney, I think you make a very strong case in opposition, but certainly I think I had to look at all the aspects, especially the one where we need such a strong housing supply to address our housing needs. So, thank you.

Councilmember Mayfield said so, I have shared on more than one occasion that I feel like as we're working on our living document called the UDO, and identifying new language. In the meantime, we're seeing a lot of development that for me feels very contradictory to the language and to the commitment that Council, current and previous Councils, have made in regards to neighborhood continuity staying in place, creating diversity, supporting current community. I will not be supporting this tonight. I have concerns with the height, I have concerns with this development. For me, it is not a benefit or a community good. This is just my personal opinion with a fee in lieu when we're getting multi-family developments. Those developments have the opportunity to create diversity in it. We are already seeing some cities across the nation that are having major challenges with a number of multi-family developments that have been approved that are sitting vacant. The impact that it's having on the City, seeing a mass exodus of our workforce that cannot afford to move into a lot of these market rate developments gives me concern. For this particular one, in combination of what multi-family is doing in our community, the parking plan for the height is some major concern. It's great to say, "What if," when we get an additional line out to that area. That could be 20 years down the line. Something miraculous could happen and it could be 10 years down the line, but the challenge and reality is it's not today. So, moving forward I'm quite sure there's enough support around the dais for it to move forward, but for me this particular project aligns with others that I feel have opened the door that have created major neighborhood transition, where the residents who have been in this community for decades and/or generations are not going to benefit from this. Thank you.

Councilmember Johnson said I too was one of the individuals or Council members that was opposed to it last month primarily because staff was opposed to it and also because of the height and the changing the complexion or the trajectory or setting a precedent in the neighborhood. I've spoken with Mr. Pettine, and I wanted to know if you could share what we discussed earlier as far as the building height and your reason for supporting now?

David Pettine, Planning, Design & Development said sure. So, one of the things we had some concerns on, I know last month we talked a little bit about height along that Corridor and the request that was in for the 78 feet. When we look long term at the Corridor, it's recommended for a Neighborhood Center Place Type which gets recommended heights anywhere from 65 feet at the base up to 80 feet and that 80 feet is achieved through different type of potential public benefit options like inclusion or contribution for affordable housing efforts, inclusion of minority businesses for construction, extra open space. There's quite a host of things that folks that can do to get beyond that 65 feet, up to 80. So, as we think about that Corridor we had some more time with the petition, a lot more internal conversation on it after the decision was deferred last month, and we look at the long term outcomes that are potential in that Corridor, we could start to see buildings that get to 65 and up to that 80 feet under that Neighborhood Center, particularly if we are going through an alignment rezoning in a couple of years for that. That will align that Corridor to that zoning district that does achieve those heights. So, looking at it from the standpoint of saying 65 feet and now they're requesting that 78 and they're providing that 78 through an equivalent type of public benefit with a contribution to affordable housing, that aligns it a little bit better with the UDO goals or the UDO standards and the Comp Plan goals and that's really the challenge with these legacy district petitions, trying to kind of plug them in to a new set of guidelines and rules, and we feel like with those latest conversations and those latest changes, that did bring it a little bit closer aligned with the goals and outcomes of the Corridor there and the Comprehensive Plan. So, that's where staff looked at this with a little bit different lens this month.

Ms. Johnson said so, the petitioner is contributing affordable housing?

Mr. Pettine said that's correct, yes.

Ms. Johnson said okay. Do you want to share what they're doing?

Mr. Pettine said it is a monetary contribution to the Housing Trust Fund. I believe the amount is \$132,439.50.

Ms. Johnson said okay. I'd like to thank you and I think this is a great example of what happens when the petitioners work with staff and work to make these concessions, how the Council is listening to the community. I think this is a great demonstration. So, I will be supporting it also because of those concessions and because of the contribution to affordable housing and the staff support. Thank you.

Councilmember Anderson said this is another one that has been a contentious petition and also one that has had very long community engagement. I have worked with the community on both sides for it and against it. I've listened to all sides, I've gone out and walked the site and talked to neighbors and walked their driveways and sat in their kitchen tables and listened to the different perspectives. First and foremost, I just want to say thank you to the Elizabeth community. There's so much engagement there. The ECA (Elizabeth Community Association) is one of my best neighborhood associations. You all should just be incredibly proud of the talent and the depth and knowledge that you have in your neighborhood. I too, of course, read former Mayor Clodfelter's six-page email as well as well as the other emails. We received a deluge of emails this time around on both sides and very detailed information, varied perspective. I heard from Elizabethans that have owned their home for 35, 40 years and then I've heard from new Elizabethans who have lived in the neighborhood for two to three years. All on the affirmative side, many on the opposing side, but what we have before us is an opportunity to bring an incredible building that is architecturally and materially aesthetic and unique and different and will fit right in with the Elizabeth neighborhood along that Corridor versus the by-right option. The developer has listened, and he's continued. I give him credit for being at the table, continuing to incorporate, continuing to work on the best outcome for the neighborhood. So, we have a reduction in units, we have an increase in parking ratio, we have subterranean parking that will preclude erosion of neighborhood parking deeper into the neighborhood. For the building height, the aspect of the building that it directly abuts single family is maxed out at 45 feet. So, the mass height is at the street level that's not directly abutting single family, in addition to thinking about affordable housing. So, the intentionality around this work and this effort over the last year has been great. I hear, as was mentioned earlier, it's always difficult on these decisions to make a decision, but you always have to keep the best outcome for the community in mind, and I think we've come to a point with the developer where this is the best outcome for the neighborhood. So, thank you for your feedback, thank you for your engagement. You all are going to continue to have difficult petitions in Elizabeth because growth in the City is proximate to where Elizabeth is, but you have an incredible neighborhood and I think this building will add to the character and aesthetic of an incredible neighborhood. So, I will be supporting this petition this evening as well Madam Mayor.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 185-186.

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ITEM NO. 17: ORDINANCE NO. 822-Z, PETITION NO. 2024-031 BY PANTHERS STADIUM, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.04 ACRES LOCATED ON THE EAST SIDE OF SOUTH CEDAR STREET, WEST OF 4TH STREET, AND NORTH OF MINT STREET FROM MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL) CAC-2 (COMMUNITY ACTIVITY CENTER - 2), AND N2-C (NEIGHBORHOOD 2 - C) TO UE(EX) (UPTOWN EDGE, EXCEPTION).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be 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) calls for Regional 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: Sporting facilities and entertainment developments more broadly prompt unique zoning scenarios that may challenge typical regulations, requiring innovative solutions to contend with ordinance standards. EX petitions are a type of conditional rezoning that allow for flexibility in quantitative zoning and streetscape standards in exchange for the commitment to public benefits in at least two out of three categories: city improvements, public amenities, and sustainability measures. EX petitions should be reserved for situations where extenuating circumstances make meeting ordinance standards an undue burden. Although this proposal for the redevelopment of the existing Panthers' Practice Facilities may warrant the application of an EX rezoning, the appropriate public benefits to adequately justify the numerous requests from ordinance regulations need to be specified in greater detail. The nature of practice facilities mean that atypical building and site design standards may be necessary to accommodate the uses. This proposal requests a number of EX provisions related to modifying standards including variables such as transparency requirements and blank wall areas. Many of these requests are quantifiable in nature and are applicable under the EX guidelines. This site would serve to provide complimentary uses to the Panthers Stadium. The rezoning site may be assessed in tandem with the stadium property for some standards because it is a unified development. The associated uses of a practice facility including sporting events, festivals, and commercial operations are in alignment with the adopted Regional Activity Center Place Type. The existing N2-C zoning on the portion of the site that is Development Area B is not reflective of existing uses or the adopted Place Type. The proposed Uptown Edge zoning district better suits the Regional Activity Center Place Type. This site is located directly along the proposed LYNX Silver Line and the petitioner notes that they will continue to collaborate with CATS regarding future rail right-of-way. Redevelopment of areas along what will be a major transit corridor will help to directly support the transit infrastructure while also providing a mechanism for the public to easily access a site that is in the densest part of the City. The area that comprises Development Area B is currently underutilized as a vacant lot. Given the situational context of the parcel, the development of Uptown Edge uses on the site would be a preferred outcome over the existing condition. The proposal is mindful of the adjacent residential areas on the northwest side of South Cedar Street and provides specific conditions that prioritize sensitivity to those neighbors related to signage orientation, maximum building height, and use limitations for Development Area A. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development.

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. Edited the language regarding public art features as an EX benefit in collaboration with the Urban Design Center.
2. Modified the proposed improvements to the pedestrian path to specify that the path will be 17-foot wide along the rezoning boundary to accommodate the Uptown Cycle Link project. The path will be 12-foot wide along the majority of The Clutch frontage, and it reduces to 10-foot where adjacent to South Cedar Street due to existing footprint constraints. The South Cedar Street crosswalk will be realigned/restriped. Clarified that the pedestrian path will not have stairs except those that exist alongside an ADA compliant sidewalk near Graham Street. The pedestrian path will be installed no later than May 31, 2025.

3. Added to the existing EX provisions for the build-to-zone, build-to-percentage, and established setback notes in the case that the pedestrian path is considered a frontage.

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

Motion was made by Councilmember Graham, and seconded by Councilmember Anderson, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Regional Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Sporting facilities and entertainment developments more broadly prompt unique zoning scenarios that may challenge typical regulations, requiring innovative solutions to contend with ordinance standards. EX petitions are a type of conditional rezoning that allow for flexibility in quantitative zoning and streetscape standards in exchange for the commitment to public benefits in at least two out of three categories: city improvements, public amenities, and sustainability measures. EX petitions should be reserved for situations where extenuating circumstances make meeting ordinance standards an undue burden. Although this proposal for the redevelopment of the existing Panthers' Practice Facilities may warrant the application of an EX rezoning, the appropriate public benefits to adequately justify the numerous requests from ordinance regulations need to be specified in greater detail. The nature of practice facilities mean that atypical building and site design standards may be necessary to accommodate the uses. This proposal requests a number of EX provisions related to modifying standards including variables such as transparency requirements and blank wall areas. Many of these requests are quantifiable in nature and are applicable under the EX guidelines. This site would serve to provide complimentary uses to the Panthers Stadium. The rezoning site may be assessed in tandem with the stadium property for some standards because it is a unified development. The associated uses of a practice facility including sporting events, festivals, and commercial operations are in alignment with the adopted Regional Activity Center Place Type. The existing N2-C zoning on the portion of the site that is Development Area B is not reflective of existing uses or the adopted Place Type. The proposed Uptown Edge zoning district better suits the Regional Activity Center Place Type. This site is located directly along the proposed LYNX Silver Line and the petitioner notes that they will continue to collaborate with CATS regarding future rail right-of-way. Redevelopment of areas along what will be a major transit corridor will help to directly support the transit infrastructure while also providing a mechanism for the public to easily access a site that is in the densest part of the City. The area that comprises Development Area B is currently underutilized as a vacant lot. Given the situational context of the parcel, the development of Uptown Edge uses on the site would be a preferred outcome over the existing condition. The proposal is mindful of the adjacent residential areas on the northwest side of South Cedar Street and provides specific conditions that prioritize sensitivity to those neighbors related to signage orientation, maximum building height, and use limitations for Development Area A. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, as modified.

Councilmember Graham said thank you Madam Mayor and members of Council. Just want to reintroduce the Panthers Stadium, LLC to the Council. Won't be long, but I think it's worthy of public disclosure of what we're doing. First, I would love to thank the Third Ward Neighborhood Association as well as the surrounding communities for really working in conjunction with me and Panthers Stadium, LLC. I want to thank former Councilmember Al Austin for being a conduit between Panthers Stadium, LLC, my City Council office and the Third Ward Neighborhood Association. His help was really, really

meaningful and insightful and many of the recommendations were endorsed by the Third Ward Neighborhood Association via Mr. Austin. So, I want to thank him for his work. I also want to thank Caroline Wright, Kristi Coleman, Jeff Brown and Tamera Green with Panthers, LLC. This really has been a collaboration and coordination to ensure that Uptown is just not where people go to a game or where people go to eat, but it's also where people live. We wanted to make sure that the impact of those who call Uptown home, specifically those who live in Third Ward were not negatively impacted by the rezoning. The petitioner went beyond the initial one community meeting and there was at least three community meetings with neighborhood associations, two in person one virtually as well as a number of one on one meetings with a majority of those who wanted to meet with them. So, they were really accessible.

The petition itself provides for less intensity than other uses. So, it tries to control the intensity of the use. Vehicle traffic to the facility will be somewhat restricted from Cedar Street once the facility is open, which is something that the neighborhood wanted. The height of the building has been reduced from 95 feet to 70 feet which is something that we discussed with the neighborhood associations as well. In addition to continue this, the ability to assess Graham Street from the Cedar Street benefitting Third Ward, Wesley Heights and other communities have been added to the rezoning plan and detailed comments and enhanced pedestrian connection along the southern boundary of the rezoning. So, that's there. The greenway will not be closed. It never was intended to be closed and it may be even an ask for those who travel that path. So, that was something that I really wanted to emphasize to those who are watching at home.

In addition, again, we've added comments to the rezoning plan to replace the current privacy fence top along Cedar Street with an approved treatment consisting of composites, panel connections, metal trim connecting to brick veneer. So, they're going to enhance the appearance of the outside of the building facing Cedar Street which is something that Mr. Austin and others wanted to see and that's there. In addition to the requirements under the rezoning as it relates to tree preservation, replacement, beautification within 180 days of approval of the rezoning, the developer will establish with a local financial institution, a tree preservation, replacement, and beautification fund in the amount of \$60,000. They will work with the neighborhood association Third Ward community leadership by establishing a Third Ward Community Leadership Committee to work with them in reference to how those funds are to be dispersed. They will also retain a tree health arborist to engage the Cedar Street site frontage in addition to the requirements of the rezoning and tree beautification funds set aside. So, again they have taken into heart tree preservation, replacement, beautification with the fund, getting a tree health arborist to engage for Cedar Street site frontage. So, again those things are really taken into consideration. They will continue to work with CMPD (Charlotte Mecklenburg Police Department) regarding monitoring of parking within the Third Ward community. They will have community appreciation activity with the Third Ward Neighborhood Association. They will continue to work through the construction with Construction Management Corporation in terms of noise and ordinance and those types of requirements to ensure that they have [INAUDIBLE] efforts to inform the Third Ward community when things are impacting as it relates to construction with any of the activities. They will continue to work with Mecklenburg County Park and Recreation and contribute up to \$100,000 to the cost of such work for Mecklenburg County Park in connection with a potential for refurbishing of the walking trail track around Frazier Park field, etc. The field house used as a community asset and again, they will provide notice for the pedestrian connection.

This was really a great example of public-private partnership where the community and Panthers Stadium, LLC worked together to ensure that the residents of Third Ward and surrounding communities will be a part of the change and not victims of it. So, I feel real comfortable in asking the members of the Council to support the rezoning.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 187-188.

ITEM NO. 18: ORDINANCE NO. 823-Z, PETITION NO. 2023-112 BY FCA, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.03 ACRES LOCATED AT THE DEAD-END OF CHRISTIE LANE, NORTH OF DOUGLAS DRIVE, EAST OF STEELE CREEK ROAD FROM N1-A ANDO (NEIGHBORHOOD 1-A, AIRPORT NOISE DISCLOSURE OVERLAY) TO ML-2(CD) ANDO (MANUFACTURING AND LOGISTICS-2, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be 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 Manufacturing & Logistics 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 petition is consistent with the 2040 Policy Map recommendation for Manufacturing & Logistics place type and is surrounded primarily by other parcels both recommended for Manufacturing & Logistics place type and zoned ML-2. The site is less than one mile from Charlotte Douglas International Airport and is within the Airport Noise Disclosure Overlay, making it less attractive for development under the current zoning of N1-A ANDO. A conditional note prohibits access to the site from Christie Lane for manufacturing and logistics uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Mitchell, seconded by Councilmember Anderson, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Manufacturing & Logistics place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for Manufacturing & Logistics place type and is surrounded primarily by other parcels both recommended for Manufacturing & Logistics place type and zoned ML-2. The site is less than one mile from Charlotte Douglas International Airport and is within the Airport Noise Disclosure Overlay, making it less attractive for development under the current zoning of N1-A ANDO. A conditional note prohibits access to the site from Christie Lane for manufacturing and logistics uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 189-190.

ITEM NO. 19: ORDINANCE NO. 824-Z, PETITION NO. 2023-172 BY BVB PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.78 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF MT. HOLLY-HUNTERVILLE ROAD AND LAWING SCHOOL ROAD, WEST OF BELLHAVEN BOULEVARD FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent 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: This proposed rezoning is reasonable and in the public interest as the site is within an area designated by the 2040 Policy Map for the Commercial Place Type. The site is currently zoned B-1(CD) (neighborhood commercial, conditional) and is entitled to develop with neighborhood retail uses and is directly abutting parcel zoned CG (general commercial). Drive-through establishment uses are permitted under prescribed conditions, in the CG district. The proposed site plan and conditional notes meet the prescribed conditions and further limit the allowed uses while providing design standards above and beyond those laid out in the Unified Development Ordinance to better mitigate the impacts of the proposed uses on adjacent properties. The site is abutting a 4+ lane avenue and is a short drive from a 6+ lane boulevard with access to I-485. The Commercial Place Type calls for standalone retail and restaurant uses located on high-volume arterial streets and near interstate interchanges and is intended, generally, for auto-oriented developments while also accommodating other travel modes. The site plan proposes streetscape and pedestrian access improvements such as a 12-foot multi-use path along Mt. Holly-Huntersville Road and installing an ADA compliant bus stop along the site's frontage. The site is located along the route of the CATS number 18 local bus providing transit access between the Rosa Parks Community Transit Center and the Callabridge Commons Walmart. As well as being a short walk from a stop on the 88x express bus providing commuter access to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Graham, and seconded by Councilmember Anderson, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Commercial Place Type. Therefore, we find this petition to be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because: This proposed rezoning is reasonable and in the public interest as the site is within an area designated by the 2040 Policy Map for the Commercial Place Type. The site is currently zoned B-1(CD) (neighborhood commercial, conditional) and is entitled to develop with neighborhood retail uses and is directly abutting parcel zoned CG (general commercial). Drive-through establishment uses are permitted under prescribed conditions, in the CG district. The proposed site plan and conditional notes meet the prescribed conditions and further limit the allowed uses while providing design standards above and beyond those laid out in the Unified Development Ordinance to better mitigate the impacts of the proposed uses on adjacent properties. The site is abutting a 4+ lane avenue and is a short drive from a 6+ lane boulevard with access to I-485. The Commercial Place Type calls for standalone retail and restaurant uses located on high-volume arterial streets and near interstate interchanges and is intended, generally, for auto-oriented developments while also accommodating other travel modes. The site plan proposes streetscape and pedestrian access improvements such as a 12-foot multi-use path along Mt. Holly-Huntersville Road and installing an ADA compliant bus stop along the site's frontage. The site is located along the route of the CATS number 18 local bus providing transit access between the Rosa Parks Community Transit Center and the Callabridge Commons Walmart. As well as being a short walk from a stop on the 88x express bus providing commuter access to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

Councilmember Mayfield said I've already reached out to the petitioner's representative on this as I believe the only Council member that actually lives over in this area and that will be impacted by this particular development as growth happens. Mount Holly Huntersville Road is a two-lane road. This particular location is right on the corner where there's a turn lane. I do appreciate that unfortunately previously what this plot of land was zoned for was a gas station. There's already a gas station on the corner. I appreciate, even though we don't know exactly what that they are interested in

having a drive through at this location. I've reached out to Mr. Pettine and to staff to find out if we can consider some other infrastructure changes because the entrance to this particular facility, even though it's noted on the map that it will be a side road, it is extremely difficult for those who are trying to enter or exit out. You pretty much need to make a right turn during morning traffic, afternoon traffic and evening traffic. For those that are attempting to make a left turn, the reality is if you're driving straight up Mount Holly Huntersville Road, you're going to go past Lawing School Road. That's a very difficult road to access when you're sitting in traffic. The concern that I have is the fact that again this is a two-lane road with a very short right turn lane that will most likely be utilized to access. I will again state that although what this plot previously was zoned for is a gas station. I am glad that the petitioner has an interest in the investment that they made, both here and Riverbend. For those that have been out to Riverbend, that is a beautiful site. It's also a little different because the road widens a little bit more down there. So, I'm quite sure my colleagues have already moved to approve and second that's in motion. I did just want to have it in the record that I'm hoping as we move forward the petitioners can take into consideration a greater setback to try to accommodate what could happen with how the egress and regress of actually getting access to this site, how that is going to work because what is noted in the picture basically is if you were actually looking at it on page four, that entryway is right in front of another restaurant. So, if you're turning in, if they actually happen to have a busy night at that particular restaurant, individuals trying to access into this facility off of Mount Holly Huntersville versus Lawing, it could cause some challenges. So, I would like for them to consider with staff, C-DOT (Charlotte Department of Transportation) some better options for transportation. Thank you.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 191-192.

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ITEM NO. 20: ORDINANCE NO. 825-Z, PETITION NO. 2023-173 BY JOSAIH BOLING AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.06 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF COMMERCIAL AVENUE AND EASTWAY DRIVE, NORTH OF EAST SUGAR CREEK ROAD FROM OFC (OFFICE FLEX CAMPUS) AND ML-1 (MANUFACTURING AND LOGISTICS - 1) TO IMU (INNOVATION MIXED USE).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Innovation Mixed-Use for the western portion of the site; and The 2040 Policy Map (2022) calls for Neighborhood 2 for the eastern portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Located between The Plaza and Eastway Drive corridors, Commercial Avenue hosts various industrial, commercial and institutional uses, some of which service nearby residents in the Neighborhood 1 areas that comprise much of this area. The innovation mixed-use zoning district is compatible with the adjacent uses and zoning, almost all of which is ML-1. The innovation mixed-use zoning district is intended for areas such as these which are situated against former or transitioning industrial areas that may also abut neighborhoods or activity centers with a mix of office, commercial, and residential uses. The application of the IMU zoning district would provide a better transition between the industrial development along Commercial Avenue and the largely residential uses to the north and east. The proposal would bring the site into consistency with the portion of the 2040 Policy Map (2022) that calls for the Innovation Mixed-Use Place Type for half of the rezoning site as well as the vast majority of the parcels along Commercial Avenue. The portion of the site designated as Neighborhood 2 on the 2040 Policy Map is not reflective of the existing zoning or uses.

Bringing the site in its entirety under one Place Type would be more appropriate than reserving the corner parcel along Eastway Drive as Neighborhood 2 when it is not adjacent to any other parcels under the same Place Type or multi-family residential uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map from Neighborhood 2 for a portion of the site to Innovation Mixed-Use.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 193-194.

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ITEM NO. 21: ORDINANCE NO. 826-Z, PETITION NO. 2024-003 BY ATAPCO PROPERTIES, INC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 16.91 ACRES LOCATED ON THE WEST SIDE OF OLD STATESVILLE ROAD AND NORTH AND SOUTH SIDE OF RATCLIFF LANE, SOUTH OF WEST W.T. HARRIS BOULEVARD FROM CG (GENERAL COMMERCIAL) AND MHP (MANUFACTURED HOME PARK) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent 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 appropriate and compatible with the surrounding uses and context of the area as it increases the variety of housing types in the area. Buildings along the northern property boundary, adjacent to Neighborhood 1 Place Types, are limited to triplexes and the proposed buildings along Old Statesville Road are quadraplexes which smooth the transition between the proposed development and the adjacent Neighborhood 1 Place Type. The site is located within one mile of many Manufacturing & Logistics facilities providing a short commute to employment opportunities. The plan commits to providing an eight-foot sidewalk along Old Statesville Road as part of a Mecklenburg County Park and Recreation urban trail and proposes an upgraded CATS bus waiting pad which provides the beginnings of a multi-modal transportation network. The site is located along the proposed Lynx Red Line commuter rail and is within three-quarters of a mile of the proposed Harris Station. The site is located along the route of the CATS number 21 local bus route providing transit access to the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Graham, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible with the surrounding uses and context of the area as it increases the variety of housing types in the area. Buildings along the northern property boundary, adjacent to Neighborhood 1 Place Types, are limited to triplexes and the proposed buildings along Old Statesville Road are quadraplexes which smooth the transition between the proposed development and the adjacent Neighborhood 1 Place Type. The site is located within one mile of many Manufacturing & Logistics facilities providing a short commute to employment opportunities. The plan commits to providing an eight-foot sidewalk along Old Statesville Road as part of a Mecklenburg County Park and Recreation urban trail and proposes an upgraded CATS bus waiting pad which provides the beginnings of a multi-modal

transportation network. The site is located along the proposed Lynx Red Line commuter rail and is within three-quarters of a mile of the proposed Harris Station. The site is located along the route of the CATS number 21 local bus route providing transit access to the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Anderson, seconded by Councilmember Brown, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Innovation Mixed-Use for the western portion of the site; and The 2040 Policy Map (2022) calls for Neighborhood 2 for the eastern portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Located between The Plaza and Eastway Drive corridors, Commercial Avenue hosts various industrial, commercial and institutional uses, some of which service nearby residents in the Neighborhood 1 areas that comprise much of this area. The innovation mixed-use zoning district is compatible with the adjacent uses and zoning, almost all of which is ML-1. The innovation mixed-use zoning district is intended for areas such as these which are situated against former or transitioning industrial areas that may also abut neighborhoods or activity centers with a mix of office, commercial, and residential uses. The application of the IMU zoning district would provide a better transition between the industrial development along Commercial Avenue and the largely residential uses to the north and east. The proposal would bring the site into consistency with the portion of the 2040 Policy Map (2022) that calls for the Innovation Mixed-Use Place Type for half of the rezoning site as well as the vast majority of the parcels along Commercial Avenue. The portion of the site designated as Neighborhood 2 on the 2040 Policy Map is not reflective of the existing zoning or uses. Bringing the site in its entirety under one Place Type would be more appropriate than reserving the corner parcel along Eastway Drive as Neighborhood 2 when it is not adjacent to any other parcels under the same Place Type or multi-family residential uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map from Neighborhood 2 for a portion of the site to Innovation Mixed-Use.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 195-196.

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HEARINGS

ITEM NO. 23: HEARING ON PETITION NO. 2024-067 BY CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT - TEXT AMENDMENT TO THE UDO TO PROVIDE A NEW COMPACT RESIDENTIAL DEVELOPMENT OPTION IN SECTION 4.5 FOR CERTAIN NEIGHBORHOOD 1 ZONING DISTRICTS. THIS OPTION WILL ALLOW SMALLER LOT SIZES AND SETBACKS AND WILL REQUIRE MORE USABLE COMMON OPEN SPACE. THERE ARE PROPOSED CHANGES IN THREE OF THE 39 UDO ARTICLES.

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said so, this petition 2024-067, as mentioned, is a Text Amendment. We've talked a lot about residential development with y'all over the last several months, particularly with the need for development taking on different lotting patterns, different types of development patterns that we've seen recently in context that we've not seen historically in our previous ordinances and even when we've in some ways envisioned how the UDO would be set up. So, last meeting and just earlier this evening we talked about some text measures, we talked about conservation development. That was something we modified through a Text Amendment not too many meetings ago. So, when we talked about conservation, we talked a lot about trying to put something in place that could help to create some outcomes that were similar but some outcomes that were a little bit more favorable and more desirable from staff's perspective given the trend that we saw under the conservation types of outcomes. So, with that, we've got a compact residential development option that's being proposed through this Text Amendment. Again, that's a new development option that's needed. We're trying to be responsive to market trends as well as financing options for new subdivisions. That include things like smaller lots, smaller unit types, more attached buildings and this would primarily be found in the base Neighborhood 1 zoning districts. Those standards reflect the lot patterns of existing neighborhoods. So, we've gotten asked that question quite a bit. Why not just take the standards of all the N1 districts and change those? Well we don't want to necessarily change all the existing lotting patterns of some of those neighborhoods that translated from the R3s and R4s to the N1-As and N1-Bs.

So, when we get into applicability, again this would be permitted in N1-A, B, C and D in those zoning districts and would on development that must be over two acres. Also, cannot be on properties that are in the recently published airport noise exposure map, the critical and protected water shed areas, and also no more than 25 percent of the lots in this development option would be allowed to have triplexes. That would be applicable just in N1-A and N1-B. Also, in N1-A and B developments of two acres or more, they could see those amounts of triplexes increase if they used the voluntary mixed income residential option. So, as we get into some of the development standards, this development option, again this is an option that is in place for folks to take advantage of if they see that their project could use it. Would reduce the setback standards for buildings, it would reduce minimum lot area and lot width, it would eliminate maximum building coverage standards. It would require a Class B landscaped yard around the entire perimeter of the project when they're adjacent to another Neighborhood 1 Place Type. That would be a 25-foot-wide landscape yard commonly referred to in the past as a buffer. Also requires all lots to front on a public street or a common open space and also limits the use of alleys as primary access for units. If you recall that was something that we were seeing and we had some concerns about, and conservation, this would limit that to some degree and get some more favorable outcomes. Again, common open space standards, a minimum of 10 percent of the project must be common open space, it must also meet 15 percent for a green area requirement. Common open space would have to be 50 feet in all dimensions at minimum and at least one common open space area should be accessible from all residential lots within 1,000 feet. Then common open space must be improved with landscaping, hardscape, or usable outdoor amenities.

So, those are the big changes that we put in place. Again, this is something that we have put in front of everyone here to somewhat kind of not take the place of conservation, but we know we made some changes to that. We heard some feedback that that was going to have some negative impacts on getting additional housing supply and also meeting some of the new market trends and demands that we're seeing in residential development. So, this compact option is something that we're putting forward that we feel provides some similar outcomes but in some ways that helps to avoid some of those things that we didn't like to see with overuse of alleys, which puts a pretty significant burden on homeowners for maintenance long term. Got some better open space requirements I think in this compact option as well. So, those are the things that we're putting in place to again not take the place of conservation because conservation still does exist on the books, but it's been changed fairly significantly. This is something that will be another option that folks could utilize to meet some of those market trends

and demands and continue to see some positive housing supply increases for us throughout the City.

Joseph Margolis, 6549 Quarterbridge Lane said thank you Council. Good to see you again. I promise I will not be taking the entire 10 minutes to make my points. I've been participating in work on the UAC (Unified Development Ordinance Advisory Committee) and I've been studying this issue. So, I'm opposed to this because one thing that I feel like comes from good intentions from this dais is that I see a tendency to want to use your power to create as much certainty for the good of us as your constituents as possible. That's what I believe each and every one of you and that's the point of view that each and every one of you is working from. As I've dove into this and learned more and more about it, we need more uncertainty in the marketplace and what I mean by that is we need less design requirements, things like that because this is going to lead to less affordable housing. For me, I live in a neighborhood that was built years ago, but it has alleyways. There're no City-maintained streets in my neighborhood. It's a condo community and it's a N2-B parcel, seven acres, has 104 condos on it. The result of this that there are three bedroom, two and a half bath condos that are selling for about \$200,000 to \$240,000 on this property. So, that's the missing middle housing. It's not great, it's not the prettiest housing in the world, but if you were to ask me living there what really makes me uncomfortable about living there, it's how cut off I am by the two [inaudible] that were built on top of my neighborhood, not some of the discomforts that I've traded off to live where I live. So, I feel like what would be better is if you had staff rewrite this Text Amendment to meet the conditions that were considered the loophole in the Text Amendment for the conservation to allow more of these properties to take place, if you needed to put other conditions on acreages to make sure that they happen in other places, I think that would be helpful. I don't know what it would be, but I just think that this is going to cost more to develop this, there's going to be less tax value per acre. So, that's going to be less money coming into the City's coffers. So, the City should be considering those sorts of things when they're making these type of decisions as well.

Another thing I'd like to see on a Text Amendment would be in as many places as opportune, eliminate parking requirements. There's very few parcels. I looked at the map, there's very few available opportunities where it might make sense, but if you were to eliminate parking requirements and someone wanted to do a compact development in Prosperity Village, they probably wouldn't be producing a very marketable product if they didn't put driveways on the properties because there's no buses from Prosperity Village to Uptown or anything like that. So, what I'm asking you to do is vote no on this and maybe dive in and get a little more wonky with the policy making and just see what things you can do because if you take away parking requirements, you can make housing more affordable just by giving a developer more developable land to build housing on. So, they have more units per acre, therefore the cost can be shared among the homeowners. So, you guys should just be really diving in to this and I highly recommend that you get into, if you haven't done it, start reading the Strong Towns book series and the podcasts because they really do dive into a lot of things that are really nonpartisan just market-based solutions that can help. Because just from what I'm hearing, I like the idea of having affordable housing opportunities, but when I talk to the developers about it, they're just not marketable for their products for them to consider them very often. So, you guys have to attack it from a market-based standpoint too. I hope you guys will encourage a strong business community of incremental developers to do these type of small bets when you get to the infill work, but while we don't have those, this is what we have to live with an you can get a [INAUDIBLE]. So, if you allow developers to have more concessions to build alleyways, you're going to get a cheaper product. If you allow for a Text Amendment that eliminates parking requirements, you're going to get a cheaper product for the residents and you're going to get more tax value for the City and the County. So, that's my reason why I think you should vote no. I don't think you should just scrap it, I just think you should go back to the drawing boards. So, thank you very much for your time.

Mayor Pro Tem Anderson said thank you Mr. Margolis. Mr. Pettine did you have anything else to add?

Mr. Pettine said unless there's a specific question, no. I'll just let his comment stand
Thank you.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2024-029 BY EMBREY DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 19.81 ACRES LOCATED ON THE SOUTH SIDE OF ALEXANDRIANA ROAD, EAST SIDE OF STATESVILLE ROAD, AND WEST OF TWIN LAKES PARKWAY, NORTH OF INTERSTATE 485 FROM OFC (OFFICE FLEX CAMPUS) TO IMU(CD) (INNOVATION MIXED USE, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said, yes 2024-029 is just under 20 acres. Statesville Road and Alexandriana Road. Really at the edge of the Charlotte boundary right before you get on the north side into Huntersville. The property is currently zoned to OFC and the proposed zoning is for IMU, Conditional, Innovative Mixed-Use. You can see we've got some OFC and industrial ML-1 and I-1(CD) zoning in the general area. The blue along Sam Roper is also OFC. The Adopted Place Type for this area, you can see Manufacturing and Logistics and Innovation Mixed-Use are the predominant two land use recommendations. Again, everything to the north is Huntersville. That's why you don't see any land use recommendations from the City on that side of the road. The proposal would allow up to 350 multi-family stacked dwelling units and provide access to the site via Twin Lakes Parkway. Would dedicate 50 feet of right-of-way along Alexandriana and Statesville Road and then 31 1/2 feet of right-of-way from the Twin Lakes Parkway centerline. Would also provide an eight-foot planting strip and 12-foot multi-use path along Alexandriana Road and Statesville Road. An eight-foot planting strip and eight foot sidewalk along Twin Lakes Parkway and also provides an eight foot sidewalk extension from the site along Alexandriana Road to North Lake Auto Plaza Boulevard. That would happen within the existing right-of-way if that right-of-way is available. Also provides a bus pad along Alexandriana Road and Statesville Road. As mentioned, staff does not recommend approval of the petition. It is in an area if we go back to our future land use slide or Adopted Place Type slide that we've identified primarily for Manufacturing and Logistics. We have had some recent industrial rezonings in that area, both to the parcel just south of this one along Twin Lakes and then on the other side of Twin Lakes Parkway as well as some additional expansion on the other side of Old Statesville Road for the Auto Plaza.

So, this is an area that staff did look at during the Comp Plan process and during Community Area Planning and identified it again as an area for Manufacturing and Logistics and rather than some residential outcomes. Innovation Mixed-Use is present as a Place Type there along North Lake Auto Plaza Boulevard and that is the requested zoning district this evening, but again the primary outcome is a residential only project which does give us some concern given the recommended Place Types and zoning districts along both Alexandriana and Twin Lakes Parkway in this general area. So, with that, again staff is not supportive of the request, and we will turn it over to the petitioner team and take any questions following their presentation. Thank you.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening Mayor Lyles, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. I'm please to be here tonight representing the Embrey Team. Joel Albea is also with me. We'll be happy to answer any questions as they arise. It isn't often that we find ourselves at this impasse. We've had several conversations with staff and this is one of those rare times that we just couldn't reach consensus or identify a creative solution, but it was not for lack of trying.

This is one of those moments where the policy and the vision don't align with what the site can specifically be designed for or the market reality of what's happening.

So, Dave did a great job of giving you the basics of the site and we appreciate that staff has acknowledged that if this is adopted, it would support four of the 2040 Comp Plan goals. It would provide a 10-minute neighborhood, neighborhood diversity and inclusion, healthy and safe active communities, and integrative natural and built environment. As he mentioned, the site is located just south of Alexandria between Statesville and Twin Lakes and while it has adjacency to I-77 and I-485, it doesn't have any direct connections. This graphic depicts the site with a half mile radius and a one-mile radius and you can see within a half of mile of our site, you can see that the project sites in the lower corner within a half a mile, you have Michael Jordan's 23XL, the new NASCAR headquarters. It's part of a mixed-use development. J.M. Alexander, Blythe and North Meck Schools, again, all within a half of mile as well as Brighton Town Centers, Walmart. You go a little further beyond that half mile to the one mile, you can see that there are a number of other employment opportunities in this area. This is just showing it in zoomed a little tighter with the opportunities for employment and the opportunity for a walkable environment.

While our site is in the ETJ and the 2040 Place Type recommendation was for Manufacturing and Logistics this pocket of M&L is bound by Statesville to the west, Huntersville to the north. So, it's located on the interstate without that direct access. The red area is what falls within Huntersville's land use plan and you can see that again, that Mixed-Use opportunity, there's a soccer clinic. Dave's correct, there was an innovative light industrial move to the south of us. You can see our proximity to the schools and to the Walmart grocery store. This is depicting the Mixed-Use site that's catacorner from us that shows you that broad mix of uses and that Huntersville has used this area with the circles as an opportunity for Activity Centers in the mix of uses. So, while we recognize that the Place Type south of Alexandria leaning towards more Manufacturing and Logistics, the broader view is for a larger mix of uses.

I also think it's important to note that over the past 20 years, the majority of the parcels along this corridor have been developed with the exception of this one. It sort of speaks to the difficulty of developing other office or industrial flex spaces on this site. So, I won't read you this entire slide, but the basic gist is that the leading broker took this out to the market in the fall of 2023. They sent out 100 requests and packets for information and they received a number of responses. Only a handful of them were for single family, two. Twenty were for multi-family. They received no offers from anybody from industrial or flex or office. So, we did follow back up. Why wasn't anyone looking at the site for this particular use? Essentially it was because there's only of the 19 plus acre site, only about 12 to 13 acres of it is actually developable. Within that area that's developable, there's about a 50-foot grade change. That can be a little costly for larger buildings that are typically accustomed to being built for industrial uses or even industrial flex. They require more parking.

So, the cost of construction on this site would result in creating spaces that wouldn't be competitive with rents for similar products in the area. Essentially that's what led us to a multi-family product. The reason why multi-family works on this site as opposed to nonresidential uses is because you can do multiple building site and work with the topography, changing the angles of the building, there's less parking required. We're able to preserve and dedicate that five acres of open space on the south side of the site. It also includes a 2.5 acre conservation easement. We think this is appropriate for multi-family because we're in proximity to three schools and it's not very often that you get to say you're within a half mile of that type of campus, plus being near a grocery store and employment and provide a sidewalk offsite to fill in a gap to give you a direct connection. As Dave mentioned I believe, we are also on two bus routes. You can see on this bottom graphic the light is showing where we would be providing on site sidewalk. The green is 1,200 linear feet of sidewalk that we would construct off site as part of this rezoning, and then the orange shows you the existing sidewalk. All of that leads you to an intersection that is signaled with pedestrian crosswalks and gets you to that mix of uses. We've continued to work on the site plan over the past few months.

We have found more information about the site constraints and so we have dropped the number of units that we're going to be proposing from 350 down to 300. We know we're going to be preserving that five acres of open space. We have that community benefit, the 1,200 linear feet of off-site sidewalk and we're also going to be looking to add 10 percent of the units to 80 percent AMI (Area Median Income) for a period of 10 years. So, I'm pleased to say when we talk all of these things into consideration in addition to the four goals that staff identified this plan can meet, we've added a fifth and that's the ability to provide housing for all, goal number three. With that I'm happy to answer any questions.

Councilmember Mayfield said I'm going to have a question for Mr. Pettine as well. Ms. Grant, not a question. Thank you for having a discussion with the petitioners and thank them on my behalf and my colleague's behalf for identifying opportunity with diversifying the units that's in there. Mr. Pettine, earlier today Councilmember Graham and I and the Mayor attended a conversation with the County regarding ETJ and roads and Councilmember Driggs as well, our head of transportation regarding the ETJ and roads and the impact. This may be a question Ms. Grant that you might be able to answer. Is this something that we're looking at potentially petitioning to be brought in through annexation?

Mr. Pettine said that would probably be a better question for the petitioner.

Ms. Mayfield said so, Ms. Grant, do you know? I'm just trying to get an idea if there may be a conversation with attempting to annex into the City because we have these orphan roads and that's causing some challenges for the residents regarding who maintains it.

Ms. Grant said we haven't had the discussion yet on annexation, but we can look into that and I will say this site isn't proposing new public streets to go through it.

Ms. Mayfield said okay. So, if it stays in the ETJ, it would be helpful as you all are working closely with staff to identify exactly who the roads that are a part of this, who is going to be responsible for maintaining them so that we have a good idea. Again, this is somewhat of a new conversation but it's not a new conversation regarding orphan roads. On the front end now that it's been brought to my attention, I just want to make sure that I'm understanding that on our end, we're making sure that we're protecting not only the petitioner for a development, but the future residents that will be there. Thank you.

Councilmember Johnson said I have a question for staff. Currently this is not recommended by staff. Is that correct?

Mr. Pettine said that's correct, yes.

Ms. Johnson said tell us why again.

Mr. Pettine said this is an area that we just did not identify as having any kind of supportive outcomes for residential. It's primarily been looked at as Manufacturing and Logistics an IMU which is either supporting job creation, economic development opportunities. IMU is somewhat of a transitional type of district where things are starting to get out of industrial uses generating more towards mixed-use or adaptive reuse projects. So, it's just an area that again we didn't see as being supportive for residential. The residential recommendations are really on the other side of I-77 closer to the North Lake Activity Center, but this was an area that was identified for Manufacturing and Logistic uses and recognizing existing zoning and some of the already uses that are out there, which again did not include any residential outcomes.

Ms. Johnson said so, I do have a concern because staff is not recommending it. We talked about that earlier. This also doesn't have any community opposition. So, we have that. I'm familiar with the area. Is there currently residential over there?

Mr. Pettine said there may be some on the Huntersville side if you go a little bit further north, but that's not until you get up towards Hambright Road. There might be some proposed projects on the north side of Alexandriana on the north kind of east side of Old Statesville, but there's none immediately adjacent. There's the soccer fields and then the existing school and then some commercial a little bit further down on the Huntersville side. Everything on the Charlotte side south is either office or nonresidential uses.

Ms. Johnson said so, it's office or nonresidential. Is there any industrial over there?

Mr. Pettine said there is industrial zoning. Some of those zonings have taken place as recently as this year, but I don't know exactly what the full uses are. Some of them were for supportive uses for the auto mall and the auto dealers next door, but they are zoned for industrial type outcomes, yes.

Ms. Johnson said okay. I would ask Bridget the same things. How close is the residential to this site?

Ms. Grant said so, in our view there's residential on the other side of 77. There's also residential catacorner from us to the north at that Michael Jordan mixed-use site where he has his new corporate headquarters. Directly north of that is additional multi-family that's being proposed. Then if you can look on the map graphic, you can start to see there's residential where the colorful graphic is, there's additional residential in that area. So, there is residential in the area, but the closest uses to us are the soccer fields, the three schools and then as Dave mentioned some supportive. I wouldn't say it's true heavy industrial, but more light and industrial flex office.

Ms. Johnson said okay. So, for my colleagues I just want them to recognize the difference, that staff is not supporting this, from my understanding, because of the vision for the area. So, it's sort of up to us how we're driving this area. There's not any community opposition like there was for the other petition. So, it's a different consideration. You said it's near three schools, right?

Ms. Grant said elementary, middle, and high school.

Ms. Johnson said now one thing you said, it's close to employment.

Ms. Grant said you have the North Lake Auto Mall as well as everything if you look at going further down Eastfield, Amazon, Carolina Office of Services. There's a number of institutions plus there's the additional retail coming into the area with Brighton Town Center.

Ms. Johnson said I know we talked about price point. You mentioned that 10 percent would be at 80 percent AMI, but I want you to hear the places you're naming for employment. Amazon and Walmart, the auto mall. So, think about who's able to afford and what AMI they're in. So, if you're going to use that scenario, then I think we should look at being consistent on that price point if you're saying employment is a factor, then what type of employee can afford 100 percent AMI or even 80 percent AMI.

Ms. Grant said I appreciate that, thank you.

Ms. Johnson said that's all the questions I have. Thank you.

Councilmember Ajmera said so I struggle with this rezoning petition for all the reasons that David has highlighted. I see to the west we have a commercial use like warehouse. So, when we are talking about multi-family and new residents that will be coming in and you have a dealership nearby and this commercial use, it just concerns me from the quality of life issues. So, I don't know if I can support this in its current form. I do like that there is a conversation about dedicating a future neighborhood park. How is that coming along?

Ms. Grant said we were finalizing details on a conservation easement that's within that five-acre area. So, we're working with multiple departments and agencies to make sure we can dedicate it all.

Ms. Ajmera said great, with the County?

Ms. Grant said yes.

Ms. Ajmera said I'll have more questions for you. I'll probably have to drive by this site just to envision what you're all are looking at from the residential perspective, but I'm with staff on this. Thank you.

Councilmember Driggs said okay, thank you. So, I will repeat as I've often said, my first instinct is to go with the staff. I appreciate your work and I would be very thoughtful about arriving at a different conclusion. What concerns me about this is kind of a principle question and that is if the fact is that nobody wants to buy the land, put something there that aligns with our plans, then what do we do about that? We need to take another look at our plans. I would just remind you we had a density bonus for a long time in the City. No one did it. So, we said you can have all this extra density if you build affordable. No one did it. So, at some point we do have to achieve some sort of convergence between the goals and the vision that we have and then the reality of where the money comes from and where the investors are and where the demand is in the market. The market does reflect the desires of participants like people want rental properties. So, the builders build those rental properties. It's not some decision that a developer makes in a vacuum. They look around and what they see is a greater opportunity to rent housing than they do to create the type of facility that we think belongs there. So, I think we need to work on that. Mr. Pettine, I'll get with you and look forward to your conclusions District Rep, but I do think there's a fundamental issue there.

On the ETJ, I just want to remind everybody we did execute an agreement in the context of our update of the MOU (Memorandum of Understanding) for the MTC (Metropolitan Transit Commission), the interlocal agreement to the effect that we will work with them to address the question of orphan roads. Orphan roads is a funny subject. The one that's most famous on Palisades Parkway came about because that particular location was supposed to be annexed and then the state passed a law eliminating involuntary annexation and it got stranded. So, it's literally an orphan. Otherwise, those roads are the responsibility of NCDOT (North Carolina Department of Transportation). I've talked to the district engineer about that and how we can also participate in efforts with NCDOT and the County to identify those situations and make sure that the develop process takes into account what the road situation is. Just wanted to say that about the ETJ. I was on the call today. It's apparent to me that we're going to have some conversations we will need to about how our UDO operates in the ETJ. So, this is just a case, but on this one I have a concern that we turn this down and then what happens? You know, I think there was an intensive marketing effort from what I understand and people just didn't want to buy it for the use that we have in mind for it. So, anyway let's keep working on this one and Ms. Johnson I look to hearing from you.

Motion was made by Councilmember Johnson, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.
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ITEM NO. 25: HEARING ON PETITION NO. 2024-041 MCALWAY ROAD VENTURES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.548 ACRES LOCATED ON THE EAST SIDE OF MCALWAY ROAD, WEST OF CRAIG AVENUE, NORTH OF BOBBY LANE FROM N2-B (NEIGHBORHOOD 2-B) AND OFC (OFFICE FLEX CAMPUS) TO N2-B (NEIGHBORHOOD 2-B).

Mayor Lyles declared the hearing open.

Teresa Montalvo, Rezoning Program Manager said this is item 2024-041. The site is an approximately half-acre, triangular parcel located on the east side of McAlway Road, due east of Craig Avenue. Surrounding development includes a mix of garden apartments, townhomes as well as single family homes. Home Depot is located across McAlway and Craig intersection. There's also a townhome project under construction immediately to the south. Property surrounding this site to the east, west and south is zoned N2-B. And there is N1-B zoning as you move southeast on Craig Avenue as the area transitions to a more single-family conventional development pattern. The Home Depot is zoned commercial center and there is also a mix of OFC, CG and ML-2 zoning present in the area. The Place Type for the subject site is Neighborhood 1, but the McAlway Road corridor includes a mix of Neighborhood 2, Commercial and Neighborhood Center Place Types. Staff recommends approval of the petition as it will allow for the site to be developed with a mix of residential uses that are consistent and compatible with the existing mix of multi-dwelling development single family and commercial uses in the area. There's residential support uses in the vicinity and the site is within a quarter mile of a Neighborhood Center. The site is in an identified access to housing gap and could facilitate goal two of the 2040 Comprehensive Plan, which is neighborhood diversity and inclusion. Approval of this rezoning will change the Place Type to Neighborhood 2, consistent with the Place Type immediately to the west of the site. Here if you have any questions.

John Carmichael, 101 North Tryon Street, Suite 1900 said Madam Mayor, members of Council and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. With me tonight are Dale Olsen and Darren Sutton of the petitioner. The site contains just over a half acre. It's located at the southeast corner of the intersection of McAlway Road and Craig Avenue. This is an aerial of the site. This is McAlway here, Craig Avenue is here. Monroe Road is just to the north of the site off the page. North Wendover is to the west of the site. Oakhurst Park is to the east of the site. This is Home Depot here, this large white roof and then this is a zoomed in aerial of the site. Our site here is outlined in green. This is the zoning map. The site is zoned office. The blue is office and then the remaining of the site is zoned N2-B. You've got N2-B zoning to the west, south and east of the site. There is a little N1-B zoning to the east of the site here and then you've got Commercial, General and Office zoning to the north of the site.

The request is to rezone the site to N2-B to allow uses allowed in that district on the site including townhome dwelling units. The petitioner did develop by-right on adjacent parcels of land, this is the rezoning site, a townhome community. We're happy to answer any questions. We appreciate the planning staff's recommendation of support and once again, happy to answer any questions that you may have.

Councilmember Molina said thank you Madam Mayor. Just really quickly Mr. Carmichael you had a community meeting. Was it any real participation? Any interest questions?

Mr. Carmichael said it was a virtual community meeting. One person attended the community meeting. We then heard from a neighbor here outside of the community meeting who had some concerns about stormwater and privacy fencing on the existing community here. So, we met with Ms. Creech and others on June 5, 2024 and as a result of those meetings, the petitioner is going to extend the privacy fence along the common property line of the existing development. Then they also had a stormwater concern and they're going to look at that and they're going to hopefully make some improvements to that and we'll stay in touch with Ms. Creech and others. The other thing they asked and we have reached out to C-DOT, was whether this intersection of McAlway and Craig, if that could be a three way stop. Right now it's a stop here and then a through movement here. I emailed Ms. King of C-DOT to ask that question and she's looking into that.

Ms. Molina said is that something that the developer would cover? Do you know?

Mr. Carmichael said we could certainly talk about that. I don't expect them to have an answer on that tonight, but we will follow up on that.

Ms. Molina said okay, I'll be happy to plug in and help with that.

Mr. Carmichael said okay. Yes, I drive down this road all the time. That would certainly be a traffic calming measure although it is a major collector. I don't know what's C-DOT's position on major collectors is with respect to a three way stop.

Ms. Molina said alright. Thank you so much. That's all I have Madam Mayor.

Councilmember Johnson said thank you. This question is for staff. I realize that this is a conventional zoning. So, we don't have a lot of information, but if you look at the school impact on the last page, It say Myers Park High from 119 percent of capacity to unknown. Alexander Graham Middle from 100 percent to unknown. So, I realize with these developments or with these petitions, we don't have a lot of information, but this is one of the things I talk about with cumulative impact. If we're getting these petitions and we don't know what impact this is having on schools, the current residents feel this. So, I think in our policy, I don't know what we can do, but I don't think that unknown for school capacity is sufficient information. There should be something that we should ask for some type of basic information.

Mayor Lyles said Ms. Johnson I think two of my kids went there. It's been unknown and they're in their 20s. It's been unknown for a long, long time at Myers Park and Alexander Graham. It's really just one of those things.

Ms. Johnson said at some point we as Council have the ability to do things differently and it's not just Myers Park and Alexander Graham, it's all schools in the City. So, that's my question. Thank you.

Mayor Lyles said okay, I thought you were talking specifically about them.

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

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ITEM NO. 26: HEARING ON PETITION NO. 2023-124 BY THE PACES FOUNDATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.54 ACRES LOCATED ON THE EAST SIDE OF DILLING FARM ROAD, SOUTH OF MOORES CHAPEL ROAD FROM MX-2 (MIXED-USE RESIDENTIAL) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

Mayor Lyles declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-124 is just over 10 1/2 acres located on the east of Dilling Farm Road, south of Moores Chapel Road. The property is currently zoned MX-2, the proposed zoning is N2-B (CD). The 2040 Policy Map recommends Neighborhood 1 Place Type. The proposal is for up to 120 age-restricted multi-family stacked residential units along with accessory uses allowed in the N2-B zoning district. Would provide a 10-foot Class C buffer with a fence along the western property line where adjacent to N1 zoning and place type. Commits to transportation improvements including dedication of 33 1/2 feet of right-of-way as measured from the Dilling Farm Road centerline. Access would be from Dilling Farm Road by a private street. Provide an eight-foot planting strip and eight-foot sidewalk along Dilling Farm Road from the site's access point to the Moores Chapel Road sidewalk. Limits building height to 48 feet and limits detached lighting to 21 feet. Staff recommends approval of the petition. It is inconsistent with the Neighborhood 1 Place Type recommendation; however, the site is currently entitled for multi-family dwellings

via a 2005 rezoning. The petition will provide an additional housing option for seniors, a growing segment of our community's population. The site is within a one-third mile walk of neighborhood services including a grocery store, pharmacy, dentist, and doctor offices and restaurants. The petition could facilitate the Comprehensive Plan goals of 10-minute neighborhoods, neighborhood diversity and inclusion, and housing access for all. I will take any questions following the petitioner's presentation.

Nolan Groce, 1213 West Morehead Street, Suite 450 said Mayor, members of City Council and the Zoning Committee. Nolan Groce with Urban Design Partners representing The Paces Foundation on Rezoning Petition 2023-124. Paces Foundation is an affordable housing developer locally and across the southeast. On your screen you can see the site as it exists today off of Dilling Farm Road. Here's an aerial of our site located east of Dilling Farm Road and I-485 to the south of Moores Chapel Road and west of Kendall Drive. Additional aerial, you can see the site is predominantly wooded. There is a creek along the eastern property edge. As Joe mentioned, the site is zoned MX-2 from a previous entitlement for 179 apartments. We're requesting to rezone to Neighborhood 2-A conditional for the development of 120 affordable age restricted units. Here's that previous entitlement, 2005, again 179 apartments along the western edge of this rezoning site plan. The 2040 Policy Map identifies the site as Neighborhood 1; however, it does abut commercial and is nearby to a Neighborhood Center.

So, here's our initial site concept. We held a community meeting on November 30, 2023, displayed this site plan and received feedback from neighbors. While it was a small meeting, only three community members in attendance, they provided ample feedback and concerns related to building design, walkability, roadway improvements. So, we went back to the drawing board and modified the site plan. Here you can see what is proposed before you this evening. There are some slight differences, the first being the building design. Neighbors preferred an L-shaped building as opposed to two structures. So, we have gone back and met with our architects, modified the building design and reduced overall unit count from 140 to 120. With that, we've also reduced the parking area decreasing the amount of impervious coverage. We received a street exception for subdivision staff. By code, we would be required to connect to Samlen Lane, however due to severe topographical constraints, that has been waived which is why the roadway is now proposed as a private street rather than public. We've also relocated the sidewalk which previously navigated interior to the site to Moores Chapel Road which will now be located along the private street, then following Dilling Farm Road up to Moores Chapel. We've been in coordination with NCDOT and they are agreeable for us to locate this within the right-of-way.

Here's another building The Paces Foundation is working on, the Legacy at Carr Heights. This gives you some sample elevations of what this project is proposed to look like. They'll utilize the same architect, the same general contractor. So, it gives you an idea of a building that's currently under construction and hoping to be finished soon. Happy to answer any questions. Thank you.

Councilmember Brown said thank you so much for your presentation. I was wondering about the community meeting because you know I'm very engaged, but it happened slightly before my time. I had been elected but wasn't in my role yet. I did get some feedback from community members, tentative, and they said you guys were doing your due diligence, you were working together. I really appreciate that. They're not 100 percent there yet. I just wanted to share the concerns that they sent to me in the email and speaking with them. I don't think that they are completely in support of it right now. So, I would have to get my heels and my boots out on the ground and go out in the community and see what the concerns are. I'd like to look at the site. I love the affordability piece. That is certainly something that we need more of. I wanted to ask you about age restriction though. Is it going to be senior living?

Mr. Groce said yes ma'am. So, age restricted as defined in this petition is a community intended and occupied such that 100 percent of units have one occupant 55 years of

age of older. However, in talking with Paces Foundation and SoHo Housing Partners, the average age of residents is typically closer to 80 years.

Ms. Brown said for this particular project?

Mr. Groce said in projects like this that they typically develop, yes ma'am, but it is restricted 55 plus.

Ms. Brown said okay, it's restricted 55 plus, one member?

Mr. Groce said yes ma'am in every single unit.

Ms. Brown said okay, but you said the average is 80?

Mr. Groce said it is older and that's just a common trend that this developer sees in their existing projects.

Ms. Brown said alright, how many units, 120?

Mr. Groce said 120. We reduced that from 140 in the original proposal.

Ms. Brown said okay. Alright. Give me just a few moments. They were concerned about congestion in the Moores Chapel Road area. You've already spoke with them about it?

Mr. Groce said yes ma'am. I'm aware of that concern. We were actually asked to coordinate with NCDOT about a possible improvement to Moores Chapel Road. I've had email correspondence with that reviewer, forwarding the neighbors' request. The reviewer informed me that that would not be allowed. NCDOT would not support the requested improvement, and I have passed that along to the neighbor. I received a similar email to you Council woman addressing a few concerns. We're not 100 percent there yet and we're in the process of scheduling an additional meeting and we'd be happy to have you there.

Mr. Brown said with two deaths in my family, I've gotten like 200 emails I just haven't been able to check everything, but these were at the top. So, I tried to see what was going on because I knew we were going to be on for zoning, and I wanted to make sure that I expressed the concerns of the constituents. I'd be more than happy to work with you, work with them to see what we could work out on common ground and just move forward with that. Thank you always for reaching out to me, seeing what the concerns are and being transparent with the entire process. Thank you.

Mr. Groce said thank you.

Ms. Brown said I have no further questions at this time Madam Mayor. Thank you.

Councilmember Mayfield said Mr. Groce along with Councilmember Brown, I think we all received outreach that you also received. Now that you noted that the residents are 55 and older but Paces has seen residents up to 80, residents are a lot more active today. I don't see any amenities when I look at this plan or on there. I see the private street of which I would like to know how that's going to be maintained and what's going to be in the actual language for maintaining that so that does not become an orphan road at some point, but what other actual amenities are on the site because I don't see anything outside of the building and parking.

Mr. Groce said that's a great question Council woman. In working with SoHo Housing Partners and The Pace Foundation, we've floated ideas of community gardens, different active amenity areas, but you are correct, none currently are shown on the screen. We're happy to go back with the development team and commit to those moving forward though.

Ms. Mayfield said I think that would be helpful because it was definitely noted that residents wanted to know what the community benefits are and again, a lot of our elders are a lot more active today. I was speaking to someone earlier where their mother who is in her 80s is still a tutor and still very active and travels and a lot of other things. So, it will be helpful to see whether there's walking space, park space, some type of actual amenity that is on this site for the residents as well as getting an update as far as how the conversations are going with the residents in the area because it was mentioned even though it was a small number. Most of the residents that live in that area are working adults and they're at work in second shift and third shift. So, they did have representation to reach out to all of Council to just share that they would like to continue conversation.

Mr. Groce said happy to do it. Thank you, Council woman.

Councilmember Molina said actually I don't think even in reviewing I never thought about this, and this is just a total off statement, but aging means something totally different now. It really does. Fifty, 60-year-old people are doing way different things than they once did, really active, very involved. Still probably really getting good into the second swing. So, that is something great to think about.

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

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ITEM NO. 27: HEARING ON PETITION NO. 2023-152 BY SAM'S COMMERCIAL PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.1 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF MALLARD CREEK ROAD AND CAROLINA LILY LANE, EAST OF KINGS GRANT DRIVE FROM CC (COMMERCIAL CENTER) TO CG (GENERAL COMMERCIAL).

Mayor Lyles declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just over an acre located along the northwest side of Mallard Creek Road near the Cabarrus County line. The site is currently vacant, but it's in an area with various residential and commercial developments. It's currently zoned commercial center, CC, that's a legacy district and that is as a result of a 1998 petition that was over a larger area that allows for retail and general business uses on this parcel, though they were never developed out for this specific parcel. The request is for general commercial which is consistent with the Policy Map's recommendation for Commercial at this site. It's a conventional request. So, there is no associated site plan. The proposed zoning district would allow for similar uses to what is already entitled through the CC plan that's on this site, but more importantly the site will be developed in conformance with the UDO which creates preferred outcome to development rather than the CC district. The application of commercial uses is appropriate at this site given that it's located along a major arterial road and this development may provide goods and services to the nearby residential areas. We recommend approval of this petition. I'll take any questions following the petitioner's presentation.

Remington Jackson, 620 South Tryon Street Suite 800 said good evening, Madam Mayor, City Council members, planning staff, members of the Zoning Committee. Thank you for this opportunity to present before you tonight. As was mentioned, my name is Remington Jackson, Attorney at law firm Parker Poe. We represent the petitioner on this application. We want to thank the staff first for working on this rezoning to determining the best rezoning district for this planned project. Thank you for your support and the petition overall. I originally did this presentation not knowing if there would be opposition. So, it's a lot longer, but I'll just shorten it down to the main parts. As you can see the address, 13721 Mallard Creek Road. It's 1.1 acre, it's in the Charlotte ETJ. As you can see the aerial of the site, it's at the corner of Mallard Creek

Road and Carolina Lily. The star represents where the project would potentially be. The existing has already been mentioned, it's currently CC. We're asking for CG, General Commercial. The potentials that are being looked at right now are potentially a restaurant, but they're many other uses that potentially could be at the site. We did have one community meeting where we had no attendees come, but we also received no opposition to the rezoning petition. These are some of the recent and pending rezonings. Again, the rest of this would not be necessary. Again, thank you staff for supporting this petition. Wanted to say thank you again and we're happy to answer any questions you may have.

Councilmember Johnson said are there any proposed traffic improvements because this area, there is a lot of pending rezoning or a lot of approved petitions. So, are there any traffic improvements proposed?

Mr. Jackson said not currently. We haven't proposed any additional traffic improvements. Previously the petitioner had dedicated a street right near this one, if you look, that top left-hand corner where that car is located that street was dedicated by the petitioner for public street or a fire lane. Outside of that, the petitioner hasn't moved forward with any other traffic improvements.

Ms. Cramer said I'll just add that it is a conventional petition. So, we don't have a site plan that would dictate whether or not transportation improvements are needed, but once it goes into the permitting process, depending on the trip generation or the uses considered, they may have a comprehensive transportation review required at that time.

Ms. Johnson said okay. So, one of the things that I've asked for routinely is a map of all the approved and pending rezoning. That helps to visualize the cumulative impact. I would like that for this petition so I can share with my colleagues. There's a lot of rezonings that are approved in this area of Mallard Creek. It's kind of narrow. So, I'd like to be able to show my colleagues that information

Ms. Cramer said we do have the rezoning history map that's included in the staff analysis, but if you need a larger area shown than what is in the rezoning history map which does include pending and approved petitions, we can work on creating a more zoomed out version.

Ms. Johnson said right. The staff is familiar because I've been asking for it for a while, yes, because King's Grant is not too far from this. So, I would like to see a map so I can consider this, thank you.

Ms. Cramer said okay.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2024-011 BY EASTWOOD HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.48 ACRES LOCATED ALONG THE SOUTH SIDE OF JOHNSTON OEHLER ROAD, EAST OF PROSPERITY RIDGE ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A (CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Lyles declared the hearing open.

Teresa Montalvo, Rezoning Program Manager said this is item number 2024-011 Eastwood Homes. The subject site is a 17.4 acre parcel on the southside of Johnston Oehler Road, approximately 800 feet east of Prosperity Ridge Road. The surrounding

development pattern includes school uses to the east, a mixed-use community to the north that was approved in 2019 for senior housing, multi-family and a childcare center and a mixed-use development to the west of the site that was approved in 2020 for 432 units supportive commercial and a small park area.

This site is currently zoned N1-A. While there is N1-A zoning to the immediate east, the property is developed with a school use as opposed to residential development. Property to the west is zoned UR-2 Conditional and UR-3 Conditional zoning is found to the north. As you move westerly along Johnston Oehler Road, the zoning transitions to include CC and NS zones. The site is in the Neighborhood 1 Place Type, but it's sandwiched between the Campus Place Type to the east and the Community Activity Center Place Type to the west. The proposal is for a residential project consisting of 115 multi-family attached units that includes connecting the streets system approved for the project to the immediate west via the extension of Ragsdale Drive and Tournament Drive. Architectural standards are proposed including maximum building lengths of 150 feet, a maximum building height of 48 feet and useable porches. Infrastructure improvements will be provided along Johnston Oehler Road and internal public streets will include an eight-foot sidewalk. Staff recommends approval of this petition upon resolution of outstanding issues related to transportation as the proposed development is consistent and compatible with the emerging development pattern along Johnston Oehler Road. Connectivity will be provided to the adjacent residential development and the site is within a quarter mile watershed of a Community Activity Center which provides residential support uses. The petition is inconsistent with the recommended Place Type, and approval of this rezoning would change the Place Type to Neighborhood 2, which would provide a more appropriate transition between the Community Activity Center and Campus Place Types. Additionally, the petition could facility goal one and goal two of the 2040 Comprehensive Plan. I'm here if you have any questions.

Brandon Pridemore, 1186 Stonecrest Boulevard, Tega Cay, South Carolina said thank you Mayor Pro Tem, Mayor Lyles, Council members and the Zoning Committee. Brandon Pridemore, R. Joe Harris and Associates. We're the civil engineering consultant for the project. We're here on behalf of Eastwood Homes who is the applicant. Eastwood Homes as you know has been doing business in the Charlotte region. It's still a family-owned business 47 years after they started here. So, they're very excited to build, hopefully introduce another community in the greater Charlotte region and more specifically here in Charlotte and then Robin Faison is the family of the property owner. So, she is here as well. So, we have both the applicant and the property owner represented. I wanted to just kind of point out, look at the map that's on the screen before you. The site is currently zoned N1-A as staff has noted. We are seeking N2-A. If you look at what's happened development pattern wise, all around to the east, we have Smith Farm which has been developed currently as both attached multi-family and traditional multi-family. If you look to the north of Johnston Oehler Road, there's multi-family and attached units being developed there and as staff has noted as well directly to our east we have campus. We have both Corvian School there and then just a little bit further down we have Mallard Creek High School. So, we feel that the development pattern that's being proposed is very consistent with what's happening in that area in a lot of ways. This is the last, when I say substantial parcels, that are probably greater than five acres that are remaining for this area. We do have a single-family development down to the south of us which is Hayden Commons, but we are disconnected from them. There is a Duke Power right of way, a stream and we will have stream buffers. So, we feel like we're buffering and protecting those folks down there. More importantly too, this is a great location if we look at this, we're sited right here in the middle of Johnston Oehler and Prosperity Ridge Road. We've got Benfield over here as we look at it, but we're situated almost dead smack in the middle of three park opportunities that exist. I heard Mr. Driggs mention earlier about amenities. We will cover that internally as well. Actually, it was Ms. Mayfield I believe it was, but if we look at it, we've got Mallard Creek Park over here less than one mile as you drive all the way over here, but much shorter than that if you cut through Mallard Creek High School. We've got Stanley Farm Park which is my understanding has just been recently dedicated to the City. It is undeveloped unplanned at this point but that is following Tournament Drive walking the sidewalks, that will be interconnect. That is one-quarter

of a mile away. Then to the north if you were to take the sidewalks that are available along Prosperity Ridge Road and cut on over, Ridge Park is actually right there to the top of my sign but again less than one mile drive. Very walkable in a lot of sense of today's active communities.

If we look at land uses, I kind of covered those, but we do have the Community Activity Center that's being heavily developed over here immediately to our west. Again, the campus development that exists currently and some current work going on as well directly to our east and then we have multi-family adjacent to us to the north as well. So, again very consistent I think overall in the grand scheme of things. If we look at the site plan, this is one of the questions that did come up. I want to step back for just a moment and note for the Council we did have two different meetings. On February 24, 2024, I believe it was we had our virtual meeting which is our neighborhood meeting that was required and then on June 5, 2024 we had a follow up meeting with notification by Ms. Johnson who was kind enough to attend both meetings with a developing coalition that is very active in her district. So, we're going to base some of the responses based on the feedback we got. The first meeting didn't have a whole lot of very good, just one neighbor did show up for that meeting, but when we met with the community coalition, there was probably the better part of 12 plus people there at that meeting. So, we do want to address those items.

One of the things that did come up was amenities. Normally during the rezoning, we don't normally address that. You know, we always intend to provide amenities when we do the civil design. There's a lot of things that have to go in to it based on engineering, getting everything to fit and then we figure out where do we fit it, but looking ahead based on the question that we got from the community coalition, just to shorten it rather than give an acronym, we're identifying this area as our amenity area. Specifically, they asked for a playground. We are going to offer a playground and seating area, and then should space be limited we're looking at this as an alternate location as well. So, we are going to provide that at a baseline minimum. As we look at the site, we're looking at two different type of products. We're looking at a 20-foot alley load product up here. The areas that you see in yellow, there's 27 of those and then when you look at the lighter blue there are 87, twenty-two-foot-wide front entry townhomes that are being provided. The gross density of this, our revised density is actually 114 after addressing all comments. I know staff noted 115. That'll be a density of about six and a half units per acre as we look at the gross. When we look at open space, we're required to have roughly about 0.4 acres to satisfy it. We have 2.7 acres in open space not including the tree save which is about an equal area. So, we far exceed the open space requirement that is required by ordinance.

Then one of the big topics that went on for quite a discussion and I think in some of the correspondence that you as Council members saw from the community coalition and my response [inaudible] this morning was parking. I wanted to address that in several parts to it. One is that we did offer that we are going to have on street parking available. Didn't really have it highlighted when we had the community coalition meeting. We do have it shown but didn't really have it highlighted, but what I did was go back and look and identify specifically how much spaces we'd have. We'd have 13 up here on the northern portion of the site, and then we'd have two opportunities here with 10 spaces. So, we're providing what we feel are 23 overflow parking spaces which would be for visitors, extended family that may come and visit, you know, those type of things. More importantly, as we look at the rear load townhomes, this is going to be a two-car garage, two car driveway space. So, there's four spaces allotted per unit here. This is going to be more of a consideration that we're going to ask for at the community coalition meeting. We kind of noted that we'll have a one-car driveway and a two-car driving space. We'd actually like to leave that open to be the one-car driveway, the one-car garage as the baseline and what we wanted to do was just based on presentation, let that be a buyer option if they want to have a second space. A couple of reasons for that. One is we're trying to avoid having a sea of concrete as we thought about it because parking spaces take up the front yard, especially with a townhome. Then as well, not all buyers are going to need that many spaces. So, we are going to offer it as an option, but would ask that Council and the Zoning Committee not make it as a requirement

even though we did kind of indicate that in all honesty. If we look at the counts and the 20-foot alley load townhomes, just on lot, not on street parking, we're having 108 spaces provided. If you look at the 22 front load townhomes with the one garage, one driveway space, there's 174 for a total of 282 total parking spaces. The City code only requires one and a half spaces per unit, 171. We're 65 percent over without even talking about the 23 on-street spaces we're going to provide. So, that is just something we wanted to kind of throw out there for consideration as we move forward with this hopefully. The last thing I just kind of wanted to cover related to the parking was they did want to ask for a designated visitor parking. I did have a conversation with C-DOT this morning with [inaudible] Miller and he did note that C-DOT would not approve visitor parking designated spaces within their right of way, which would be these areas here. So, unless there's some other mechanism, we're not disagreeing to have that ability, but if it's going to be a condition, it'd be subject to C-DOT approval. As of today, C-DOT said they don't have a mechanism to approve designated visitor parking spaces within their right of way.

Lastly, I just wanted to cover one of the concerns that came up, was rental caps. They did ask for a cap on rentals and that no individual owner or entity could own more than three dwellings within the community and Eastwood Homes is agreeable to that. Talking to staff, they prefer not to have it on the rezoning because it's impossible to enforce, but we're telling you that and we're promising you that we'll have it in our CC&Rs (covenants, conditions, and restrictions). I'm here to answer any other questions you might have.

Juan Euvín, 10327 Glenmere Creek Circle said so, good evening, Madam Mayor and members of City Council. My name is Juan Euvín. I am the vice chair of the Charlotte District Four Coalition. As the gentleman mentioned, we met on June 5, 2024, and here are our asks for this project to go forward. To put a 25 percent cap on the amount of rentals they can have, to cap the entities of units that can be held to one owner. We want to avoid corporate buyers buying the whole lot. We also want proper signage throughout the community. So, if the parking spaces are meant to be for visitor, to clearly say that, that they're meant for visitors. To put up the appropriate signage up front rather than at the end because if you don't do it at the beginning it just creates a precedence and it just leaves to heartburn for the HOA when the HOA takes over. We're asking for language that allows the HOA Board or the CC&R to enforce parking regulations and parking rules. The last one is for the developer. Given the size of the development, for the developer to put in either a playground or some type of community space and per our meeting on June 5, 2024, the developer was agreeable to most of what we asked for. So, with those caveats in place, we would agree with that process. You're going to have to help me with the language either in the CC&R or the zoning or whatever, but we want it writing. I'm willing to answer any questions you may have.

Mr. Pridemore said we've addressed all those things I think that he's mentioned other than the visitor parking which again we're not opposed to it but it'll be subject to C-DOT approval if they're willing to approve it because our visitor parking would be on street. Then as far as parking enforcement, I would refer to my email that I sent to Ms. Mingo and to you Council this morning. I think that leads to a very slippery slope. That's a lot of enforcement, a lot of time, labor, money to enforce parking and then as well too, I don't think the General Assembly's narrowing in on that, but those still haven't been completely passed. So, we're just kind of leery of making the HOA a parking enforcement agency. That's all.

Councilmember Ajmera said it's great to hear that there is a coalition, that it's been working on this to address the community's concerns. So, there was a slide Mr. Pridemore where it had alley load townhomes. So, this question is for staff. The one where you had side by side, that wasn't a site plan, it was just alley load townhomes versus the front load. So, with alley, will they be required to have tree planting and sidewalks?

Ms. Montalvo said we would typically have to condition under our current regulations if there is going to be tree planting in the alley, we should include that as a condition.

Ms. Ajmera said so, that would be part of it?

Ms. Montalvo said correct.

Ms. Ajmera said okay, I know we did a Text Amendment not too long ago. So, this will fall under the amendment, or it wouldn't apply here?

Ms. Montalvo said I don't believe it wouldn't apply.

David Pettine, Planning, Design & Development said so, the question was if there are planning requirements on the alleys. So, in the base standards of the ordinance, there are not planning requirements just for base developments that are alleys. If they were going to incorporate those as Ms. Montalvo stated, they would have to be incorporated into the conditional notes. This seems to be primarily fronting on public streets which would have sidewalks and planting strips. So, it looks like they're covered here, but if they did have some alleys they would be either subject to the standards of the UDO or they could propose standards that go beyond that.

Ms. Ajmera said okay. So, what I'm hearing is that there might be alleys that they may not have tree planting requirements?

Mr. Pettine said yes, if there's alleys in this project which I can't see fully just because it's kind of a light graphic. Yes, so this looks like we've got just that alley in between. That would not have any street trees or plantings. That would just serve primarily as a service for entering and exiting some of those garages or units that are rear loaded. The public streets would all of course have planting strips and sidewalks but the alleys in this project would not.

Ms. Ajmera said alleys, would they have sidewalks? Maybe this question is for Mr. Pridemore. Can you address my question? Are you going to be planting street trees and are you going to have sidewalks in alleys?

Mr. Pridemore said so, street trees, yes but they'll be along the public frontages because all these units front a public road. So, we will have street trees here, here and then N2-A does require eight-foot sidewalks on both sides of all roads. So, you'll have it here because this is a two plus avenue and we'll have eight-foot sidewalks all throughout the community. The alleys themselves would not because that would be very restrictive on providing additional parking which is kind of one of our goals is to have a two-car garage, two car driveway space per unit.

Ms. Ajmera said so, where you have this, this will not have sidewalks or tree planting?

Mr. Pridemore said no ma'am. That isn't typically just because that's where vehicles are going to be backing out, coming and going and that is really the rear yard of the home.

Ms. Ajmera said the one at the top, is that not front facing?

Mr. Pridemore said no, that will face Johnson Oehler Road.

Ms. Ajmera said oh, that will face on the other side?

Mr. Pridemore said yes ma'am.

Ms. Ajmera said oh got it. So, none of them are facing an alleyway?

Mr. Pridemore said no. The idea was if you ride down through here, the streetscape, they did all the same thing like over here with Smith Farm and this over here. You have a nice front presentation with seat porches and doors, no garages and we wanted to hold the same principle.

Ms. Ajmera said yes. So, from looking at the site plan, those homes where you have alleys in the middle, they're not facing each other?

Mr. Pridemore said no ma'am, they're facing opposite each other.

Ms. Ajmera said okay. That was my concern. Alright. This next question is for our attorney, Ms. Hagler-Gray. Limiting corporate ownership, can it be part of the land use discussion because I know one of the speakers had mentioned that. I was under the impression we couldn't have that discussion, or we couldn't make a decision on that.

Terrie Hagler-Gray, Senior Assistant City Attorney said I think you said corporate ownership. What I will say is that your land use decision can't consider ownership with respect to rental versus privately owned.

Ms. Ajmera said selling it to the same owner, multiple units?

Ms. Hagler-Gray said well, not necessarily that but zoning is prohibited from considering ownership in general. So, I heard the ask about rental versus ownership and that is probably not something you can consider in your rezoning decision.

Ms. Ajmera said okay. I just wanted to confirm that.

Mr. Pridemore said if I may address that, again, I don't think it's appropriate for staff and the rezoning plan to have it going to what your attorney has said and based on my understanding but we'd be willing to write a letter separately in agreement with the community coalition just so they have a little bit of teeth and be able to hold to the fire on that.

Ms. Ajmera said we appreciate your leadership in addressing the community's concerns and certainly I'm sure Ms. Mingle will hold you to that.

Mr. Pridemore said she will.

Ms. Ajmera said that's all I have. Thank you.

Councilmember Mayfield said thank you. Mr. Pridemore, still thinking about the alleyways, who's going to be responsible for maintaining the alleyways, grass, debris, all of that?

Mr. Pridemore said the alleyways will be maintained by the HOA.

Ms. Mayfield said so, the residents will be responsible or you're saying that will be one of the written responsibilities of the actual HOA.

Mr. Pridemore said that's correct.

Ms. Mayfield said these are for sale product, not for rent?

Mr. Pridemore said that's correct.

Ms. Mayfield said also, when I'm looking at my version which might not be the latest, when we go all the way down on this sheet in the cul-de-sac at the end, we have noted there that that's the potential recycling and solid waste station being down in this corner at the end of the cul-de-sac in the round about.

Mr. Pridemore said so, currently with the way it's set up, staff does ask that we consider where would we put those, but the plan right now is to have roll out service which we have verified can be done, but we're still required to show on the rezoning plan potential locations should that not work out.

Ms. Mayfield said what your plan is for this development is to have actual roll out?

Mr. Pridemore said yes ma'am.

Ms. Mayfield said the way that this is designed, the streets, we do have enough of a setback for the streets to be wide enough for the sanitation trucks, recycling or garbage to pick up and get around.

Mr. Pridemore said yes ma'am.

Ms. Mayfield said for right now, that's what we're looking at because when I look at the potential playground, of course you wouldn't want it over by the dumpster.

Mr. Pridemore said that's correct. Again, we had to identify possible locations and then we'll finalize it. Like I said, this is the first major step in a number of things that we have to go through.

Ms. Mayfield said that is very helpful. The question that was asked regarding parking signs, I can see the opportunity on the front end of at least having them noted because I know I have received correspondence from residents where they're in a new build and they've had challenges with parking because unfortunately the reality is there are more people with more than two cars than there are people that don't. Having just one garage, one parking space that's also saying, "I'm never going to have a gathering at my home," for whatever reason. So, when people come over having a designated space is but unfortunately those cul-de-sacs sometimes end up being the weekend or the third vehicle parking spot. So, at least if you're able to on the front end having the signage up just like you go through some neighborhoods and you have the signs, "No parking on this side of the street," that helps to set a precedent. That is not something we can mandate, I'm just asking for that to be a consideration if possible.

Mr. Pridemore said I think we can look at the CC&Rs to influence that, residents should not park in the on-street parking spaces to reserve those, but again that becomes an enforcement issue. I can't sit here and tell you that it's going to work absolutely perfect.

Ms. Mayfield said yes, absolutely right. What I can share from what I've seen so far, having the signage makes a difference. It's a lot easier to have enforcement when there's signage versus there not being. That's just something that if the consideration could be made on the front end, I think it would be helpful in regards to the communication with community and looking at what is currently happening in residential, but I do appreciate the fact that you're bringing a for sale product to the market. I hope there's some diversity, and that can't mandate what the prices are going to be, but just hope that there's consideration of workforce housing in there.

Mr. Pridemore said thank you. The one thing I do just want to clarify when it comes to the visitor parking is again, we'll work with C-DOT for the spacing, but again if the City policy currently sounds like it won't allow, but if they will approve it, we'll definitely do it.

Ms. Mayfield said so, let me ask a question to staff. Help me understand where there might be a challenge on the map with the visitor parking, because the reality is we say we want a 10 minutes space, we want to gather, but if someone has a birthday, a graduation or a just because, there's a good chance that other people are going to be at the house and it's not like there's room for them to easily access it. So, help me understand staff's concern with the additional parking or are we trying to support and encourage developments that say no you should never have anyone come visit you?

Ms. Montalvo said let me see if C-DOT can come up and convey what their general requirements are.

Jacob Carpenter, C-DOT said good evening. Jake Carpenter with C-DOT. So, the public streets do include the on-street parking but the differentiator is we do not mark on-street spaces in the public right of way as visitor or any other designation. There's no way to enforce whether a car is a visitor's spot or otherwise, and we don't have those capabilities. So, anyone can use a parking space in the public right of way, but the

development is able if they would like in the amenity area or otherwise to provide off street parking that is designated as visitor.

Ms. Mayfield said that helps. Something to consider. So, I know there is a condo in Uptown that was part of an earlier discussion off of Cedar Street. You have the owners, the owners have designated parking, they have parking passes where whether you purchased or it was a part of the original deal, since this was many years ago, if they have a guest they know a designated numbered parking space. This is where my guests can park, in let's say 23, here's the parking pass that you need to put on your dashboard to clarify. That is also way on the front end that I will hope you will take as a consideration that may help to offset some of it just trying to think of the possible what ifs so that you don't have the unintended consequences conversation later. There are ways of doing it that we have language around and that has been done for other developments that have been proven to be successful and that has helped for the residents to actually track so that you don't have someone that comes in and just parks and stays there. Or again, it's a home that has more than two vehicles when there's only space for two. I do appreciate the fact that you have the option to have a two-car garage for some individuals but would just like to clarify with staff what the challenge may be and share that hopefully that could be a consideration to just look into.

Mr. Pridemore said yes ma'am. That's a point taken, and we'll consider it.

Ms. Mayfield said thank you. No more questions.

Unknown said well I did sign up to speak but I was [inaudible].

Mayor Pro Tem Anderson said hang on.

Unknown said [inaudible] am I allowed to speak?

Mayor Pro Tem Anderson said no ma'am.

Ms. Johnson said I'm sorry, I didn't hear what she said. What was her questions?

Ms. Ajmera said she was signed up to speak, she was for it, but the 10 minutes were taken.

Mr. Pridemore said correct, she's the property owner.

Ms. Ajmera said yes, she's part of the team.

Ms. Johnson said oh okay. So, what I want to say first of all, thank you to the District Four Coalition. I have a few members that are here today. If you all could stand up, the members of the coalition. Thank you. So, the District Four Coalition is a group of residents from different subdivisions and neighborhoods in District Four. So, I'm very honored that they're here. This is actually the first time that they've spoken out for or against the petition. We did have a community meeting. It was well attended. There is a subdivision similar to this petition called Glenmere and we have some Glenmere residents and Juan is one of those. So, I am going to be meeting with the developer and those residents so we can get some questions answered regarding the similarities to this petition from that one. So, I look forward to our next discussion. I do have a question to Brandon, during that meeting, and I think he clarified it today, you said that there would be three parking spaces for each?

Mr. Pridemore said yes ma'am. So, that's what we were reclarifying. Like I said, we are committed to basically, keep in mind garages count actual surface parking spaces count. So, this would be a two-car garage, two surface parking spaces. When it comes to the front load, as we shared, it's a one car garage base and we were indicating that we were going to do two parking spaces, but what we'd like to do is it's going to be a one car parking space baseline, but we'd like to have it as a buyer option if they want a second just for presentation purposes. If you look at a 22-foot townhome and we put a

16-foot-wide driveway, you're going to see nothing but front yards of concrete and we're trying to give the buyer that option and that choice.

Ms. Johnson said I appreciate that clarification because I drove through Glenmere and the driveways look like they were only one car driveways.

Mr. Pridemore said yes ma'am.

Ms. Johnson said okay.

Mr. Pridemore said so, there's ways to do it and the City's been very specific with C-DOT and urban planning. We have to maintain a planting strip within the right of way. So, it goes from a one car expanse to a two. So, it can get a little funky if you will, but again, we think it's best for each buyer based on their need if they want that option or they just want to have a one car garage, one car driveway on those fronts.

Ms. Johnson said okay. Thank you and we can talk offline.

Mr. Pridemore said yes ma'am..

Ms. Johnson said thank you all. Thank you.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2024-013 BY ABOVE AND BEYOND STUDENTS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.24 ACRES LOCATED ON THE WEST SIDE OF PARK ROAD, SOUTH OF SENECA PLACE AND NORTH OF CORTLAND ROAD FROM OFC (OFFICE FLEX CAMPUS) TO CAC-1 (COMMUNITY ACTIVITY CENTER-1).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2024-013 is just about a quarter acre located on the west side of Park Road, south of Seneca Place and north of Cortland Road. Current zoning is OFC. Proposed zoning is CAC-1, Conventional. The 2040 Policy Map recommends Community Activity Center Place Type. The petition is consistent with the Place Type recommendation. Staff recommends approval and I will take any questions after the petitioner's comments.

Don Williams, 4836 Park Road said good evening, Council. Don Williams, I'm the director for the Above and Beyond Students and we are looking to, yes, get it rezoned. As he said, it's an OFC and we want to get it to a CAC-1 so that whoever is the buyer can have not more restrictions placed upon them, and we think that it'll be a better chance for the property to be sold. We just don't need that space anymore and we would like to take the resources that we can get and put it into the students that we serve.

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

Mayor Pro Tem Anderson said I will say this is not in my district but I live very close to this area. So, I'm very familiar with this particular parcel and activity around it.

Mr. Williams said thank you.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2024-022 BY QTR DEVELOPMENT PARTNERS AND SUNSET ROAD PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.11 ACRES LOCATED ON THE SOUTH SIDE OF SUNSET ROAD, EAST OF OAKDALE ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said good evening. Petition 2024-022 is located on the south side of Sunset Road, east of Oakdale Road. The site's approximately 12.11 acres in size and it's currently developed with two single family dwellings. The current zoning is N1-A, Neighborhood 1. The proposed zoning is N2-A (CD), Neighborhood 2, Conditional. The 2040 Policy Map recommends the Neighborhood 1 Place Type for this site. The N2-A district is inconsistent with Neighborhood 1 Place Type. Approval of this petition would revise the 2040 Policy Map recommendation to the Neighborhood 2 Place Type. The proposal calls for 110 multi-family attached dwellings and four duplex lots for a maximum of 118 units. The buildings are limited to no more than five dwelling units per building. The maximum of 24 buildings to be developed on the site. The site's internal tree plantings will include a minimum of 40 trees planted along the proposed internal alleyway network at a minimum spacing of 40 feet on center. The following transportation improvements are proposed: Vehicular access to the site is proposed via a new public street off of Sunset Road which will be a street extension of McCauley Meadows Drive. There's also a proposed stub street extending to the western property line here. A left turn lane with 150 feet of storage will be built on Sunset Road at the intersection with the new public street. A 12-foot multi-use path and eight-foot planting strip will be constructed along Sunset Road. The following architectural requirements were proposed: Windows, doors, porches are required on all front facing facades to avoid appearance of blank walls. Blank walls are limited to no more than 20 feet on buildings abutting Sunset Road, McCauley Meadows Drive, and internal network required street. End units will have side facades with minimum transparency of 25 percent at ground level and 15 percent on upper levels. Buildings will incorporate articulated facades and architectural features such as balconies, bay windows, etc. Staff recommends approval of this petition upon resolutions of outstanding issues related to transportation and environment as the proposed development would fill a need for housing in the area. That has been identified by the 2040 Comprehensive Plan as lacking opportunities for access to housing and the site is located within a half mile of a designated Neighborhood Center. Happy to take any questions following Ms. Grant's presentation.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here tonight on behalf of QTR Development, also being supported by Matt Langston with Landworks. Staff's done a great job on their presentation. I know you all have been in meetings for a long time. So, I'm just going to pull up our site plan and tell you that we're happy to answer any questions. One other thing that I did want to point out is that while we're inconsistent with the surrounding land use, there's a substantially large parcel to our east that's zoned with the classification of [inaudible] that's actually more consistent with the N-2 Place Type. So, we are connecting to some other townhomes on the rear of our site and into that other community.

Councilmember Mayfield said Ms. Grant, do you know if this is going to be for sale or for rent product?

Ms. Grant said that hasn't been determined at this time.

Ms. Mayfield said thank you.

pti:mt

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

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ITEM NO. 33: HEARING ON PETITION NO. 2024-030 BY ASANA PARTNERS LP FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.39 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF SOUTH SHARON AMITY ROAD AND RANDOLPH ROAD, SOUTH OF WOODLARK LANE FROM CC (COMMERCIAL CENTER, CONDITIONAL) TO NC (NEIGHBORHOOD CENTER).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2024-030, it's location is the northwest intersection of South Sharon Amity Road, Randolph Road and south of Woodlark Lane. The site's approximately 0.39 acres and it's currently developable surface parking lot. The site is a portion of a property zoned CC, Commercial Center conditional. The proposed zoning is NC, Neighborhood Center, conventional zoning district. The 2040 Policy Map recommends the Neighborhood Center Place Type. NC district is consistent with the NC Place Type. This is a conventional rezoning petition. There's not an associated site plan and would permit any uses allowed in the NC district. Staff recommends approval of this petition as the NC district permits a variety of uses that are in keeping with the character of the area. In the NC district, we utilize UDO standards that are more human scale and pedestrian oriented than existing legacy zoning standards on the site. Happy to take any questions following Mr. MacVean's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 said thank you Mayor Pro Tem, members of Council, members of Zoning Committee. Keith MacVean with Moore and Van Allen assisting Asana Partners. With me tonight and available to answer questions is Welch Liles. Maxx has done a good job of describing the site location. Just about a third of an acre, part of Cotswald Village along Sharon Amity. Currently zoned CC, the proposed zoning is NC, which would allow Asana Partners to add an additional building to the Cotswald Village shopping center. This zoning district does not allow uses with accessory drive-through windows, as we are consistent with the Place Type. As mentioned, the staff analysis, the NC zoning district will allow Cotswald Village to transition from a mid-century shopping center auto oriented to a more pedestrian friendly shopping center as the area transitions and becomes more urbanized. We do have an example of how we think the site would be used. The buildings would lay out on the site along Sharon Amity, propose possibly up to two tenants. Elevation of potentially what the building would look like. We're happy to answer questions.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2024-032 BY TROY KNIGHT FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.17 ACRES LOCATED ON THE WEST SIDE OF MONTGOMERY STREET, NORTH OF FRAZIER AVENUE, AND EAST OF WEST TRADE STREET FROM NC (NEIGHBORHOOD CENTER) TO N2-B (NEIGHBORHOOD 2-B).

Mayor Pro Tem Anderson declared the hearing open.

Teresa Montalvo, Rezoning Program Manager said the site is an approximately 7,500 square foot lot located on the west side of Montgomery Street, approximately 275 feet east of Trade Street and 120 feet west of Frazier. The site is undeveloped and the

surrounding development pattern is a mix of nonresidential development predominantly located along Trade Street as well as multi-family stacked and garden apartments. The current zoning of the site is NC, and the proposed zoning is N2-B. Zoning in the immediate vicinity is NC which captures the sites that are in proximity to Trade Street and N2-B which includes all property to the east of the subject site. The Place Type of the site and vicinity is Neighborhood Center. Staff recommends approval of this petition. Given the relatively small size of the parcel that would allow development consistent with adjacent parcel to the east zoned N2-B and the site is within a half mile walk to the Lynx Gold Line stop. The petition is inconsistent with the 2040 Policy Map recommendation for Neighborhood Center. Approval of this petition would revise the Place Type to Neighborhood 2. Here if you have any questions.

Troy Knight, 1108 Catawba Street, Belmont said good evening members of Council. Surprisingly I'm here to reduce density. That's rare to hear from an infill developer, but that's exactly what we want to do. Right now it's zoned NC, so five units or more for residential. In order to accomplish that, we'd have to develop over 5,000 square foot which would then trigger stormwater ordinance which then triggers the additional cost per unit, therefore raising the cost of residential housing in our already existential crisis here. So, we're hoping to reduce all of that by reducing it down to two units and marketing something a little bit more affordable than you would normally find in this area for a brand-new home with a garage, four bedrooms. These are the plans that we plan to use. This isn't conditional zoning, but that's just there for reference. These are blueprints we already have drawn up that we'd like to use. It reduces the impervious from 66 percent down to roughly 37 percent. Provides two large backyards. More parking spaces and just overall less density. Thank you.

Councilmember Mayfield said so, what you're showing is both a combination of duplex as well as single family?

Mr. Knight said no ma'am. This would be a duplex sold as a townhome. Each unit would be sold. So, two townhomes essentially.

Ms. Mayfield said okay. So, you're just doing a comparison of what a single-family home would be [inaudible]?

Mr. Knight said this right here is a duplex, yes. I don't know the real term. So, in real estate we call it a duet. So, they're sold as individual townhomes.

Ms. Mayfield said yes.

Mr. Knight said so, you own your land from the road to the back yard and then the structure. So, it's not exactly a condo or a true duplex, but it still qualifies as single family under the UDO and building code.

Ms. Mayfield said okay. Clarification with staff. So, that's we classify duets as? We still classify those under single family?

Ms. Montalvo said no, this would be single family attached or duplex.

Ms. Mayfield said duets. Okay, thank you.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2024-034 BY JACKSON KASTLE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.37 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF BEARWOOD AVENUE AND EAST SIDE OF

EAST SUGAR CREEK ROAD, WEST OF EASTWAY DRIVE FROM CG (GENERAL COMMERCIAL) TO N1-C (NEIGHBORHOOD 1 - C).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is a third of an acre on the north and south sides of Bearwood Avenue. It's also just south of the Lynx Blue Line and west of the Sugar Creek station. This is in the Howie Acres neighborhood. The majority of the area to the south and the east is residential in nature and then there's some commercial and industrial developments to the west. It's currently zoned General Commercial. They're proposing to go to Neighborhood 1-C which is consistent with the Policy Map's recommendation for Neighborhood 1 at this site and the adjacent residential properties. It's a conventional petition. So, we don't have a site plan. The existing neighborhood is largely zoned N1-C. So, this petition would bring the site into alignment with that existing zoning in the residential area. That also would allow for a more consistent development pattern. Though the site is currently zoned CG as a result of the Legacy Ordinance, B-1 district translating to CG, the uses allowed in that CG zoning district could include autocentric commercial developments. That would be generally undesirable in this neighborhood given its single-family character and location along a two lane local street. Staff recommends approval of this petition. I'll take any questions following the petitioner's presentation.

Nolan Groce, 1213 West Morehead Street, Suite 450 said good evening, Mayor Pro Tem, members of City Council and the Zoning Committee. Nolan Groce with Urban Design Partners representing Jackson Kastle, LLC on Rezoning Petition 2024-034. You can see the site here on the northern side of Bearwood Avenue as it exists today, followed by the southern side which has some existing foliage. Holly did a great job explaining this petition. This is a conventional rezoning petition on both sides of Bearwood Avenue. Requesting to rezone from General Commercial to Neighborhood 1-C for consistency with the area. It is consistent with the 2040 Policy Map. I'm happy to answer any questions that you might have.

Mayor Pro Tem Anderson said thank you. My first question is I see that there's no people who attended the community meeting. What has been your level of engagement with the community?

Mr. Groce said we have received zero feedback thus far. We tried to engage the Howie Acres community on multiple occasions and received no feedback.

Mayor Pro Tem Anderson said okay. I will follow up as well, but I would like for you to follow up with Ms. Roma Johnson. She is the head of the Howie Acres Neighborhood Association and she's normally very much engaged. Just want to make sure this is on the neighborhood association's radar to ensure that they have proper feedback. Are there any additional questions?

Motion was made by Councilmember Brown, seconded by Councilmember Anderson, and carried unanimously to close the public hearing.
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ITEM NO. 36: HEARING ON PETITION NO. 2024-036 BY JULIO BARRIGA FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.23 ACRES LOCATED ON THE WEST SIDE OF WESTERLY HILLS DRIVE, NORTH OF WILKINSON BOULEVARD AND SOUTH OF BLESSING STREET FROM N1-D (NEIGHBORHOOD 1-D) AND CG (GENERAL COMMERCIAL) TO NC (CD) (NEIGHBORHOOD CENTER, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2024-036 is approximately 0.23 acres located on the west side of Westerly Hills Drive, north of Wilkinson Boulevard and south of Blessing Street. Current zoning is split zone, N1-D to the north and CG to the south. Proposed zoning is NC (CD). The 2040 Policy Map recommends Neighborhood 1 Place Type. There is no site plan, but the development standards associated with the petition limit the use to office and accessory uses and limits building height to 40 feet. Staff recommends approval. It is inconsistent with the Policy Map recommendation for Neighborhood 1 Place Type; however, the proposed Neighborhood Center zoning district in Place Type would provide an appropriate transition from the Neighborhood 1 Place Type to the north and west of the site and Community Activity Center Place Type to the south and east. The development standards accompanying the petition limit uses to office and accessory uses. Proposed office is an appropriate transitional use between more intense commercial uses to the south and east of the site and establish residential uses to the north and the west. Petition limits building height to 40 feet which matches the maximum building height of the N1-D zoned parcels to the north and west of the site. Also, the site is a quarter mile from existing bus stops along Wilkinson Boulevard and a half mile from a proposed CATS (Charlotte Area Transit System) Silver Line station. The approval would revise the recommended Place Type from Neighborhood 1 Place Type to Neighborhood Center. I'll be happy to take any questions after the petitioner's comments.

Fabia Suster, 2524 Westerly Hills Drive said thank you. Good evening. My name is Fabia Suster and I represent Blue Cardinal Investments. We're a small, minority owned plumbing company that has proudly served the Charlotte region for over 17 years. Our goal has been [inaudible] to get a permanent office space to continue serving our community efficiently, that's why we're here requesting a rezoning from a N1-D to NC (CD). I'm glad to answer any questions you might have.

Councilmember Brown said I like to see a small family business. I appreciate that. Looking over it, I know there's not site map available yet. You said you're going to use this for small office space for your family business.

Ms. Suster said yes. We're a plumbing company and we have been since 2007 as a company.

Ms. Brown said so, what are you going to do in the office space?

Ms. Suster said it's just like administrative offices just to have ourselves and one estimator.

Ms. Brown said just an office space for people to inquire about your business?

Ms. Suster said yes, we're not changing any of the building or anything.

Ms. Brown said okay. Just one other question. I saw where transportation said it's going to be an estimate of 15 trips per day. Is that right staff?

Mr. Mangum said let me just double check that number.

Ms. Brown said I know everybody in this map, the pictures that y'all take, that entire area. Very close to the folks that live on that street up there by the T-Mobile. On the back side it says 15 trips per day based on one family single dwelling.

Mr. Mangum said that's the existing use, generates 15 trips per day. The entitled use which includes a piece of the parcel that's zoned commercial could generate 410 trips per day. The office use could generate 157 trips per day.

Ms. Brown said that's just proposed though. If it's just an office space, why would it generate 157 trips?

Mr. Mangum said that's if they maximize the buildable area of the property for a 10,000 square foot office building.

Ms. Brown said okay. I know that it's just an office space. Is it in this strip mall that I'm looking at adjacent to T-Mobile?

Mr. Mangum said so, it is on the west side of Westerly Hills. Could we pull the Google map back up? So, it is on the opposite side of Westerly Hills from the shopping center. It's a single-family home, is what's there now.

Ms. Brown said okay. So, I just want to go in the area and take a look at it. I know the area pretty well and one final question that I have. I know there were only three people in attendance at the community meeting, but that doesn't mean that there's no interest in what's going on in the area. Were you at the meeting? Do you have any notes from the community meeting?

Mr. Mangum said I was not at the meeting.

Ms. Suster said I sent a note.

Ms. Brown said you sent them to me?

Ms. Suster said I think so. I sent the meeting invitation and I uploaded it to the [inaudible].

Ms. Brown said when was the meeting?

Ms. Suster said I don't have it right now, but it was like a month and a half ago.

Mr. Mangum said April 22, 2024.

Ms. Brown said I didn't get it. That wouldn't have got past me. I didn't get an invitation to the meeting.

Ms. Suster said yes, I sent it.

Ms. Brown said in Westerly Hills? The community meeting?

Ms. Suster said yes.

Ms. Brown said okay. No problem. I just wanted to see the community notes.

Ms. Suster said yes.

Ms. Brown said I don't know what I was doing and why I wasn't there but I just want to see the notes from the community.

Ms. Suster said yes, of course.

Ms. Brown said to see what their questions were. I have no further questions.

Motion was made by Councilmember Brown, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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ITEM NO. 37: HEARING ON PETITION NO. 2024-038 BY CAMBRIDGE PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.02 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF WEST W. T. HARRIS

AND DAVIS LAKE PARKWAY, SOUTH OF DAVID COX ROAD FROM CC (COMMERCIAL CENTER, CONDITIONAL) TO CG (GENERAL COMMERCIAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2024-038 is located on the northwest intersection of W. T. Harris and Davis Lake Parkway, south of David Cox Road. The site's approximately 3.02 acres and it's currently undeveloped. The site is a portion of a property zoned CC, Commercial Center, Conditional. The proposed zoning is CG, General Commercial, Conventional zoning district. The 2040 Policy Map recommends the Commercial Place Type. The CG zoning district is consistent with the Commercial Place Type. Staff recommends approval of this petition, as the CG district is consistent with the Comprehensive Plan, permits a variety of uses that are in keeping with the character of the area which is generally auto oriented but provides standards that accommodate other travel modes. The site is walkable to nearby neighborhoods as well as directly adjacent to daily needs. The site could increase the amenities, goods, services offered at the existing shopping center. Happy to take any questions following the petitioner's presentation if they have one.

John Priester, 831 East Morehead Street, Suite 245 said good evening, Mayor Pro Tem, members of City Council and members of the Zoning Committee. I'm J. Priester with Cambridge Properties. This is the last remaining parcel of our Davis Lake Shopping Center. It's been fully developed, and we had a very specific conditional zoning for this parcel when we were working with this specific tenant who is no longer there. The zoning was original approved in 2014. So, now we are just taking it to the GC zoning district which is consistent with the 2040 Policy Plan. Happy to answer any questions to the petition. Thank you.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2024-039 BY GETHSEMANE CEMETERY AND MEMORIAL GARDENS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.65 ACRES LOCATED ON THE EAST SIDE OF WEST SUGAR CREEK ROAD AND NORTH SIDE OF THE ROMAN ROAD, WEST OF MINERAL SPRINGS ROAD FROM N1-B (NEIGHBORHOOD 1-B) TO IC-1 (INSTITUTIONAL CAMPUS-1).

Mayor Pro Tem Anderson declared the hearing open.

Teresa Montalvo, Rezoning Program Manager said the subject site includes three noncontiguous parcels that together comprise approximately 10.65 acres located on the east side of West Sugar Creek Road, north side of The Roman Road. The subject parcels contain single family homes and surrounding development includes cemetery and memorial gardens and single-family residential development. South of The Roman Road, there are more nonresidential uses which include hotels, restaurants and a gas station. The subject parcels are zoned N1-B and the proposed zoning is Institutional Campus-1. Surrounding zoning includes N1-B on the west side of Sugar Creek as well as to the north. Zoning transitions to CG south of The Roman Road as you approach the I-85 interchange. Property to the north and east of the subject parcels is zoned Institutional Conditional. It is [inaudible] with the cemetery memorial gardens and a church. The 2040 Policy Map recommends the Neighborhood 1 Place Type for the subject parcels as well as for the property to the west and north. The Campus Place Type for the cemetery property and the mix of Neighborhood 2 and Commercial Place Types are also found to the south of the site which aligns with the existing mix of multi dwelling and commercial uses in the area. It's a conventional petition and requests all uses permitted by-right and the prescribed conditions in the IC-1 zone. Staff recommends approval as the proposed zone is consistent and compatible with the

existing zoning of the adjacent cemetery and would allow these parcels under common ownership with the cemetery to be incorporated into the larger site for a more unified development pattern. The petition is inconsistent with the Neighborhood 1 Place Type and approval of this rezoning would revise the recommended Place Type to Campus. If you have any questions.

David Murray, 5950 Fairview Road, Suite 710 said thank you Mayor Pro Tem and Council. David Murray, I'm an attorney that represents the property owner as well as the cemetery. The Gouch family has been a benefactor of Gethsemane Cemetery and Memorial Gardens as well as Northside Baptist Church for many years and, as you can see, there is a master plan cemetery development that is an Institutional Conditional that exists to the east of this property. Back when this was all rezoned in 1996 these parcels at the front were not owned by the church or the Gouch family. Since that time, the Gouch family has been slowly buying up these properties. So, I think some of the first discussions on this were back in 2017 I believe is when I first met them. As part of some future planning, we are seeking to have this rezoned so it's consistent with the adjacent rezoning, so that cemetery uses can be made of these properties. To the rear of several of these properties, there's already some use that's been made just over the years that's been grandfathered. So, again this is to bring everything consistent with that adjacent plan next door so that there could be future expansion because the office for the cemetery is very small and the hope is potentially in the future to have a funeral home location there. So, I'm happy to answer any questions that you may have. I'm not going to take my full 10 minutes here.

Joseph Margolis, 6549 Quarterbridge Lane said so, thank you again for seeing me again. This is I guess last but not least, but I've been before you three times today. I'm against this just on one sticking point. It's in the site plan, the community notes presentation, but part of the master plan does involve at some point an active senior living facility or hospice or something along those lines. So, that parcel is not part of this rezoning, but what I would like to see from the petitioner, and I believe it's already happening. I'm getting feedback from David that it's already happening. So, I'm pleased to say that. It's just in exchange for the loss of land that could be used for housing, just that the owner looks for some opportunities to trade off that would be beneficial to their business and there may be one opportunity. I've reached out. There's a parcel that's right there, I believe that's Mineral Springs Road right there on the map. That parcel, there's a section of it that used to be a recreational center when it was owned by Northside Baptist Church. Due to certain requirements for the land use to be a cemetery that can hold buildings I've learned, certain businesses that they want to operate like the funeral home and the active senior living facility, they have to maintain 100 acres of cemetery. So, that's part of what all this is, but if there's some way for the County and the City to work with the zoning, it would be nice that that could be preserved for a park. Kevin Brickman at the parks has expressed some interest in the Parks Department buying that portion of that larger 24-acre parcel. Something like that might be a good tradeoff. That being said, it sounds like it may not very well work for their business model. What I would like to see in this and I don't know if this has anything to do with what you can consider, it's just that I would like to see the petitioner show some willingness to consider options that might work for them because it is their land and I guess if you want to have control over land making decisions, the best way to do that is to own it. I do own up to that. So, I'm asking for support from the Council in facilitating that as best you can, in a way that doesn't disrupt the business, what should happen. So, that's my only sticking point at this point for not supporting it and I see David working towards getting some communications going with the Parks. So, I look forward to removing my opposition shortly. So, thank you.

Mr. Murray said so, Mr. Margolis and I have been talking. So, one of the issues that the cemetery has is to have a funeral home or any other type of accessory uses, you have to have 100 acres of cemetery and there's only 118 acres out on that site. So, it's a very tight site. So, that area that's up in the corner that's clear that we're discussing about where the park was, some ballfields at one time that were neglected as well as down here and in a 2017 administrative amendment of the master plan, those were changed into cemetery areas. So, I've reached out to the County. We're willing to talk, it's just we

do have a practical issue with not being so right on the 100-acre minimum because if we start giving up too much, if we want to have that funeral home, that doesn't count towards a cemetery. So, if there's parking and things like that. So, as far as this rezoning goes, these parcels are separate from the parcel that we're talking about on the rear where there used to be a ballfield. So, I'm happy to answer any questions.

Councilmember Johnson said just a comment. Thank you, Mr. Margolis, for your patience and your engagement tonight and always. Mr. Murray, we can talk offline.

Mr. Murray said sure.

Ms. Johnson said I know that was a concern during the community meeting from Mr. Margolis and the other Derita or some of the Derita residents. So, we can certainly talk offline. Thank you.

Mr. Murray said absolutely. Thank you.

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

Mayor Pro Tem Anderson said just a question, Ms. Johnson, inside of our packet it says three individuals attended the public meeting. Was there a different public meeting?

Mr. Murray said there was one public meeting. Mr. Margolis, Ms. McDonald, who's from the Derita Association and Councilmember Johnson attended.

Mayor Pro Tem Anderson said okay. I was going to make sure that Ms. McDonald was involved and also even though this is across the highway, it would be interesting to just get some engagement from the Sugar Creek Business Association, that's newly formed as we've stood up the Corridors of Opportunity to hear their perspective and get some insights from them as well.

Mr. Murray said sure. Yes, fortunately I got to meet Mr. Margolis and Ms. McDonald on a previous rezoning that I had years ago that we were able to work together on. Unfortunately, it never came to fruition because COVID and other factors. It was a wedding venue that was in Derita, but it just unfortunately never happened. So, Councilmember Johnson, we'll be in touch. I appreciate your time. Thank you everyone.

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

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ADJOURNMENT

Motion was made by Councilmember Brown, seconded by Councilmember Graham, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 8:07 p.m.


Stephanie C. Kelly City Clerk MMC, NCCMC

Length of Meeting: 3 Hours, 6 Minutes
Minutes completed: December 31, 2024