

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, November 21, 2022, at 4:44 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Danté Anderson, Tariq Bokhari, Ed Driggs, Malcolm Graham, LaWana Mayfield, James Mitchell, Marjorie Molina, and Braxton Winston, II.

**ABSENT:** Councilmembers Renee Johnson and Victoria Watlington.

**ABSENT UNTIL NOTED:** Councilmember Dimple Ajmera.

**Mayor Lyles** said I want to say how much we appreciate doing this work. It requires a great deal of time so that we can talk through everything. So, I want to welcome you and call to order the November 21<sup>st</sup> zoning meeting of the Charlotte City Council. The requirements of notice access in minutes are met as required by law, and the public in the media are available to view this meeting on the Government Channel, the city's Facebook page, or on the city's YouTube page. The Council begins meetings with an invocation, and expression that we use to solemnize our own proceedings understanding that while we celebrate that opportunity for us, that we recognize that there are people in our community with diverse religious choices including those without a religious faith at all. Tonight, we're asking Councilmember Anderson to address us as we begin this meeting.

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#### **INVOCATION AND PLEDGE**

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

**Councilmember Ajmera arrived at 4:46 p.m.**

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#### **EXPLANATION OF THE ZONING MEETING PROCESS**

Mayor Lyles explained the Zoning Meeting rules and procedures.

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#### **INTRODUCTION OF ZONING COMMITTEE**

**Phil Gussman, Vice Chairman, Charlotte-Mecklenburg Planning Commission** said thank you Mayor and thank you Council. I am Phillip Gussman, Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my fellow committee members, Douglas Welton, Melissa Gaston and sitting in with us today will also be Keba Samuel, our Chairwoman of our commission as well as Ronnie Harvey, Courtney Rhodes and Wil Russell. The Zoning Committee will meet Tuesday, December 6<sup>th</sup> at 5:30 p.m. here in the Government Center. At that meeting, the Zoning Committee will meet to discuss and make recommendations on the petitions that have public hearings tonight. The public is welcome at that meeting, but please note it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you're welcome to contact us to provide input. You can find contact information and information on each petition on the City's website at [Charlotteplanning.org](http://Charlotteplanning.org).

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#### **DEFERRALS/WITHDRAWALS**

Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to defer: a decision on Item No. 20, Petition No. 2022-050 by Ascent Real Estate Capital, LLC to December 19, 2022; a decision on Item No. 21,
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Petition No. 2021-238 by Lennar Carolinas, LLC to December 19, 2022; a decision on Item No. 24, Petition No. 2021-284 by Beacon Acquisitions, LLC & Crescent Communities to December 19, 2022; a public hearing on Item No. 28, Petition No. 2021-285 by Clearwater Development Partners, Inc. to February 20, 2023; a public hearing on Item No. 29, Petition No. 2022-027 by Childress Klein to December 19, 2022; a public hearing on Item No. 30, Petition No. 2022-066 by Wood Partners to December 19, 2022; a public hearing on Item No. 33, Petition No. 2022-037 by SunCap Property Group, LLC to December 19, 2022; and a public decision on Item No. 50, Petition No. 2015-027 by Charlotte Housing Authority to June, 20, 2023.

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## HEARINGS

**ITEM NO. 31: HEARING ON PETITION NO. 2021-083 BY MQC1, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.38 ACRES LOCATED AT THE INTERSECTION OF ARDEN STREET AND KOHLER AVENUE, EAST OF STATESVILLE AVENUE, AND WEST OF NORTH GRAHAM STREET FROM B-2 (GENERAL BUSINESS), I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL), R-5 (SINGLE FAMILY RESIDENTIAL), R-22 MF (MULTI-FAMILY RESIDENTIAL) TO MUDD (CD) (MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said it's about 5.3 acres located at Arden Street and Kohler Avenue, just east of Statesville Ave., west of North Graham Street. It has a variety of zoning districts. Currently on the property, B-2, I-1, R-5, and R-22 MF. They are proposing to rezone all those districts into one MUDD conditional district. The adopted place type for that project takes from the 2040 Policy Map has some Neighborhood Center along Statesville Avenue and then you transition into a Neighborhood 1 with some Neighborhood 2 to the south and across Statesville Avenue as well.

The petition itself is for up to 375 multi-family and 50 single family attached townhome units. It does limit building height for the multi-family to 75 feet and 48 feet would be the building height cap for the townhomes. It does provide an 8-foot planting strip and 8-foot sidewalk along Statesville Ave., Kohler Ave., and Arden Street, and then an 8-foot planting strip and 6-foot sidewalk along Lomond Avenue. It does commit to realign Arden Street where it intersects with Kohler Avenue and also commits to dedicate and convey all rights-of-way to the City. Provides a structured parking deck with façade screening for the multi-family component off Statesville Avenue. Also multi-family and townhome architectural standards are included to include things like building materials and façade variations.

Staff does recommend approval of this petition. We do have some outstanding issues related to transportation. It is consistent with the recommendation for Neighborhood Center. It does have some inconsistencies with that Neighborhood 1 place type, but staff does feel it's still a continual good transition from that North Carolina. The townhomes provide a good transition back to that single family on Lomond and Arden. Again, we do recommend approval upon resolution of those issues, and we'll take any questions following the petitioner's presentation. Thank you.

**Collin Brown, 1420 East 7th Street, Suite 100** said good evening, Madam Mayor, Council members. Collin Brown on behalf of the petitioner. Joining me tonight will be Rodney with Boundary Street Partners, here if you have questions. Good overview by Dave. With just three minutes, I'll move very quickly, not repeat the things that he said. This is a colorized conceptual. So, you can see a multi-family building as we transition to the neighborhood and the agencies here looking at townhome style units. Not included in this rezoning, but very important to what's going on in the area is this corner

parcel that Boundary is working on which will include a market with some grocery type elements. It is really sought after by the neighborhood and they're very excited about it.

We think adding these rooftops to the area providing some walkable uses is very positive. Here's an aerial so you can see a lot of the things going on in the area just north of Camp North End. We have some retail coming in. There are a lot of residential and affordable products here in the market. So, this is not part of the rezoning, the market on the corner, but that is part of the discussion. It just happens to already have existing zoning. So, that can be developed by right and it'll be wrapped by the multi-family project that we're talking about tonight. Then the nice transition to the neighborhood there with the townhome units. Anything you'd like to add? If not, we'll take questions.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2021-232 BY CHIK-FIL-A FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.88 ACRES BOUND BY THE EAST SIDE OF RANDOLPH ROAD AND WEST SIDE OF COLWICK ROAD, NORTH OF NORTH SHARON AMITY ROAD FROM B-1 (NEIGHBORHOOD BUSINESS) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2021-232. It's 0.88 acres on Randolph Road, west side of Colwick, north of Sharon Amity. The current zoning is B1, and the proposed zoning is for B2, conditional. Adopted future land use from the Policy Map does recommend Neighborhood Center for the general area around the Cotswold Shopping Center. This proposal is to demolish the existing EDEE (Eating, Drinking, Entertainment Establishment) with accessory drive through and then allow for an EDEE drive through only service that would have no indoor seating. Could also allow things like a financial institution or other uses permitted in the B2 district that are also allowed in the B1 district.

It does also indicate the proposed building, two drive-through service lanes and a bypass lane on the site plan. Access would be through a right in, right out only at the southern end of the site at the entrance closest to the intersection with Sharon Amity. Then a full movement access is currently proposed at the rear of the site onto Colwick although I believe there's been some changes that you may hear from the petitioner on regarding that access point. Also proposes to construct an 8-foot planting strip and 8-foot sidewalk along Randolph Road and does provide enough of an easement to construct a future 12-foot multi-use path along that frontage in the future.

Staff does recommend approval of the petition. There are no outstanding issues. It is inconsistent with the Policy Map recommendation for Neighborhood Center. Although the petition is inconsistent, staff does feel it is a reasonable request based on the existing use that's currently there. The site design is intended to improve functionality of both the access improvements and the pedestrian realm. That could help to provide some benefits to the overall transportation structure, infrastructure in the immediate area. So, again, we do recommend approval at this time and we'll be happy to take questions following the petitioner's presentation and the presentation by members of the community. Thank you.

**John Carmichael, 101 North Tryon Street, Suite 1900** said thank you Madam Mayor, members of City Council and the Zoning Committee. I'm John Carmichael, I'm here on behalf of Chick-Fil-A, the petitioner. With me tonight are Chad Ross of Chick-Fil-A and Andre Harakas and Tami Porter, both of whom are local Chick-Fil-A operators. Andre is

the operator of the existing Chick-Fil-A restaurant located on Randolph Road and that is the site that's the subject of this rezoning petition.

As Mr. Pettine said, the site contains about nine-tenths of an acre located on the east side of Randolph Road between Greenwich Road and North Sharon Amity Road. This is an aerial of the site. This is a zoomed in aerial. You have Cotswold Shopping Center. Cotswold Shopping Center is located to the west of the site across Randolph Road. Publix is located to the north of this site. You have other commercial uses to the south of the site. This is a closer view of the Chick-Fil-A restaurant from Randolph Road.

Andre has operated this restaurant for over 21 years. He currently has 140 employees. He's served this community as I said for over 21 years, and I feel he's been an asset to the community. I'm a nearby resident and they've always assisted on some of our charitable endeavors that our neighborhood has undertaken over the years including several 5k races to help the kids for cancer charitable foundation. Andre has relationships with many schools in the area and has assisted other neighborhoods as well. The site's currently zoned B-1. The request is to rezone the site to B-2 CD to accommodate the demolition of the existing restaurant building that currently has an accessory drive through window, replace it with a new restaurant building that would be a drive through only restaurant. So, no indoor seating, however there would be a walk-up window for carry-out orders.

This is the rezoning plan that's been submitted to the city. There'd be right in, right out access point on Randolph Road here. This is the southernmost access point. The northernmost access point on Randolph Road would be a right out only. Then there'd be an access point on Colwick Road. After a recent meeting with area residents, petitioner with the blessing of C-DOT (Charlotte Department of Transportation) agreed to restrict the Colwick Road access point to an enter only access point. The petitioner also agreed to contribute funds to the City of Charlotte to help pay for a future traffic light to be installed on Randolph Road by C-DOT.

Back to the plan. There would be two drive through lanes and rather than merging into one lane at the pick-up window, it would stay two lanes. This would increase the queuing capacity on the site. The new building would have a larger modern and more efficient kitchen which would allow orders to be filled more quickly which should also reduce the amount of cars that queue on the site. In reality, the new kitchen is almost as important and the increased queueing capacity. So, once again, dual drive through lanes that do not merge into a single lane and two dedicated lanes for the pickup which would increase the queueing capacity on the site.

This type of facility really reflects the nature of its business over the last several years, even pre COVID. The majority of its customers for several years have been getting their food from the site through the drive through pick up window rather than going into the restaurant. This is also an effort to help mitigate the number of cars that queue onto Randolph Road. I can't look you in the eye and guarantee you that there won't be any queueing of cars on Randolph Road because there likely will be. We do sincerely believe that this will help that situation and we feel like it's a practical solution. I'm going to ask Tami Porter to briefly tell you about her experience on Woodlawn Road and then I'm going to turn it over to the neighbors.

**Tami Porter, 1540 East Woodlawn Road** said my restaurant was built about a year ago. It was a freestanding unit, now it is a drive through only. It has tremendously helped with the traffic on Woodlawn Road. Now we seldom have traffic there, if we do, it's two or three cars and we can send more team members out to do some more order taking to alleviate that. It's just been amazing and we're getting really positive feedback from our community and from our guests and our kitchen is probably 80-85 percent of the building now. Like he said, it's helped tremendously for getting the food out quicker and faster.

**Liana Humphrey, 4415 Barwick Road** said good evening. My name's Liana Humphrey and I'm here representing an organized group of Cotswold neighbors, as City Council

considers another rezoning petition for the already congested corridor around Randolph, Sharon Amity and Colwick Roads. Unlike the last time that I was speaking to you, I am now in favor of the Chick-Fil-A proposal, and I want to comment John Carmichael and the Chick-Fil-A team for their willfulness to engage directly with us and listen to our concerns. I also want to thank the C-DOT team for meeting with a group of neighbors to discuss this rezoning and ways to address the traffic flow in our neighborhood.

As John mentioned, as a result of these meetings, they have agreed to contribute \$70,000 towards future traffic enhancements and they also made the change at Colwick Road to improve traffic concerns there. My primary reason for speaking tonight is to remind all of you of the cumulative impact of rezonings, particularly within such a small geography. Back in 2015, City Council approved the construction of Publix on Randolph Road including the use of Greenwich and Colwick as access roads for Publix delivery trucks and shoppers entering the parking deck. Then, just a couple of months ago City Council approved the construction of 260 apartments on Colwick Road despite concerns from us residents about the density of development and ensuing traffic congestion.

While remodeling the Chick-Fil-A drive through should improve efficiency and reduce the number of cars lining up on Randolph, it will also divert more traffic to Greenwich Road and Colwick Road by restricting left turns of Randolph. It's the right thing to do for traffic safety, but it will have an impact on those of us who live adjacent to Colwick Road. Based on C-DOT's assessment, the best solution to traffic congestion and safety issues in the area is to install a new light at Randolph and the Publix access road, providing an additional entry and exit point for the apartments, Publix shoppers and Chick-Fil-A customers.

This was first proposed during the Colwick rezoning, and we now have a total of \$170,000 earmarked towards this project. According to C-DOT, installing the traffic light at that intersection will cost \$400,000 to \$500,000. So, additional monies will need to be allocated by the city to fully fund the project. As someone who just voted to approve the \$146 million transportation bond, I urge you to prioritize and fully fund this street improvement project in Cotswold. The need for infrastructure enhancements is often mentioned at these rezoning hearings and now would be a great time for City Council to be proactive and get ahead of the traffic issues that will arise from these recent decisions. Thank you.

**Ry Elkins, 535 West 7th Street** said good evening. My name is Ry Elkins and I'm a teacher here in Charlotte Mecklenburg schools and I love living right here in Uptown Charlotte. I commute daily either by car or by my preferred method of biking to the Charlotte suburb of Myers Park for work. I'm incredibly lucky that the city works so hard to give me a safe cycling path via the CycleLink and little Sugar Creek greenways where I don't have to interact with inattentive unsafe drivers very much at all.

Being able to commute by bike has opened the door to a much more pleasurable and sustainable lifestyle, and without this infrastructure, I would have never known that. So, thank you. Tonight, the Council will vote on a rezoning measure which will allow yet another drive through only establishment in the core of our city. These drive through only establishments have refused to serve me quite a few times because I was on my bike rather than in a car be it a restaurant, a bank or something else. Charlotte markets itself as a connected city with world class transit. As of right now, I strongly disagree with this claim. Charlotte is a city which since the mid-20<sup>th</sup> century has been built for and only for people in cars. In the last decade or so, we've made great strides to change that with slightly increasing our core density and with the construction of the Blue Line, the Greenway System and the CycleLink.

We have stepped towards being an equitable city which does not require car ownership to get around. If the Council approves this zoning request by the Chick-Fil-A off Randolph Road, they will be admitting that they are completely turning their back on those strides as well as on the people who either choose not to or cannot make a car

their main mode of transportation. Given Charlotte's current level of density and location in the southeast, an area that will be considerably affected by climate change, we desperately need to begin densifying greatly within our city's core.

With the Silver Line coming in the future and hopefully the Red Line and maybe others, we have the ability to become that dense walkable, bikeable world class city that we currently boast. Millennials and Gen Z overwhelmingly do not want to live in car dependent cities. That's clear. The approval of another cars only establishment will plunge us deeper into car dependency and deter more young people from choosing to call our city home. I as well as countless others will remember this come the next City Council election. Being a regular pedestrian or cyclist in this city are both incredibly dangerous. We've all been cut off by cars at crosswalks or in bike lanes and many of us genuinely fear for our lives when we decide to move about the city, not in a car.

I regularly go live on TikTok when I ride my bike and in the past few weeks, I've had many of my followers comment or message me asking me to stop riding around the city because they're first hand witnesses to all the near misses that I encounter on a regular basis. I've even been hit by a car in a flex post protected bike lane right outside of Uptown. We are not safe here and this is due to the city's decision to prioritize drivers and not any other modes of transit. I am asking you genuinely to vote no on this rezoning request. Our city does not need more car centricity and car dependency. Our city needs to look at some of the strongest urban cities in the world like New York or Amsterdam, Paris or Copenhagen, Tokyo or Berlin and decide if these strong cities would allow a suburban development like this in their urban cores.

It's my deeply held belief that Charlotte should be a car allowed but not cars encouraged city. However, the direction the Council would be taking us by voting yes again is that of not only a car encouraged, but that of a deeply cars required city. Thank you.

**Caleb White, 1820 Delchester Drive** said good evening. My name is Caleb White from District 6. I'm here to deliver a written message from John Holmes, III of District 5 who's regrettably not able to be with us tonight. Madam Mayor and City Council members of Charlotte, I stand before you today to speak on agenda item 32. It is imperative to the city's financial health, our stated value of equity, our fight against climate change and our desire to successfully implement the 2040 Plan, that the City Council vote no on this agenda item.

In 2020 I was a fresh graduate from UNC Charlotte and struggling to find work. After 200 job applications in a market that was not hiring. I found employment as a worker for Chick-Fil-A. It wasn't what I wanted, and the pay was a meager \$10.75 an hour but it was enough to keep the lights on and when my financial situation deteriorated due to rent increases, I took small comfort in being able to eat on the days that I worked. Gradually I fell in love with the job. I climbed the ranks fairly quickly. In less than six months I was promoted to a junior management position and then after six more months of constant work, coaching and leadership development, I earned the position of the store's senior operations director which gave me a huge swath of responsibility over the entire store, its guests and its employees. I was able to help steward a multimillion-dollar business. I was the model employee. I still say my pleasure to this day.

I felt that the brand's core values were critical to one's personal and financial success and I routinely went out of my way to represent the brand in the best possible light. I was the gentleman that would change your flat tire in the pouring rain and refuse to take payment. The individual that would run over and check on you if you got in a car crash near our store. The kind heart that would clean out your child's vomit from the floorboard of your car with a smile and a free meal in hand. This same love and attention that I had for our guests was amplified for employees. I prided myself on working with my employees and strived to treat them with honor, dignity and respect. I have helped my wonderful coworkers find housing, seek counseling, grow through loss and find their footing in a difficult and oftentimes confusing world. I still talk to my former peers, quick to remind them of my old offer. If you need anything, give me a call. Then I

started to read about the impact that drive-through businesses have on cities. While I loved working at Chick-Fil-A, I loved our city more and I quickly became alarmed at the negative impact that our business model was imposing on Charlotte.

I soon found out that when a city continues to allow for car only businesses to be the norm, they often find themselves hurting financially due to lesser property taxes. I read study after study that highlighted how the emissions from idling cars contributed significantly not just to global warming, but they also expose employees to hazardous levels of toxic fumes. I stared blankly at walls of data that demonstrated how dangerous these businesses are for nearby pedestrians reflecting solemnly on my own personal experiences where I had been almost run over and killed at my own store location, twice.

I spoke to our store's operator and tried to push for better change, but little change took hold. We bought a bike rack to install later, but that ultimately did nothing to rectify the lesser tax return for the city, the emissions or the hazardous conditions. In the end when I saw that Chick-Fil-A had been approved to rezone as a drive through only location in a TOD (Transit-oriented Development) by the City Council, I spoke up against this issue publicly and was subsequently fired the next day. Coming home early to tell my pregnant partner that I was out of work and would be looking for a job the next day. I don't regret what I did, but I use this moment of my past despair to highlight the gravity of this item before I continue.

While Chick-Fil-A will stress that this rezoning to drive through only is going to alleviate traffic, this is a false notion, and I'd like to note they acknowledged that. The business model inherently strives to gather more and more customers and subsequently suffers from the urban planning phenomenon known and Induced Demand. The more lanes that a Chick-Fil-A builds to take on traffic, the more traffic is subsequently experienced. Normally I'm indifferent to traffic because it only affects me when I take the bus and I frequently ride my bicycle instead. In this case, the City Council has received a number of complaints from residents opposing affordable housing items on the grounds that traffic is already horrible in this area due to the restaurant.

If faced between providing housing for residents already being left behind or allowing a business to push negative externalities on Charlotteans, which would you prefer? In addition, many members of the City Council have placed a premium on safety of its citizens, citing concerns of preventing a rising crime rate that we feel is inevitable with the rapid growth we've experienced as a city. Yet, one metric that routinely gets lost in our discussion of public safety is the rising rate of pedestrian fatalities that Charlotte experiences.

While Charlotte DOT (Department of Transportation) is working tirelessly with his vision zero initiative, we need to recognize that City Council has the potential to make their already monumental tasks at time insurmountable when we opt for land usage that is incompatible with our desire for safety. Using NCDOT's (North Carolina Department of Transportation) crash and collision database and examining crashes in a quarter mile radius within each store location, I discovered that from 2012 to 2018, over all 16 Chick-Fil-A stores in Charlotte, the ones that were designated as drive through only experienced 3.45 collisions on average each year despite being in lesser numbers, while the mixed-use stores averaged 2.5 collisions a year.

We can quantify that we are making our streets physically unsafe with this simple decision to allow a store to only serve motorists and when faced with that reality, I ask, are we holding true to our promise to make Charlotte a safer city if we only focus on the aspect of crime?

Lastly, this item touches on the issue of fiscal conservatism. Many Council members have beamed with pride at the news during last year's budget proposal that the allotted budgeting team was able to deliver more programs with no rise in taxes. This was an awesome civic accomplishment that should be praised, but the reality is that this feat will soon dissipate if we continue to focus on these autocentric businesses. For each

Chick-Fil-A that has been labeled as drive through only, the property values have slowly declined over years whereas the mixed-use restaurants either stayed relatively steady or increased.

Mr. Carmichael said I won't take the full two minutes. I'm advised that there's one drive through only Chick-Fil-A restaurant in Charlotte at this time. If this were to be approved, it would be the second. This is an existing use. We're not coming here tonight with a site that's not developed or to redevelop a site where this restaurant doesn't exist. It's an existing use. It already has a drive through window and the majority of its business is generated through the drive through window.

With this plan, the hope and the expectation is that as Ms. Porter stated, the queuing issue on Randolph Road would be improved. In all candor, the number of cars that come there a day or the business would likely increase, but the More Fish N' Kitchen increased queuing capacity nevertheless should help. That's been the experience on Woodlawn Road.

Finally, in terms of policy, the new UDO (Unified Development Ordinance) reflects the policy of the Council. The UDO allows drive through only establishments in certain zoning districts. The new UDO allows restaurants with accessory drive through windows as well. The new UDO would allow come June 1, a restaurant with an accessory drive through window here and it would allow come June 1, a drive through only establishment under the current UDO. You may say, "Well wait until it's by right." Well, there's two reasons. One reason for that, we're not sure that we can meet one of the prescribed conditions in terms of the circulation. So, I'll concede that you, but the use will be allowed come June 1 and Mr. Pettine can confirm that. That's the truth from a policy standpoint, this is not anything that's really that contrary to your policy.

Now I will tell you, in a Neighborhood Center, a drive through only would not be allowed but a restaurant with accessory drive through would be. I'm happy to answer questions.

**Councilmember Ajmera** said a couple of questions. So, Mr. Pettine, can you confirm what Mr. Carmichael said that the UDO would allow this same use that they are proposing through this rezoning?

Mr. Pettine said so, currently the zoning district would translate potentially to CG (General Commercial) because it's zoned B-1 currently. So, use in that district would include a drive through facility. Neighborhood Center, which is the long-term place type that we'd like to see in that area would allow a facility with a drive through, but not a drive through only. So, it would have to have either a sit-down component or in service within the building component to it, but on the initial translation, right now they would be able to do a drive through without any seating. Again, Neighborhood Center long term, that would not be something that we'd want to see. The Neighborhood Center would only allow that with indoor seating.

Ms. Ajmera said okay, so what I hear you say is that drive through will be allowed but there will still be a requirement for a sit-down restaurant?

Mr. Pettine said yes, the big difference is between the indoor seating versus not. So, just the general commercial district in the UDO would allow it without any seating, but the Neighborhood Center would require that to have some indoor seating and not just allow drive through only.

Ms. Ajmera said okay. Mr. Carmichael, so I guess the comparison is not really apples to apples here.

Mr. Carmichael said what I said is I want to be clear about this. When the translation happens on June 1, you can do, if you meet the prescribed conditions a drive through only establishment on June 1 unless you change the UDO or you rezone that site. What I said was if it's rezoned to a Neighborhood Center down the road, then you could only do a restaurant with accessory drive through windows. Come June 1, you could do a



drive through only establishment at some point down the road when you do corrective rezonings, it would only be a restaurant with accessory drive through windows.

So, June 1 when you do the UDO translates the new districts, this will be zoned CG. So, you could do a drive through only establishment. What happens when you all do corrective rezonings sometime in the future, it will be rezoned to Neighborhood Center, and you could not do drive through only but you could do a restaurant with accessory drive through.

Ms. Ajmera said so, you still have to go through a rezoning process?

Mr. Carmichael said no ma'am.

Ms. Ajmera said it would be by right?

Mr. Carmichael said until such time when you do a corrective rezoning, I don't know when that would be, but here again I want to be clear too. I did say that there are five prescribed conditions. I'm not sure we can meet one. My point is that from a policy standpoint, this is not that inconsistent with where we are on June 1. You didn't exclude drive through only establishments from the UDO and you didn't exclude restaurants with accessory drive through windows, but I also want to say this.

I feel like this is getting blown up into a big policy discussion. We're trying to find a practical solution to an existing queueing problem for a use that's been there 21 years, has 140 employees and has been a benefit to the community in which I live.

Ms. Ajmera said okay. I guess Mr. Carmichael my question has been addressed and I just want to be fair. If I give you additional time, then I have to give others additional time.

Mr. Carmichael said sure. Certainly.

Ms. Ajmera said I have a couple of questions here. So, let me just pull up a couple of my other questions. So, one of the speakers addressed equity concerns. Would you please address that.

Mr. Carmichael said the equity being that it only serves people in cars?

Ms. Ajmera said right.

Mr. Carmichael said well this will have a walk-up window so pedestrians could walk up and order and pick up. I don't know how many people will do that, but it's possible. There's also a bus route there right in front of the store. I'm not going to sit here and tell you that people are going to ride the bus to come to Chick-Fil-A. As good as their chicken sandwiches are, I don't know that people will. Maybe they will, but this will have a non-vehicular option which is for pedestrians.

Ms. Ajmera said got it. Okay, that addresses my questions. So, I'm trying to figure out, because of not having the building or sit-down restaurant, how many additional lanes are we adding to the existing flow of traffic?

Mr. Carmichael said so, right now if you drove by there, there are two drive through lanes. They're marked with cones, they're not official drive through lanes really, but they're two drive through lanes from here to here. Councilmember Ajmera, can you see that?

Ms. Ajmera said yes, so that's similar to what other Chick-Fil-A's have currently.

Mr. Carmichael said then you merge into one here and you pick up your food somewhere here at a window and then you exit. What this would do, would add the

second drive through lane here. That really will help with people retrieving the food and getting cars off the site in a more efficient and quicker fashion.

Ms. Ajmera said so, it's going from one lane to two lanes?

Mr. Carmichael said well, there are two lanes now from here, from this point to about here. Then it merges into one lane here. What this would do, it would have two lanes around the entire building with the new building. So, two lanes existing here from about here to here and what this would do is extend the two lanes to here.

Ms. Ajmera said got it. I'm concerned about the safety and one of the speakers talked about in use demand. Could you also address the safety concerns specifically for those who may not be driving to that site, they might just be walking.

Mr. Carmichael said so, a couple of things. That's a good question. Right now I think there's a back of curb sidewalk. So, what would be constructed here is an 8-foot planting strip and an 8-foot sidewalk. So, that's a pedestrian improvement. The driveway situation now, this is a full movement access here Council member and then this is I believe right out only. So, one could argue at least that restricting this to right in, right out would actually make this a safer walking environment than it currently is today because you wouldn't have left turns coming in here.

Ms. Ajmera said where is the walkup window?

Mr. Carmichael said the walkup window is right here. I did have the elevations. That's the walkup window right there and that is right here. So, you'd walk up this path to get to there.

Ms. Ajmera said okay. So, this will provide the safe pedestrian sidewalk to get to the walkup window?

Mr. Carmichael said well I think so. It has a walkway here and then it's striped here. You would have to look where you're going, but I do think here again the left turns are restricting, the left turns in will make that a safer movement for cars and pedestrians.

Ms. Ajmera said do we know what is the current traffic like at this site? Obviously, we have heard a number of complaints about Chick-Fil-A contributing to overall traffic in the area. Do we have any study done on what the traffic is like and what it will be like under the proposed structure?

Mr. Carmichael said so, C-DOT didn't require a traffic study. They required a technical memorandum. They say that the current trips are about 1,980 and that the trips under this proposal would be 1,980 a day. I don't have anything other than that. We looked at some of the access points during the peak hours.

Ms. Ajmera said although it may not be required, at least for me would be important to consider that data especially since we are looking at Chick-Fil-A and how it contributes to traffic and just the safety concerns that we need to look into. Even though that's not a requirement, I would like to see some sort of data as to how this would improve the existing situation. That's all I have, thank you.

Mr. Pettine said Councilwoman Ajmera I do want to just clarify one item that we had talked about earlier about the drive through only facility in the Neighborhood Center. So, they have to have an existing drive through facility in that location as of June 1, 2023. So, no new drive throughs would be allowed. It would have to be an existing situation like this where they could come in and make some of those changes. So, I just wanted to clarify that for us.

**Councilmember Winston** said grandfathered in.

Ms. Ajmera said yes. So, it's grandfathered in.

pti:mt

Mr. Pettine said right.

Ms. Ajmera said okay. What Mr. Carmichael was alluding to earlier was that you could just have drive through without having a sit-down component to it. Is that correct?

Mr. Pettine said under that CG zoning district, that currently is the way it reads, and this would translate on June 1<sup>st</sup> to CG. It is something that again, we continually look through the UDO for things that we need to address. So, this item certainly is something that I think we all want to get our arms around. So, we'll have some more conversations about that moving forward.

Ms. Ajmera said yes, I'd like to get some clarification on that because does that mean all the drive throughs that currently exist in our city could only have drive through moving forward under the UDO without having any sit-down space?

Mr. Pettine said yes.

Ms. Ajmera said yes. If that's the case, we need to look at the policy.

Mr. Pettine said we can follow up with that. I think as we talked through this one earlier this afternoon, there's certainly I think some more dialogue that we need to provide to you all just about what some of those options are and what some of those long-term changes are going to be under the UDO for drive throughs throughout the city.

Ms. Ajmera said okay, thank you.

Mr. Winston said question for the staff, Mr. Pettine. How would you describe this area around Sharo Amity and Randolph Road? Suburban? Urban?

Mr. Pettine said I think it's one of those that's going through some transition to get a little bit more densification and we saw that with the rezoning petition approved just behind this site on Colwick.

Mr. Winston said so, what is it transitioning from into?

Mr. Pettine said I think as we continue to see some infill, it's going to provide a little bit more of an urban infill, but I don't know if we'll see a full transition to get to a full-on urban environment at this point. We still have a very suburban centric auto centric shopping center across the street. Long term, we'd love to see this be a Neighborhood Center place type which does involve some densification, it does involve some internal pedestrian networks that would be approved from what we see today.

Whether it would transition into a more full-on urban type of area, that's just something that we'll have to see. I think the Neighborhood Center place type certainly would get it into maybe a mid-urban scenario. Right now, we're just starting to see the beginning of that I think with that rezoning that just happened behind us. If that catalyst of the shopping center goes through a significant redevelopment or even just some infill to take some of that surface parking and transition that, then I think we'll really start to see some of that accelerate. For now, I think we're on the very early stages of some of that happening.

Mr. Winston said so, how would you describe the intensity of this area?

Mr. Pettine said right now it's still a bit of an auto centric suburban area that's starting to see some infill desire, but I think long term that's the direction it will go in. Right now, I think we still see that as a very auto centric shopping center.

Mr. Winston said so, what types of priorities do we put on areas like this, that are developing like this?

Mr. Pettine said I think it's a balance. We have to try to balance existing uses and existing standards that we have with our long-term goals and visions for the area. I think that's part of what we struggled with when we went through this process of looking at this petition. You have an existing auto centric use that wants to stay in that location, make some changes to hopefully make some improvements to it. I think we can stand here and probably debate the outcomes of that probably until the end of the night if we wanted to. Certainly, we're not going to go through that. I think long term we'd like to continue to see this turn into a good activity center with some better walkability, with some better infill development and losing some of that auto centric nature of it. A lot of that's going to depend on of course private market and investment and just other factors that we have some control over, but not fully.

Mr. Winston said thank you. So, I think I heard some anecdotal testimony that the drive through on Woodlawn helped relieve traffic queuing. I would give anecdotal testimony because I drive there, that it hasn't really helped at all. Do we have any empirical evidence that traffic has actually improved on Woodlawn since those changes have been made?

Mr. Carmichael said so, I can share with you later, Kimley-Horn went out there and monitored both sites for a day. I think it was March 15th or March 20<sup>th</sup> on an hourly basis. What they did, they had a drone that they hovered over the Woodlawn restaurant site and they put up cameras on the Cotswold site. They determined the times of the day that the cars actually queued on Woodlawn, and I think it was only two 15 minute periods on this day. They said most of it was generated by people not keeping the cars together, you know how people look at their phone and they look up and there's a big gap.

Mr. Winston said so, you're comparing Woodlawn to Cotswold, but I was asking about empirical evidence to whether the changes on Woodlawn has actually empirically improved traffic.

Mr. Carmichael said that's what I was talking about Mr. Winston, Woodlawn. They also studied Woodlawn in connection with this petition. They had a drone hover over it and they looked at all the trips that day and I can get this to you. If I misquote it, I don't mean to. It's either two or three 15-minute periods during the day when cars back up on Woodlawn and the Kimley-Horn engineer said that was significantly attributable to the gaps not being filled. I can email this to you, but there's a chart that showed the number of cars in the queue. I think it was 15-minute periods, and there were a couple that were 20. The queuing capacity on Woodlawn is 25. So, I can email the whole Council that study.

Mr. Winston said it hasn't eliminated the traffic problem on Woodlawn.

Mr. Carmichael said other than those three periods that didn't queue on Woodlawn according to the Kimley-Horn study.

Mr. Winston said so, three 20-minute periods about an hour a day?

Mr. Carmichael said no, I don't think it was for a whole hour, but I don't want to misspeak. I'll send that to you. I'm happy to share that with everybody.

Mr. Winston said right. It's probably during rush hour or something like that?

Mr. Carmichael said it was a lunch time and I don't know the other time. I think it was in 15-minute intervals I believe.

Mr. Winston said does Chick-Fil-A have any dine-in only models?

Mr. Carmichael said dine-in only?

Mr. Winston said yes.

pti:mt

Mr. Carmichael said I don't know. Mr. Ross? I know at the mall they do for sure, but you mean freestanding?

Mr. Winston said yes.

**Chad Ross, 5200 Buffington Road, Atlanta, Georgia** said alright. Chad Ross. So, we don't have standalone dine-in restaurants. We only have in lines or malls.

Mr. Winston said none in New York?

Mr. Ross said in New York, yes, but we consider those in lines.

Mr. Winston said okay. So, I want to talk a little bit about induced demand that was mentioned earlier. I think that's a good point. Are people able to utilize the dining room that exist right now if they want to?

**Andre Harakas** said hi, I'm Andre Harakas. Thank you for this evening as well. Currently no. Pre COVID we were a single lane. During COVID when we closed the dining rooms down, we actually went, like John described, with a second lane and coned it off to help alleviate the traffic to bring in the traffic off of Randolph. So, the dining room, we have not yet reopened. We have where you can do a mobile order and walk up into the store into the foyer area, but the dining room we have closed.

Mr. Winston said so, you actually have created a situation where people can't get out of their cars if they want to come and eat inside if they wanted to. They have to take their food to go.

Mr. Harakas said currently, yes sir.

Mr. Winston said inarguably there were less cars, less people pre COVID when people were able to use the dining room, there were less cars coming up, but you still had the traffic problem.

Mr. Harakas said we had the traffic problem because we had a single lane and if you look at that diagram, I don't know if they can pull it up or not. There's a single lane so you had less cars that were able to be in the drive through lane itself. So, the queuing actually would double the capacity with that drawing there which would alleviate and bring the traffic in off of Randolph. That's what we tried to do during COVID. Now, the kitchen design that we spoke of earlier, that Tami spoke of at the Woodlawn location, consists of about 80 to 85 percent of the store at this point. So, it's a throughput issue that we're having currently.

The facility that we're in, we built in '01. I've been there for 21 years. I love being in Cotswold. If anyone knows me, they know that Randolph has been an issue and I want to bring cars off of Randolph. I want to consistently try to do that and that's what we're trying to do here. We're trying to do a redesign of the actual kitchen and we're trying to reconfigure the parking lot. So, John spoke of the two lanes there. There's currently an island up there towards the top area that you can't have cars going around the building currently. This would help with I guess you would call it a bypass lane to go around the actual store.

Mr. Winston said I'm quite familiar with this place. My kids go to go school there so I drive past there several times a day for the past six years and my kids love to eat there. We've eaten inside and through the drive through. So, I'm very familiar with this place. How many people were able, when you were using the dining room, to eat in the dining room.

Mr. Harakas said we were definitely 65 to 68 maybe even 70 percent was drive through. Then the rest of that percentage would be divided into carryout.

Mr. Winston said you said 60 people could eat in the dining room?

pti:mt

Mr. Harakas said no, we had 65 percent of our customers.

Unknown said how many numbers of seats.

Mr. Winston said yes, how many people?

Mr. Harakas said oh, the capacity of the store?

Mr. Winston said yes.

Mr. Harakas said I think we're at 119,120ish. Somewhere around there, the dining capacity.

Mr. Winston said when it was open, I mean that place was humming right?

Mr. Harakas said well no. It was humming during different parts of the day. Again, 68 percent of transactions were drive-through transactions. Probably another 15 to 17 or 18 percent were carry outs.

Mr. Winston said how many people?

Mr. Harakas said put a number on it? We probably served 1,500 to 1,800 transactions a day. Inside was only 10 percent of that, if that.

Mr. Winston said so, you do have induced demand right now for vehicle traffic because if you had the ability for people to eat inside you would potentially have less vehicles there, right?

Mr. Harakas said less vehicles in the parking lot?

Mr. Winston said yes, less vehicles in the drive through backing up on to Randolph Road and backing up traffic.

Mr. Harakas said I think it'd be the opposite. I think we would have more traffic onto Randolph if we were a single lane again.

Mr. Winston said if you were able to have people eating inside.

Mr. Harakas said oh, eating inside. Again, going back to that percentage that we had, if you're thinking roughly 70 percent were drive through transactions and the other ones were carry out, if we have the capacity to be able to do very similar to what Woodlawn has been able to do, I think that you would see less traffic possibly in Randolph with the capacity and throughput.

Mr. Winston said possibly.

Mr. Harakas said possibly. Again, we can't guarantee anything, but the likelihood just given what Tami, her experience so far, I think it would help.

Mr. Winston said I want to know who would answer this question. It's about the traffic light. Would that \$70,000 go to this traffic light that they're talking about?

Mr. Harakas said yes. I'll let C-DOT weigh in on that one. Thank you.

**Jake Carpenter, Charlotte Department of Transportation** said so, the intent of the contribution would go to the improvements on Randolph Road. As you remember from the Colwick rezoning we have a contribution that was part of that. So, the intent is the signal or the set of improvements, pedestrian, vehicular, at that location would be the intent of the contribution of those funds.

Mr. Winston said they mentioned it to be a \$450,000 traffic light.

pti:mt

Mr. Carpenter said I think that original estimate was back of the napkin but could be approximately that. So, it could come from other potential developments in the general vicinity. There's potential for congestion mitigation funds. There would be a pedestrian safety benefit to that crossing there. So, we would explore all methods of funding to make that happen.

Mr. Winston said can we go to a slide that would show where that traffic light would go?

Mr. Carpenter said so, the initial concept included the location of the Publix driveway and then you see the driveway across the street of the adjacent shopping center, essentially signaling both of those with a pedestrian crossing in the middle. So, when you run your vehicular phases, you get an opportunity to safely get pedestrians across Randolph Road.

Mr. Winston said so, we know that the traffic light will go around where that number 4,499 is. So, if there's traffic backing up down Randolph Road and you would make a right turn out of the Chick-Fil-A what happens when that red light backs up? How would that mitigate congestion? Wouldn't it not add to congestion if there was another congestion point there?

Mr. Carpenter said the intent of the exploration of that set of improvements was really to help service some of the neighborhood traffic as well coming out of Colwick. I think the sole purpose is not to solve the Chick-Fil-A traffic issues, but the redesign of the site plan was really the biggest part about that. So, the signalized improvements is not necessarily to solve Chick-Fil-A access traffic, but general area traffic improvements.

Mr. Winston said would an introduction of a traffic light here not add to the congestion at this Chick-Fil-A we're trying to solve for?

Mr. Carpenter said you would see some traffic along Randolph Road. Our signal systems folks would tie the timing together and that improvement is really alleviating congestion in various places. You have a lot of concern from the neighbors that when we met with was the Greenwich signal and some of the issues back there with the additional traffic from Colwick and Chick-Fil-A. So, spreading that out from the side streets was one of the issues discussed and we would work to tie in those signals if it came to fruition to get that Randolph corridor working well.

Mr. Winston said so, I remember from the other Colwick rezoning the big concern was the traffic, especially backing up traffic around school time when schools would let out. Is there not a rush of service at Chick-Fil-A when schools let out?

Mr. Harakas said I'm sure there is. I mean there's rush coming through, just the timing of it, I can't give you the exact time just offhand.

Mr. Winston said so, if we add another light, we still have the school traffic and we're inducing more car traffic demand at this location, how would that better serve the concerns of the neighbors we've heard some vehemently from?

Mr. Carmichael said so, in terms of the traffic signal, the monetary contribution Chick-Fil-A would make would not be limited to the traffic signal. What the improvements are designed to do is to try to eliminate queuing from this point south. Cars would not queue that way because you enter down here. So, the queuing is from here to here. The agreement to contribute towards the traffic light or other transportation improvements in that area was a request from the Colwick area residents and Chick-Fil-A was happy to do it.

Unknown said that's so they can get out of their neighborhood.

Mr. Winston said again, this is a place that I frequent. This is a place that I'll speak from a place of personal privilege that this is a pain in my day to day and I think I speak for a lot of folks that have to commute to and through and from there. I think that this is a bad

decision to make this drive through only. I think that this is a place that is densifying, it's going to be intensifying over time. This is the last place that I would want to put a drive through only. I look at this whole sea of parking that's going on here and I don't know why we wouldn't try to make this a more pedestrian friendly place. Make this a place where you can drive up, park, walk around, go get something to eat, go shopping, do all those things by getting out of your car. Especially, as we have said I think that we are trying to become a more pedestrian oriented city, a place that transitions specifically areas like this from being auto intensive that were 20, 30, 40 years ago for those purposes to a place that supports a mixed-use of development.

I don't know how staff is really getting behind this petition. I will say this conversation has come up around drive throughs over the past. I think Mr. Bokhari has pointed this out that we are having to deal with this on an ad hoc basis. We don't have policy that specifically looks at drive throughs. I think we need to do that. This is an important piece of development that many of us have gotten used to, but we have to have a bit of a look inside and say what we have been used to is in a lot of situations, specifically this situation is what we need to get away from. So, I would really hope that we take a good look at this and I hope that we don't push this through because it would be the wrong use of land for our community. Thank you.

**Councilmember Mayfield** said question for the petitioner, it'll be on the same line as far as staff. Can you have the slide of the revised, because I'm looking at the one that we have.

Mr. Carmichael said the site plan Councilmember Mayfield?

Ms. Mayfield said yes.

Mr. Carmichael said this is the proposed site plan.

Ms. Mayfield said okay, that's the proposed. Okay, so the one that I have access to actually has all the information. I think up top they can see what it is that I'm looking at because I'm trying to get an idea. So, we have right only coming in and if I heard correctly, we have going to the ramp, that's the pedestrian walk. So, we have pedestrians that's going to be walking across to a walk-up window that's going to have to go in between the traffic and we're talking about two lanes of drive through traffic and pedestrians walking up just to get to a window, not actually be able to go into the facility to sit down and order.

Mr. Carmichael said that's correct.

Ms. Mayfield said would looking at the proposals of sidewalk and the light, this may be something that's on here and I'm just not seeing it. Here's the reality. That's going to contribute to a lot of the trash that's along the area if people are just going to the window, walking up, going down. We're seeing an impact of trash throughout our city as it is with people opening up their doors, rolling down their windows, putting fast food items, entire bags out on to the streets. So, it would also be helpful to come back and give us a layout of where the trash cans, what's going to be the maintenance on those trash cans. That type of information would be helpful if people are just walking up and they aren't able to sit.

This is a question David; this might be for you still on here because I'm trying to understand. If the Council's goal previously was around pedestrian connectivity, why we would consider a drive through or walk up only and remove the ability for place making. That's not place making if I'm not in a vehicle. If I choose because of all that's going on around this area, if I choose to walk over, it's a bit of a Frogger game that I'm playing to get over to it, but then once I get there, I'm not able to stay to order, sit down. I'm going to have to immediately pick up and leave. Help me understand the direction we're going in for this.



Mr. Pettine said yes, I think again for us the pedestrian improvements are along that frontage on Randolph. The internal stuff, there was an outdoor seating proposed at some point during the site plan. That's not on the site plan at this point. So, there was an opportunity to pick up and sit down at a table outside to eat, but that's something that we saw get taken off the site plan through the iterations of it to where we see it now.

Ms. Mayfield said thank you. Getting that information back would be helpful since we're just at the hearing as of right now. Just for full transparency, it would be very hard for me to consider supporting this in this current iteration. Thank you, Mayor.

Mr. Carmichael said thank you.

**Councilmember Bokhari** said yes. Thank you, Tami, obviously for coming and to see first hand the success you've had since we did the same rezoning on Woodlawn. It's been great to see and experience both Andre and you guys for serving the community the way you have amazingly for all of the people that work for you. Particularly for one of the few people out there who is innovating in almost a Disney-like way of how to move people. We're at a spot right now in this community where the reality is we have to move people in the ways that they move around today, and to see people innovating in our back yard is very important there.

Liana and the neighborhood community, thank you for working so diligently to partner with them to figure out ways to enhance the neighborhood. Some of these needs that we've discussed tonight are far larger than this one rezoning. We have massive congestion issues to face there. We also have issues of neighbors being able to get out of their neighborhood. This is the holistic solution we need. Again, we're fiddling around with what is at our disposal to play with today in the state it is. In a perfect world, there would be a lot more investment from the city side to do things differently and unfortunately there isn't, and this is where we sit today.

So, along the lines of this rezoning, I think despite a lot of the conversation we've had, the bottom line is we have someone who employs a lot of people, has been here over 20 years and will continue to be here in that same fashion. They are able to serve a lot of people. Induced demand in this scenario is they have a great product and they keep getting faster and it induces people to want to come and fulfill their needs there. So, I think that is the other side of that coin that's very important. I think that at the end of the day maybe more people will want to come because they're innovating getting faster. That's great. We need solutions for people's issues, but this will inevitably, like it has on Woodlawn, make things more efficient, make things more effective for getting folks through and what they need accomplished. So, I think that's a no brainer there.

For the folks that came and spoke in opposition, I appreciate you coming from far parts of town to give your perspective on what's happening there. I think the thing I'd say is I don't disagree with your points. I actually really want a walkable town, I want a town that has pedestrian safety and biker safety in the front of our minds. At the end of the day, you can't wish that into existence from behind the dais on rezoning nights. We have to invest massive amounts of money in the infrastructure to make that viable and we've had debates where people want to walk around and don't want to drive on Woodlawn right now. I don't know if you've been around there, but as much as we want that theoretically to be a walkable area, the level of investment is absolutely inefficient over there. The same thing with Woodlawn and what we did there. The same thing we're seeing at Randolph right now.

So, while I support the theory of this amazing walkable bikeable community we all want, we can't even get effective crosswalks prioritized to be around the ingress and egress points of our schools. So, we can't expect someone to say drive throughs are gone and all of a sudden people are just going to start walking across Randolph to grab a chicken sandwich to sit down. It doesn't work that way. As long as we keep villainizing cars and villainizing drive throughs and the things where people are actually getting service in our parts of town right now that need it without investing, we're just going to basically be

avoiding the real strategic solution and then killing the part of our community that's actually doing well and innovating with what they have today.

So, none of this is perfect, but more of it's on our side and what we need to solve and prioritize than it is on each single individual developer that comes before us. I appreciate you guys innovating. We need more of that there and I appreciate the community for working closely to find these concessions as we cobble together a solution. My commitment remains the same to all of you as it did the last time, we all gathered in the last community meeting we had after that. We need to approach our infrastructure in a different way in how we prioritize those dollars, and we need to figure out what needs to be invested to make things more walkable to reduce congestion to these things we want. So, I'll keep on that.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2022-042 BY BRIAN IAGNEMMA FOR A CHANGE IN ZONING FOR APPROXIMATELY 22.90 ACRES LOCATED ALONG THE WEST SIDE OF HARRISBURG ROAD, SOUTH OF SAM DEE ROAD, AND SOUTHWEST OF INTERSTATE 485 FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-5 (SINGLE-FAMILY RESIDENTIAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said our next item is 2022-042. It's just under 23 acres on Harrisburg Road just across from Mecklenburg Shrine Club Road. The existing zoning is R4. The proposed zoning would be to propose that to an R5 district. This is conventional. So, it's not a conditional district being proposed. The adopted place type from the 2040 Policy Map does recommend Neighborhood 1. That R5 district would qualify under the Neighborhood 1 place type. Again, this is a conventional petition. So, there's no outstanding issues. Staff does recommend approval of this petition. It is consistent with the Policy Map recommendation for Neighborhood 1. We'll take any questions following the presentations by the petitioner and members of the community. Thank you.

**Paul Pennell, 1213 West Morehead Street, Suite 450** said thank you Dave. Thank you, staff. Paul Pennell with Urban Design Partners representing Broad Street Homes on Petition 2022-042, 22.9 acres of existing low density single family. Here, we're actually proposing R-5 under a future Neighborhood 1 district. Again, we're proposing single family homes here. We would like to note that basically essentially, we would like to do this by right through a conventional zoning after an approval where we would be following design criteria set forth under the current zoning ordinance. We actually have a concept sketch plan here. We believe that this would essentially be very similar to what the site plan would look like once it's completed.

We actually have one benefit here that we can actually speak to. This was submitted as a by right project to the City of Charlotte Land Development and NCDOT. So, we've actually received staff feedback on what this would look like under the current zoning district of R3 and R4. So, with that we would like to request under this petition an R5 district for these two parcels by right. Today, it's approximately 86 lots under an R5 district which we're proposing here. It would be approximately 114 lots. Now we would never achieve those 114 lots because there are other items that are required by code that we would have to provide on site including stormwater detention. A little bit of details on that, we can get into that if anybody has any questions. Then also tree save as well. Also after working with NCDOT on this project, there will be some road widening associated with Harrisburg Road including a left turn lane into the site and also a right turn lane into the site as well.

**Vernetta Mitchell, 5520 Suncrest Court** said good evening, Mayor Lyles and distinguished City Council. I had a speech planned out and I knew exactly what I was going to say, but there were a couple of things that were pointed out today that I want to reemphasize. My name is Vernetta Mitchell and I chair the Far East Neighborhoods Coalition. We're located Far East from Albemarle Road to the Cabarrus County line, W.T. Harris and Rocky River Road. So, we're way out there where the orchards use to grow before all of the development.

We are not in favor of the rezoning and here's why. Two primary reasons, and there's been a lot of discussion around this, this evening. Infrastructure, increased density. This is the opportune time to stop, take a pause, do an area plan for the Far East that has not been done since 1990 and 1995. That's a long time. There's been a lot of changes. This is the perfect time to say let's reset, decide what Far East Charlotte needs, what's important to the residents of Far East. There are no sidewalks on Harrisburg Road other than what the developers who built the new development from property line to property line. Our running joke is, "Where am I going to walk?" To the end of property line and then back in one little line. I can't walk to the store; I can't walk to the parks that we have along Harrisburg Road.

So, building another development on Harrisburg Road across from the school nonetheless with sidewalks from property line to property line, I can't walk to the Food Lion safely. If any of you have driven Harrisburg Road, and you come around that corner towards Sam Dee, good luck. I hope you have your will done because it is dangerous. A year and a half ago this Council approved two rezonings that will bring 600 additional homes less than a quarter of a mile from this rezoning. Still no discussion of any type of infrastructure development so that our residents can get around. There are amenities there, but you have to get in your car to get there. I don't think that's a desire of what we want to do.

Second reason we do not agree or approve this particular rezoning is that there were two reasons why staff recommended this. One is the 10-minute walkable neighborhood or 10-minute neighborhood as the 2040 Plan says. You cannot get from this location to the amenities less than a quarter of a mile away by safely walking, cycling or taking transportation. So, that doesn't fit the 10-minute neighborhood concept. Secondly, it will "retain our character and identity." We don't even know what these houses are going to look like because they're not required to submit them to you. So, what are you retaining if you do not know what they're looking like?

So, with that being said, this is a perfect opportunity for City Council, staff and the members of the Far East Neighborhood Coalition to start discussing an area plan. What do we want for the Far East? Since our inception in September of '20, there's been 47 rezoning approvals not to include the by right. So, you are permitting growth and development without the consideration of how that's impacting our quality of life. So, I want to yield my time to our other residents.

**Patricia Campbell, 9164 Pleasant Ridge Road** said good evening, everyone. I'm also a FENCO (Far East Neighborhoods Coalition) member and the secretary. The reason I'm here today is because of the lack of infrastructure that we're being not provided in our area. As stated before, you have all these developers coming into our community building, creating sidewalks but they don't connect. In order to get with this new developer, I call it dead man's curve. If you're walking, riding a bicycle, you better have reflectors, eyes in the back of your head for safety issues, and definitely do not walk at night. The amenities that we do have, we have Mr. Charles, we have Wendy's, we have Papa John's, we have a nail spot. So, there are places that people can go, but you cannot walk. It is detrimental to your health. As you're saying this 2040 Plan, they put the picture in there saying this is in alignment with the 2040 Plan. Please let me know how you're walking that. It's not safe.

Also, as she stated before, we don't have an area plan. You're making all these decisions. Have any of you ridden through our community? Have you taken the time to look at the area? That's my question. You're making decisions without looking and in

order to make a decision, I feel you need to ride through our community, make a decision that benefits us and not the developers, and the lack of communication between us. FENCO was started in '20. Before that, there was no one speaking on our behalf. We've joined forces, we're working and we're trying to work with you and the developers to ensure that it is a safe community for all. I render my time to Allen.

**Allen Baker, 9400 Robinson Church Road** said yes, my name is Allen Baker. I want to talk about the prehearing stuff and also the comment that was made that this project could facilitate a 10-minute neighborhood. No, this project could not facilitate a 10-minute neighborhood because the project does not include any infrastructure along Harrisburg Road to the nearest grocery store or any services.

Yes, the streets map which is in the first draft does have a plan for Harrisburg Road to be upgraded in the future, but that has nothing to do with this project. This project is not going to facilitate any of those changes that's in the streets map. So, I would like to know why the city staff is saying the projects and rezonings are going to facilitate 10-minute neighborhoods when they don't.

I think it sends a wrong message to the residents and it's telling residents in Far East Charlotte that 10-minute neighborhoods aren't for us, and that part of the 2040 Comp Plan doesn't apply to us. It's telling the developers that you don't have to follow the goals of the 2040 Comp Plan because the city staff is going to write comments into the prehearing analysis that'll cover that. So, I think this analysis was rubber stamped. It's not equitable. I was on the Ordinance Advisory Council, and this is not what we were promised for the 2040 Comp Plan, to call projects like this a 10-minute neighborhood. Thank you.

Mr. Pennell said I believe the petitioner believes that low density neighborhoods can exist and be a component of the 10-minute neighborhood. With this particular development, we are proposing public roads on site. We are proposing sidewalks on site. We're proposing sidewalks along Harrisburg Road. Yes, it is from property line to property line, but at least it is a component of development in Charlotte which will provide that pedestrian safety that we all believe does need to take place with all development. Harrisburg Road is a NCDOT maintained road. We have been working with NCDOT on what widening needs to occur along that road to maintain a safe environment for cars and pedestrians.

Like I had mentioned before, a left turn lane into the neighborhood would be provided, widening with storage and also on the opposite direction a right turn lane into the neighborhood would be provided as well. In addition to that, with the rest of the development, an R5 district would be, like I had mentioned, about 114 homes. Residential living is definitely needed within our city. While it is low density as I previously mentioned, it's still a component of a 10-minute neighborhood. Thank you.

**Councilmember Ajmera** said so, this question is for staff. So, while this is a state-maintained road, Harrisburg Road, I'm very familiar with this site. Sidewalks, is that city's responsibility on a state-maintained road?

Mr. Carpenter said so, sidewalks within city jurisdiction would be maintained by the city and it would be a requirement of our development standards for sidewalks across the entire frontage. So, as far as constructing them, there's various projects that can do that. There's none along this section of Harrisburg Road, but sidewalks have been an identified need by the city for this section of Harrisburg Road by C-DOT and the sidewalk program. There's a lot of sidewalk needs in the city. So, the difficulty is identifying where to put those funds and getting where on the priority list they fall.

Ms. Ajmera said so, I hear you say while it is state maintained road, sidewalks are a city responsibility, and the need has already been identified to have sidewalks here. Is that right?

Mr. Carpenter said so, this section is on the sidewalk need list and this development here would complete a portion of it. Then it would continue to be evaluated along with the remainder of the needs list.

Ms. Ajmera said so, I know you have this priority list and staff had shared that earlier. I think it was Ms. Babson who had shared that list. If we can just see where in the priority this specific site is at because Ms. Mitchell and Mr. Baker and Ms. Campbell raises valid concerns. Currently it's very dangerous to walk. There are times our family, we ride bikes here and it's very dangerous. There is a school not far from this site and you can't even walk to the school. I have seen kids that actually walk. Every time I drive by and I see someone walking especially children, I'm just praying that they won't get hit. So, really, we have to prioritize this sidewalk. I appreciate what the developer is doing because it will fill the gap and the void that we have, but there is just so much infrastructure needs in this part of town that I don't think has been prioritized, that we need to look in to, to address the concerns. Especially around public schools.

The other thing. So, I was looking at the density. Density is not out of line with what we typically approve. We've approved a lot higher density. So, there are valid concerns that residents have around infrastructure needs, sidewalks are just one of them, road widening and other projects that I think we, as a Council, need to figure out how to address those infrastructure concerns, while the private development committee continues to help us fill the gaps that we can't fill. So, that's all I have. Thank you.

**Councilmember Molina** said I'm actually surprised that this is recommended for approval in its current state because there are so many open-ended items. As my colleague here said, we both live in the district by the way, and I want to make sure that I emphasize that that particular area of town, there are a lot of leaders that live there. From this particular body to the county commission to people who serve in our community. So, there are a lot of people who see these infrastructure needs on a regular basis and we're all aware of them. I'm sure you are as well. In its current state, I can't support it. I will not support it right now as it stands. There's still work to do here. I think it's not fair to our residents to just sound as though we're handing them something and saying, "Here, take it."

So, I think we can do better, and I would like to see us attempt in a better way, stronger to rise to that occasion and see what that's like. I have a few areas that stand out to me in particular based on what is being recommended. I'll start with the schools. As a mom with children in CMS (Charlotte Mecklenburg Schools), I see that we already have two schools that are already overextended prior to the project. So, we have a middle and a high school. I can't tell you how many times I sit down with the residents and the people I serve who have real concerns about the school system that serves our particular community. We have more schools that have needs just because of this and other items in our community. So, we're going to now expand that and create more need because now we're going to pile more babies in a school that's already overcrowded.

We have Garinger High that's going to accept high school babies with already sitting at 115 percent capacity. We can do better. I think these things have to be concurrent. I think if we're going to give somebody a place to stay, then concurrently although we're not the body that makes that decision, we need to be considering the fact where are the children going to go to school? How will those children be served as a result of where they stay? Right now, for the people I serve, the children in the district where I serve aren't being served well.

So, that stands out to me immediately. Then we're saying yes but we don't even have the sewer system and infrastructure to support it. So, there's this huge contingency for Charlotte Water and Sewer and sanitation. So, we're saying yes but I don't have a timeline in front of me. I don't see how long that's going to take, what type of resources we need. So, the stormwater issues are just something that I have to say, even I as the representative feels like this is being thrown at me. Then I'm supposed to sell this to my colleagues and tell them to say yes to this. Right now, personally, I haven't had a conversation with my colleague, but right now this is a no for me. This is a hard no. So, I

feel like we can do better, and we have some time to do better. I will be happy to provide you my cell phone number. We can sit down; we can sit down with the residents of the area that I serve to see if we can get some solutions because the FENCO area is already a heavy lift to begin with because it lacks basic infrastructure.

So, now we're talking not only what you bring to bear. I'm not saying it's your fault as the development community, I'm very sensitive to the development community. It is not your job to fix what we're supposed to fix as the governing body of the city. I want to figure out how we properly work with you to make sure that we properly serve the people together. We need you in the community, we know what you bring is valuable, but we can do better. You can do better, and we can do better as a governing body. So, we have some questions to answer. We have some areas of opportunity in this particular proposal as well and I'm willing to sit down with our staff and my colleagues to figure out how we can put those resources together and create a happy medium. So, that's my perspective as the representative for the community that's being served with this proposal. Like I said, I think we can do better, both of us.

**Councilmember Mayfield** said this is actually for staff. Mr. Pettine, I agree with the comments/recommendations that came from Ms. Mitchell. That is that we possibly need to look at this time to slow down and look at what we're proposing. We now have a couple of projects that are similar to this that we have supported and that have been developed in the city. We need to take a step back and look at the actual impact in community, in neighborhoods as was mentioned by my colleague who is the representative of this district. We do not even have current capacity for this type of development. So, it's concerning that we would have a proposal in front of us to have the hearing to potentially vote on a possible what if.

It would be helpful if right now with looking at the fact that we're in between plans that we look at what is the actual impact. What's our vision for the area when we have an area that has not had an area plan in decades? We need to take that into consideration. When we look at all the development that is around this and what we're proposing, it would be a really good opportunity to step back and look at really what is Council's charge to staff and how is staff interpreting that charge through the language that's been adopted and created. Thank you, Mayor Pro Tem.

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

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**ITEM NO. 35: HEARING ON PETITION NO. 2022-162 BY DREAMKEY PARTNERS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.23 ACRES LOCATED ON THE WEST SIDE OF WEDDINGTON ROAD, NORTH OF WALKER ROAD, AND SOUTH OF MCKEE ROAD FROM R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-17 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright 2022-162. It's 7.23 acres on Weddington Road at the intersection with Simfield Church Road. It is currently zoned to R-12, multifamily, conditional. As mentioned, the proposed zoning is for R-17, multifamily, conditional. The adopted place type from the Policy Map does recognize the existing zoning. The existing place type is still recommended for that Neighborhood 2. So, this petition would be continually consistent with that recommendation.

The proposal is for up to 96 multi-family dwelling units that would bring it to about 13.3 units per acre. Vehicular access would be proposed off Weddington Road. It does dedicate 50 feet of right-of-way on Weddington Road along with construction of an 8-foot planting strip and 12-foot multi-use path along the frontage. It does provide a 30-foot setback from the future right-of-way along Weddington Road. Also illustrates the

required ordinance buffer for a 38-foot Class C buffer along the rear and side property line. That could be potentially reduced to 28.5 feet if there's a fence provided. Also specifies parking would not be allowed between the building and Weddington Road. It does commit to a number of architectural standards related to allowed and prohibited exterior building materials, building placement, massing and modulation, varied building facades, and blank walls as well as roof design.

Staff does recommend approval of the petition upon resolution of outstanding issues related to environment and technical revisions related to transportation and site and building design. It is consistent with the 2040 Policy Map recommendation for Neighborhood 2. We'll be happy to take any questions following the presentations by the petitioner and the community. Thank you.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Mayor Lyles, Mayor Pro Tem, members of Council and members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore & Van Allen. It's a pleasure to be here tonight with my colleague Jeff Brown and presenting on behalf of DreamKey Partners. I'm here tonight with Julie Porter, Fred Dodson, and Jennifer Duru Perry with the DreamKey Team as well as Frank McMahan with LandDesign.

As Council is well aware, affordable housing is intended to help those who are paying more than 30 percent of their income in housing, which in Charlotte is nearly half of the renters. Seniors as well as those on those on disability also benefit from the opportunity to have affordable housing. DreamKey is seeking rezoning of a site in South Charlotte and as this graphic depicts, they're within a half a mile of two grocery stores, other neighborhood services, retail and amenity. With some recent work that's being done by NCDOT, there will be a sidewalk that connects from the site to within about 700 feet of our site that we're working with staff to address how we can fill in that last little gap.

I'm going to go ahead and jump ahead to our site. We are proposing a single building site that has a maximum height of three stories. It's going to be two stories on the edges closest to the existing single family residential. We have approximately 175 feet between our building and the property line on the west side of the site and 225 feet between the building and the east side of the property with the existing single family residential. We are proposing a 12-foot multi-use path along our frontage and have only one entryway, and that's limited to our access on Weddington Road.

We have potential tree save area towards the back play area and we anticipate that we will be providing a fence along the periphery of this site and with that fence we have agreed to not reduce the buffer and take advantage of that provision. The total number of units proposed is nine to six units over the 7.23 acres for a total density of just over 13. We have several architectural renderings that we've included with this site. This shows you how the site is limited to two stories on the edge of the building and tiers up to a three story. This also gives you an idea of how far the building is set back from Weddington Road, the generous sidewalk and streetscape that's appropriate in the surrounding context.

This gives you an idea of what the building looks like from the interior of the site. Again, it calls to mind the quality materials, changes in materials, the overall massing and scaling of the building in proximity to the surrounding community. This gives you an idea of what one of the amenity areas might look like with the building. With that I'm happy to answer any questions. We have members of our team here as well.

**Cliff Jensen, 3623 Manor House Drive** said my name is Cliff Jensen. I am the president of the Willowmere Community Association representing our neighborhood as well as the Nottingham Neighborhood with is also adjacent to this petition. I'm not going to stand up here and tell you we shouldn't support this. Affordable housing is something that we need in this community, and we understand that need. What I would like and what DreamKey Partners has done so far is work with us on a number of concessions to make this tenable situation for all the neighbors of this petition. There's four key

points that we'd like as far as concessions. You've each received a PowerPoint in email earlier today. I advise you to look at that after the fact if you have not already done so.

The four key points. Building height. Yes, it's two stories on the ends and three stories in the middle. We would prefer that to be a two story across the board. We understand that may increase the base of it, but we'd like to at least discuss those options further.

The second option, which has been addressed, is the fence. We appreciate DreamKey Partners for both including that as part of the petition as well as not reducing the buffers. So, thank you for that.

The next thing that we would like to see is yes there will be a sidewalk in front of this community. A sidewalk that goes to nowhere. Again, this has come up in the previous discussions and I appreciate the passion that everyone has for that. I hope it continues for this petition as well. What we'd like to see, we know this is not the petitioners, we're not asking them to do that, but we're hoping that you guys can influence C-DOT to take that all the way to McKee Road whereas right now it's a sidewalk to nowhere and it's a very dangerous curve as well. It would be very dangerous, and people would end up cutting through neighborhoods to get to the proposed grocery stores and so forth that the petitioner mentioned.

The last thing and maybe the most egregious of them all is the traffic in that area. The traffic is already untenable. We have a school right across from this petition, Socrates Academy as well as a new interchange at 485 and Weddington Road that's about to open. The traffic there is already very bad. Yes, I think the recommendation right now is to include a single right turn lane. That's not sufficient. We need more, including perhaps a crosswalk so that students can cross the road safely from Socrates Academy into the neighboring communities as well as other turn lanes and other considerations. I'm not the expert. I will leave the Department of Transportation folks to determine a better way, but one right turn lane is not going to help the situation by any means. That's all I have. I don't want to take up a lot of your time. I know we started late. So, I'm going to be brief. Thank you all very much for your time and I hope you strongly consider these four key points before approving this petition.

**Manuel Castro, 4030 Riseley Lane** said well thank you very much for having me here. Thank you, Mr. Jensen, for placing the case very well. Good evening to everybody as well. So, I live in 4030 Riseley Lane and some of my children actually walk to the Publix or to the places here to work and that is a very dangerous place to walk. So, teenagers as you know, after COVID children need a place to go as well. So, they used to walk all the way to the YMCA, to the stores to get their sandwich at Publix or do whatever they really want. They are encouraged to do. Having a sidewalk in a safe place to go all the way to McKee like Mr. Jensen pointed out is the right thing to do for our youth, for our school students and for our seniors as well. So, we have seniors over there, walking all the way to the YMCA. That is a community place that supports our community. So, please consider that as part of the infrastructure that you are pointing to.

Additionally, our road, Weddington Road has become a pass-through area. So, it's a pass-through area for people that come all the way from Waxhaw, from other places even beyond that. So, traffic is going to continue increasing because you are not only considering the surrounding but even distended areas. So, you have pass through traffic that uses Weddington all the time. So, you have several schools, you have a charter school across McKee Road as well that was created. So, we have a full density of schools, students, seniors, people walking.

Finally, I saw something about stormwater. So, behind our neighborhood there is a creek there that gets really flooded as construction goes all the way down. That creek flows into the lake that is at the park next to our neighborhood. Please include that as improvements and safety for our homes. I don't have anything else to say but thank you very much for your time.



Ms. Grant said I won't use the full two minutes; I know it's a long night. First, I just want to say we thank you. We appreciate their understanding of the need for affordable housing. First things first, we are thrilled to provide the fence. The sidewalk is something we're working on with NCDOT, understand that they have a section of it and hopefully the city will be able to jump in and fill that gap between our site and the NCDOT improvements. That's something that they would also have to look at in terms of providing crosswalks as a state road in that area. So, we'd have to talk to them about that type of feasibility.

The last thing, there was a request to take the entire site down to two stories. We wouldn't be able to do that because if we took it down to two stories, we wouldn't be able to park the units that are there. Happy to answer any questions.

**Councilmember Driggs** said first I want to thank DreamKey for the wonderful work you do to address our affordable housing issues. This is a great example. I would want to mention colleagues, there are currently four affordable housing projects going on one way or another in District 7. The police station, Ballantyne, Ardrey Kell and this one. None of those have had any opposition from residents. So, it's an expensive area. It's not easy but we're not dealing with what we dealt with. If you recall those are old timers who were here the first time for this one.

The issues that were raised by the residents are in some cases pending. I've told them we're going to keep looking at the traffic, working with C-DOT and make sure that we have a good answer to that. I'm hoping that Ms. Babson will help out with the sidewalk. I'm very hopeful that we will have an answer on the sidewalk issue because that's valuable to his development as well as important to the neighbors. So, I'm looking forward to making this come true. Just appreciate the residents who came to the meeting that we had to talk about it, the points they raised, and we will keep working on getting your remaining issues addressed. Thank you.

**Councilmember Mitchell** said Bridget, just one quick question. The 96 units, how many of them will be 60 percent and 80 percent in market rate? Do we have a breakdown?

Ms. Grant said I'll invite Julie Porter to come down and answer that question.

Mr. Mitchell said okay. Thank you.

**Julie Porter, 4601 Charlotte Park Drive, Suite 350** said that hasn't been actually completely decided, but we do know it's going to be a mixed income community. So, it will be 30, 60, and 80 percent. Figure that 80 percent of the units are probably 60 percent AMI and under and then about 20 percent of them are going to be 30 percent AMI and under.

Mr. Mitchell said okay, thank you.

**Councilmember Ajmera** said so I echo Mr. Driggs' concerns here on sidewalks. Ms. Babson, if we can just get a list of sidewalk gaps around schools so that kids can get to school, walk to school safely and how we can fill that gap. That's something we can address as part of our budget discussion coming up. I think this is a very critical area that keeps coming back here. I hear it loud and clear. As my daughter gets ready to go to school, I want to make sure that we have safer access to schools across the city. The other thing one of the speakers had mentioned about was a creek. So, is there a creek in the back side of the site?

Ms. Porter said there is. One of the things actually the city ought to speak to is they have asked us to do a retention pond that has like a 100-year flood.

Unknown said a higher capacity.

Ms. Porter said a higher capacity because of that creek back there. So, we're aware of it. We know that we have to be very careful with runoff on this particular site.

Ms. Ajmera said so, this retention pond is higher capacity than what it would have been because of the creek. Is that right?

Ms. Porter said yes, much higher capacity. Probably the highest capacity that the city requires.

Ms. Ajmera said alright. Thank you.

Mayor Lyles said I really would like for us to, this is a comment to the Council members, as we're talking about schools and sidewalks, I think that is something we ought to try to talk with the school board about. They're going to have a major bond referendum coming up and the idea is that usually is you're building something like that, it's more efficient for them to build and they also know where kids go. We don't have that kind of information. So, I really would hope that at some point we would have some idea from the school system about what they include to make a school workable for a community.

So, not putting sidewalks in doesn't seem to be a good option, especially when they know where the kids are. I also wonder about the parking. I think that a large number of our schools, especially the high schools, have parking for the senior class. Probably not just the senior class, but a lot of the parking spaces. These are infrastructure things that there are ways to innovate or manage and I think we ought to be thinking about that long term as well. So, I'd appreciate that.

Mr. Driggs said I just wanted to comment. As that investment takes place that CMS is talking about, we have an obligation to pay for infrastructure associated with that.

Ms. Ajmera said exactly.

Mr. Driggs said so, as we do our calculation, and I agree with you, I've been calling for us to look closer at our sidewalk situation for some time because I see us getting into a deep hole. I don't want us to get too far behind.

Mayor Lyles said right.

Mr. Driggs said the schools will be another reason to think about it. Thank you.

Motion was made by Councilmember Winston, seconded by Councilmember Ajmera, and carried unanimously to close the hearing.
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**ITEM NO. 36: HEARING ON PETITION NO. 2022-003 BY JOY HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.39 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH TRYON STREET JUST NORTH OF ORCHARDGATE DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-003. It's 4.39 acres on South Tryon. The current zoning as mentioned is R-3. The proposed zoning is for R-12 MF, conditional. The adopted place type you can see is recommended for Neighborhood 1. We do have some Neighborhood Center just a little bit further down South Tryon as well as Community Activity Center just off to the east. The proposal is for up to 29 single family attached dwelling units. So, that comes in at about 6.6 dwelling units per acre at five units proposed per building.

It does provide a Class A 28-foot buffer when adjacent to the single-family zoning. You see that on the eastern property line in green. It does extend Clover Cliff Road through the site. That would include an 8-foot planting strip, a 6-foot sidewalk on both sides of the street. Give us some opportunity for some additional future connectivity to the east. It does provide access to the single attached dwelling units through a private alley off of South Tryon Street down to Clover Cliff Road. It would upgrade the South Tryon streetscape with a minimum 8-foot planting strip and 12-foot multi-use path. It does prohibit the use of vinyl EIFS (Exterior Insulation Finishing System) and Masonite as exterior building materials. Commits to porches and stoops on all corner and end units that face a public or private street and does provide visitor recessed parking along that extension of Clover Cliff Road.

Staff does recommend approval of the petition. It does have some upon resolution of outstanding issues related to transportation and site and building design to work through. It is inconsistent with the Neighborhood 1 recommendation, but we do have some consistent development patterns just next door which is more indicative of Neighborhood 2 and we're in close proximity to that community and neighborhood activity centers. So, we did feel it was an appropriate request to add some townhome infill in this location. So, we'll be happy to take any questions following the petitioner's presentation. Thank you.

**John Carmichael, 101 North Tryon Street, Suite 1900** said thank you Madam Mayor, Mr. Mayor Pro Tem, members of the City Council and the Zoning Committee. I'm John Carmichael. With me tonight is Bryan Smith. I won't repeat what Dave Pettine reviewed. He did a very thorough job of going through the plan. The site's just about 4.4 acres southside of South Tryon Street between Orchardgate and Wrights Ferry Road. You have Atrium to the east of this site. You have Christ the King Lutheran Church to the east of the site and there's a public storage to the east of the site. Then the Rivergate Greene Apartments are immediately to the west of the site.

This is looking into the site from South Tryon Street. As Dave said, the request is to go to R-12 MF, CD to about 29 townhomes. The petitioner originally proposed 48 multi-family dwelling units, but after meeting with the resident's association, the plan was amended to request up to 29 single family attached dwelling units. There is a right turn lane that would be installed on South Tryon Street into the site. There were a couple of amenity areas that have been added that are on this plan here with some seating. There are some outstanding issues which we will address on a plan to be filed on Wednesday. We appreciate staff's recommendation of approval and we're happy to answer any questions.

**Councilmember Mayfield** said actually for staff, a statement of the reiteration. Now might be a good time for us to pause and get clarification because as we see multiple projects come before us, we still have some inconsistency. It would be great to identify what is our plan. For this particular project when was the last area plan and how does this fit into those goals?

Mayor Lyles said is that for the follow up report?

Ms. Mayfield said yes.

Motion was made by Councilmember Ajmera, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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**ITEM NO. 37: HEARING ON PETITION NO. 2022-024 BY MOFLEHI BOWMAN, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.37 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF REAMES ROAD AND PRESTBURY BOULEVARD, SOUTH OF WEST W.T. HARRIS BOULEVARD FROM R-3 (SINGLE**

**FAMILY RESIDENTIAL) TO R-8 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright 2022-024, 5.37 acres on Reames Road. It's at the intersection with Prestbury Boulevard just south of West W.T. Harris Boulevard. Currently zoned to R-3. Proposed zoning is for R-8 MF. As you see we have some R-12 MF CD. Some commercial up in the top corner of the slide and then Neighborhood 1 place type is recommended for this site, but again that Neighborhood 2 place type does show up on the other side of Reames Road reflecting that multi-family project on the other side of the road.

The proposal is for up to 29 single family attached townhomes. Access would be provided off Reames Road as shown. It does provide an 8-foot planting strip and sidewalk along the Reames Road frontage as well as a 32-foot Class C buffer abutting the single-family homes. It does provide four visitor parking spaces as well as architectural standards that would include things like pitched roofs, usable porches and stoops, garage doors being set back 12 to 24 inches from the front wall plane, etc., So, those would be those standards that get worked into the design of the single family attached homes.

Staff does recommend approval of this petition. We do have some outstanding issues related to transportation that need to be addressed. As mentioned, it is inconsistent with the Policy Map recommendation for Neighborhood 1. It would allow for some of that transition of housing from that single family over to the multi-family across Reames Road. We do feel it would generally fit the overall character of that area to allow some additional infill on this location. So, with that, we'll be happy to take any questions following the petitioner's presentation and the presentation by members of the community. Thank you.

**John Holcomb, 200 South Tryon Street, Suite 200** said good evening, Madam Mayor, Mayor Pro Tem and members of the commission. My name is John Holcomb, I'm with Kimley-Horn. The project Reames Road was presented to you by Mr. Pettine. It's just south of Northlake Mall area, W.T. Harris on Reames Road. It's about 5.4 acres. I'm going to fast forward a little bit to the plan and walk you through some of the considerations that we're taking. As mentioned, the project is for 29 townhome units. That's down from the 34 that we originally had proposed.

Working with staff through the rezoning process and working towards coming before y'all. In addition to that reduction, we've also taken into consideration comments by C-DOT and NCDOT as it relates to improvements and expectations along Reames Road, that being a width of 39 feet or an expansion to 39 feet of pavement from center line towards our property with curb and gutter. What that does is allows the future road connection that I believe is the Fred Alexander Extension that reserves that right of way through both what we're dedicating on this property and as you come south along on Reames Road.

We've heard a lot about pedestrian connectivity and access throughout this evening. So, with that what we have proposed is an 8-foot sidewalk with an 8-foot planter strip along the frontage of the road. What this does is actually make that last leg of connection between some of the communities that are south of us and then the shopping and amenities that are to the north. With that, we're here to answer any questions.

**Robert "Nate" Bowman, 13815 Cinnabar Place, Huntersville** said I just wanted to add, Nate Bowman. Good evening. I think it's really crucial. I can see that there's a lot of money being spent on the Long Creek Greenway and our sidewalk connection will kind of provide that connection for all the single-family neighborhoods and really from there, I think there's only a gap about 20-30 feet of sidewalk which we'd love to put in, in front of a previous neighborhood that gets us all the way to Northlake Mall.

So, we think those connections are important. Then the other thing is, almost the entire site is going to have buffering either with existing trees or landscaping we're going to add. Especially along Prestbury, it looks like that was what we developers call a spite strip. So, that will remain in effect a wooded buffer there in addition to the buffering we have to all the single-family homes behind it. Thank you.

**Lisa Pickles-Blough, 9403 Pastern Court** said hello my name is Lisa Blough. I would love to say that I'm more familiar with this process, but I am not. I'm fairly new to the process and so forgive me if I don't understand a few things or if I've missed a few things. I think I understand. I am a resident of Gatewood Neighborhood, and I am strongly opposed to this rezoning petition. My neighborhood has been in existence for approximately 27 years. We are a very small neighborhood with about 90 houses and no HOA (Homeowner Association) which has been negative and a positive over the years.

First, I really want to say that this process has been a little bit confusing and overwhelming. I received notice of the public hearing on the evening of November 14<sup>th</sup> which was just last Monday. I emailed Mr. Michael Russell the planning project coordinator on November 16<sup>th</sup> and at that time I requested that the hearing concerning this rezoning of 9337 Reames Road in Charlotte be postponed. Residents of Gatewood had not been adequately apprised of the details and many of us had in fact, no knowledge that a community meeting had already been held. Due to the fact that only one family was represented at that virtual meeting, it seemed a reasonable request. Well, obviously that request was denied.

It's hard again to not be critical of the process when you find yourself here at this point and I've been told that, "No we cannot have any more community meetings," even though only one family was represented at the community meeting. By the way, I did go around and start to collect signatures, a petition from my neighborhood, however I know that there are people even in McIntyre which is the neighborhood next to us and even more communities in the area would be interested in this and might have something to say. Anyway, there are several people that would've come to this hearing tonight except for the short notice and the fact that most of us got the letter on Monday. It's tough. Most of the people told me that they were working but they did sign the petition.

So, these are some of the issues that the citizens of Gatewood Neighborhood are concerned with. The area named in the petition is approximately five acres of wooded land tucked between two neighborhoods, Gatewood and McIntyre. The Reames Road frontage spans approximately 700 feet between the two entrances of Secretariat Drive which is our entrance and Prestbury Boulevard which has been mentioned. The proposed rezoning would encompass that space and include an entrance of their own, 700 feet for three entrances. Reames Road is already really congested. I'm not sure if you're familiar with this area, but it's really congested. Many times, it's difficult to just pull out if you're making a left out of our neighborhood or any time that you're making a turn against the traffic.

Traffic will be an even bigger problem with this proposed rezoning. In fact, the area covering approximately two to three miles of Reames Road and Northlake Center Parkway includes about 16 multi-family subdivisions already. However, this is the interesting part, they're only three single family home neighborhoods in the same area. Two of which have been in existence for over 19 years, and as I mentioned earlier, mine is 28 years. The third neighborhood includes some apartment living too. So, it's the mixed community that I think was mentioned. All of the development in this area including the businesses along the road adds up to a lot of congestion and traffic obviously.

So, it would be nice to see some more single-family homes. I've been hoping that for years. Nothing against apartments, they're awesome and I've lived in an apartment myself many years ago, but owner-occupied people have an investment in where they live, they care. You have a lot of people renting that care as well, but I just think that it

would help the area to have more single-family homes. This is what the rezoning is proposing going to multi-family.

Another very big concern is the fact that Gatewood would be stripped of all of its frontage on Reames Road and our only buffer from the road. This tiny area will lose approximately 85 percent of the tree cover. The loss of these trees would be devastating for people on Secretariat Drive, Fetlock Court, Nettle Drive and Pastern Court. Gatewood is a very small neighborhood with about 90 houses and only 6 streets or cul de sacs. This rezoning would adversely affect more than 66 percent of our little neighborhood, and by the way it would also take away the little community of owls that lives in this wooded area that will be taken away.

I understand and acknowledge and respect the job that Charlotte Planning has. I understand that it is their job to put communities and citizens first in the difficult undertaking of planning, design and development. I also understand that their job is to create great places while sustaining the natural environment. None of these ideals can be achieved if this rezoning petition is approved. Speaking of great places, most single-family neighborhoods have some type of buffer from the road that they are situated on. Gatewood will essentially have no buffer at our only entrance and exit to and from the neighborhood. This fact will certainly affect the attractiveness and the value of our community, as well as this short stretch of Reames Road. There will simply be too much stuffed into an already small space.

Finally, there is the fact that a lot has changed in our area in a fairly short amount of time. There are some areas that have yet to achieve their potential. Let's slow down. Many would even say that some of these areas are struggling. If you all know this area of Charlotte, you know that we're struggling. Some examples of areas that are struggling are Northlake Mall, Northlake West Shopping Center, and yes even the new Long Creek Greenway that has some problems already. You know, I don't want to be critical, I understand that it was necessary because of the creek and everything, but there's some issues that need to be addressed. Maybe some money that would be needed to address some of these issues, I don't know. I'm not the planner.

Development is so important for a thriving community an over development can obviously wreak havoc. It would be nice to invest in what we already have before building more. This proposed tiny development of multi-family attached units is just not worth the detrimental effects of its environment, traffic, density patterns, the community as a whole and its surroundings. I also want to mention when I said the area is struggling, we have panhandlers up at the corner of Reames Road and Harris Boulevard every single day. We have people begging, we have all kinds of people up there and it's not been addressed by City Council, by police, anything. We've made phone calls and it's several citizens that I'm aware of have made phone calls about this.

So, in conclusion, I'd like to say that every resident that I had a chance to speak with agrees with the thoughts that I have expressed here today. Given more time, I'm comfortable saying that the entire neighborhood of Gatewood and many of the surrounding areas would be in agreement. I'm very comfortable with saying that. We just didn't have the heads up and we didn't have the community meeting that was required.

Mr. Bowman said thank you. I just want to make sure that it's clear that we did take the list of adjacent property owners provided by the planning staff, did our mailing and anytime we do a mailing we make sure if any are returned, they go in the folder. We only had one couple that joined the meeting. The wife asked about seven or eight questions, it's in the neighborhood meeting notes, and then I asked them were they okay with everything and the husband goes, "I know who you guys are. I work on your copier." So, he's seen the developments.

Our office is in Vermilion in our own neighborhood and we're very used to having neighborhoods that combine not just single-family housing, but then townhomes and then multi-family. It's that mixed-use that probably you're going to see Northlake Mall go

to eventually if it's going to survive. It's going to be going through changes over the next 20 or 30 years. So, we think this is a perfect transition from the single family to townhomes and then apartments on the other side of the street, and making that connectivity to the mall, to the greenway available not only for our residents, but for also for McIntyre and Gatewood to have that sidewalk on that side of the street. Thank you.

**Councilmember Mayfield** said this question is actually for the petitioner. It was just mentioned regarding concern basically of the clear cutting of the trees, removing their buffer around the current development. Did you have any comments to what was just shared with us?

Mr. Bowman said there's going to be a buffer adjacent to all the single-family property owners. Can you show that to them?

Mr. Holcomb said yes. So, the plan here shows a Type C buffer that would be required between what is townhomes to the existing single family residential neighborhood. In addition, it might be a little hard to see on the screen, but the darker green is tree save. So, we meet the city's ordinance on the tree save requirements of this development. In addition, the buffer along Reames Road, there's a 30-foot landscape buffer that's proposed along Reames Road. Then this property line has frontage on Reames Road.

So, the only access point to this property is along Reames Road regarding access. Again, we are working with C-DOT as how that access looks, and the turn lane associated with it and the widening on Reames Road on our side of the road and a buffered bike lane that's associated with it as well.

Ms. Mayfield said thank you. Mr. Pettine, I would reiterate what I said on the previous. Here is possibly that opportunity what we as a Council has committed to, and what we've told the community of residents is aging in place as well as maintaining neighborhood continuity. It would be helpful prior to this coming back before us, having an update on what is the area plan as well as how do we really see this falling into our potential goals when we note that this is inconsistent. That information would be very helpful.

**Councilmember Winston** said I have a question for the petitioner. Does the entrance to the development have to be on Reames Road or is an entrance on Prestbury Boulevard an option?

Mr. Bowman said we pursued that option, and again it's a strip there to prevent us from accessing there. I can't remember if the neighborhood had an HOA, but it was going to take probably everybody in the neighborhood to sign to allow us to access through there. That's an impossibility these days.

Mr. Winston said I understand. Thank you.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to close the hearing.
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**ITEM NO. 38: HEARING ON PETITION NO. 2022-034 ROERS COMPANIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.32 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF OLD STATESVILLE ROAD AND GIBBON ROAD, EAST OF STATESVILLE ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL), I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO R-17MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said okay, 2022-034, It's 17.3 acres at the intersection of Old Statesville Road and Gibbon Road. Existing zoning is I-2 conditional and then R-3 in that portion in yellow on the back. The proposed zoning is to combine that into an R-17 multi-family, conditional. Adopted place type from the Policy Map shows the area as partly commercial and partly Neighborhood 1. You do have some manufacturing logistics in the area as well.

So, a mix of future potential land uses. The proposal is for up to 208 multi-family units mainly along Statesville and that immediate portion of Gibbon where it intersects. Then as you get further down Gibbon Road, would be a proposal for 32 townhouse style units that would total out to 240 units across the site. Access to the site would be from Old Statesville Road as well as Gibbon Road. A 12-foot multi-use path and 8-foot planting strip along Gibbon Road and Old Statesville Road are being proposed on the plan. Also, an 8-foot sidewalk and 8-foot planting strip along both public streets A and B. Those would be built through the site and provide some future connectivity.

It does reserve space for the Mecklenburg County easement for the future Seam Trail. Also provides a 50-foot buffer between the site and adjacent single-family neighborhood there along the south. It does commit to open space with landscaping, seating area, hardscape elements and also provides multi-family and townhome architectural standards for things like building materials and other elements.

Staff does recommend approval of this petition. Outstanding issues related to transportation and site design still need to be resolved. It's inconsistent with the commercial and Neighborhood 1 place type. Again, staff feels that the increase in variety of housing along Old Statesville. We do have transportation access along Old Statesville Road. It does provide for some of that justification to put this as housing versus commercial, particularly as we transition to a little bit of a lower density products as you get further down Gibbon Road towards where it gets to be a little bit more single family. Be happy to take any questions you may have followed the petitioner's 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. Again, Bridget Grant, Land Use Consultant with Moore & Van Allen. Pleased to be here tonight representing Roers. I'm here with Kevin Sturgeon and Logan Schmidt. We are also working with Kelsey Strobridge with the design side of things. Dave did a phenomenal job describing the site benefits and amenities.

Roers is an experienced multi-family developer, and they are anticipating multi-family development on this site. So, as Dave mentioned, we're providing access to the site off of Old Statesville as well as Gibbon Road. We also have two different future connections that are available when adjacent developments occur. We did identify the side of the site for townhomes to transition between the busy intersection going back into the single-family area. Most importantly, we've set aside that trail right of way through the center of the site for the future dedication to Mecklenburg County Park and Rec for the Seam Trail.

I know you have a long night ahead of you, so, with no opposition, I'm happy to answer any questions.

**Councilmember Mayfield** said this question is for the petitioner. Right on the side of this that's currently commercial, what is currently on part of this land since this is just a carve out? What's on the back side of that? I can't see it on here.

Ms. Grant said south on Statesville Road?

Ms. Mayfield said right.

Ms. Grant said there's some additional vacant parcels.



Ms. Mayfield said right. So, if it's off of Statesville, part of this site, and then it goes over to Gibbon that you're carving out?

Ms. Grant said yes.

Ms. Mayfield said what's on the back side? The part that's still on Old Statesville?

Ms. Grant said I think there are some commercial sites further south on Old Statesville, but not near the intersection. There are vacant parcels between Gibbon and Statesville, transitions to vacant and then it transitions to some commercial uses.

Ms. Mayfield said so, I'm going to ask for staff, if you have access to the slides, to go back.

Mr. Pettine said this one?

Ms. Mayfield said okay. So, what we're carving out is what's currently I-2 going into the residential that's off of Gibbon Road, correct?

Ms. Grant said correct. It's the I-2 with a portion of R-3.

Ms. Mayfield said right, so the B-2 conditional, what is currently there?

Ms. Grant said I'm not sure I can answer that.

Ms. Mayfield said okay, because I'm trying to understand if we're looking at a potential proposal of carving out a piece of this for multi-family, I'm trying to see, since it's manufacturing and logistics directly across the street. It's business on the sides. I'm trying to get a better understanding of if we're going to put residential and we're thinking about quality of life as well as walkability and accessibility, what is closest to it if it's listed as commercial. Is there a current building facility, manufacturing? What's there? You can bring that information unless you know it David.

Mr. Pettine said so, it looks like just on street view, which is from November of this year, there's a small office that looks like it's a facility maintenance and management office. Then next to that is a dialysis location. It looks like more office uses on that B-2 component.

Ms. Mayfield said so, again, for the record, we're looking at something that's essentially inconsistent. Here's the opportunity for us to really look at what is our plan as we grow. Fast forward a couple of years from now, this particular project, if there are concerns, whether those concerns are environmental concerns or noise related concerns, it's Council that the community and the residents are going to be contacting.

So, if we can have some different ideas and conversations today before approving yet another project that's connected to office. It would be helpful to get a better understanding. It would be helpful if Council in collaboration and partnership with city staff can help direct you all in the development community a lot better because the back side of it, I can possibly see because it's connected to the neighborhood. That front end that is heavily commercial and business, that's the part I have a concern about as far as what could the potential impact be to the residents.

Motion was made by Councilmember Winston, seconded by Councilmember Ajmera, and carried unanimously to close the hearing.
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**ITEM NO. 39: HEARING ON PETITION NO. 2022-041 BY BVB PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.68 ACRES LOCATED ON THE WEST SIDE OF STATESVILLE ROAD AND SOUTH SIDE OF SUNSET ROAD, EAST**

**OF INTERSTATE 77 FROM CC (COMMUNITY CENTER), B-1 (NEIGHBORHOOD BUSINESS) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright 2022-041. It's 5.68 acres off Statesville and Sunset Road, existing commercial center. The zoning is currently CC (community center) for that commercial center and then B1- for neighborhood and business just on that small sliver that connects back up to Sunset Road. The proposed zoning is for B-2 conditional. We'll get into that in just a moment.

Adopted future land use from the 2040 Policy Map does recommend commercial for the majority of this site and the surrounding area. The proposal is condition that really just focuses on transportation elements. This petition was originally proposed as just a conventional petition to clean up some of the existing CC zoning that carried some old conditions from the approval. I can't remember exactly when that approval was granted, but it's an older plan.

So, rather than go through the conditions of uses and everything, we looked at the petition and our main concerns focused around transportation elements. So, the proposal itself is really proposing four different transportation provisions. One is a proposed three southbound right turn lanes on Statesville Road, proposed an eastbound right turn lane on Sunset Road, construct a median along Sunset Road to restrict left turn movements by extending the existing pedestrian island to the west and then modifies pavement markings to reflect right in and right out turns.

If we have additional questions on the specifics of some of those transportation provisions, I'm sure C-DOT will be able to walk through those with you. Staff does recommend approval of the petition. It is consistent with the Policy Map recommendation for a commercial place type. We'll be happy to take any questions you may have following the petitioner's presentation. Thank you.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said thank you. We appreciate your time again tonight. I'm here on behalf of BVB Properties. As Dave mentioned, a lot of this is just about doing a site plan clean up. There's a long history on this site. It was originally zoned back in 2006 for 41 acres to allow a grocery store with outparcels. In 2020 we rezoned a large portion of the site to allow industrial uses which is very consistent with what's being developed along the corridor. So, we essentially have about five acres of land on the frontage that we're seeking to clean up and allow uses that are consistent with the adopted land use plan but having us do this in a conditional nature allows us to preserve all of these transportation commitments that we've made over the years. We've had NCDOT and C-DOT reaffirm that these are the types of transportation improvements that need to happen as some of these out parcels are developed. With that, I'm happy to answer any questions.

Motion was made by Councilmember Ajmera, seconded by Councilmember Graham, and carried unanimously to close the hearing.
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**ITEM NO. 40: HEARING ON PETITION NO. 2022-047 BY JOSEPH LELAND FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.28 ACRES LOCATED ON THE WEST SIDE OF EASTWAY DRIVE, SOUTH OF ARNOLD DRIVE, AND NORTH OF CENTRAL AVENUE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO O-2 (CD) (OFFICE, CONDITIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, thank you. 2022-047. It's 0.28 acres on Eastway. It's on the west side of Eastway Drive. It's just south of

Arnold Drive, just north of Central Avenue. Current zoning is R-4. You can see some R-22 just to the north. Proposed zoning is for an office district conditional. The adopted place type for the area is Neighborhood 1. The proposal would be to allow the existing 938 square feet structure to remain and be used as either a single-family home or be converted for an office use. There is a 408-foot square foot detached garage that's proposed to remain as well.

It does propose the trees in the rear which would be about 30 feet in width for the tree save area. Paves the driveway and a concrete pad for parking. The site plan shows parking in front of the building outside of the setback, and then parking would also be included behind the structure. Vehicular driveway would continue to be provided off of Eastway Drive. Also required buffers would be installed along the property lines abutting the single family uses. There's just single family on either side.

As mentioned, staff does recommend approval of this petition. We do have some outstanding issues with site and building design and transportation to work through as well as some technical revisions for land use and site design. It is inconsistent with the Policy Map recommendation. I will say the Neighborhood 1 district does allow for office uses, but primarily they would be on a scale of I think up to a certain square footage. I'll have to look at the exact number and get that for you.

So, it wouldn't be entirely inconsistent with the Neighborhood 1 place type outcome, but typically those are for newer office type buildings versus some adaptive reuse. Again, staff didn't feel like it was an inappropriate transition of this existing single-family home into a potential office use with limited traffic. So, we'll be happy to take any questions you may have following the presentations by both the petitioner and members of the community. Thank you.

**Joseph Leland, 7150 Forrest Rader Drive, Mint Hill** said oh good. I'm Joe Leland. I bought the property at 2718 Eastway Drive. Right now, it's just a little brick house on a quarter acre lot. It doesn't make a good residential property because the traffic on Eastway Drive is pretty intense. So, it makes a much better office than it does a residential property. We have a small real estate business. We generate very little traffic. We generate very little noise, very little impact to the neighborhood except that we can help people in finding houses. Basically, like he said, we're just doing a little bit of minor remodeling on the interior, adding a concrete driveway, adding a wooden fence as a buffer and adding a concrete walkway going from the front door to the sidewalk. That is basically it.

You may recognize my name at 2718 Eastway Drive. Some guy crashed his car into the utility pole next to my house and broke it in half. As it hung over Eastway Drive, I couldn't get anybody to do anything about it. I called the police, I called the fire, I even had those guys to come around, the code enforcement guys, and they were harassing people about leaving their garbage cans out. Well, anyway. AT&T does nothing. No one is responsible for public safety. If you don't like that then, do something about it please. Danté Anderson got my pole taken out after three months. Thank you. You probably saved somebody's life. That's it. I'm done.

**Nancy Pierce, 1637 Flynnwood Drive** said okay. Members of Council and the Zoning Committee, thank you for this time. My name is Nancy Pierce. I live at is Merry Oaks, a small neighborhood at the intersection of Central Avenue and Eastway Drive. We have about 500 houses and about 1,000 naturally occurring affordable apartment units. Since our neighborhood association was created in the mid-1990s, we have had three priorities. Protect the Briar Creek water shed, improve pet bike connectivity and relevant to this petition, protect a residential mix on the neighborhood perimeter. Mr. Leland's property is one of 11 small brick houses all in a row zoned R-4 along Eastway Drive on the eastern boundary of the neighborhood. He told us that he purchased the property this past February with the intention of getting it rezoned to use for a real estate office.

When the UDO goes into effect on June 1<sup>st</sup>, that row of 11 small brick homes will become a Neighborhood 1-B zoning district as called for in the 2040 Plan, to which we

provided input. It'll be eligible for triplexes with a density bonus for adding homes affordable to people making 80 percent AMI or less.

Eight neighbors looked at this rezoning petition. One thinks that office use of the house would be an okay placeholder until it can be developed as townhomes. The other seven think it's a back precedent to spurn the intent of the 2040 Plan when there's not compelling public benefit.

We don't think office zoning should be granted in the middle of an otherwise residential section. We fear there will be a domino effect until all of those little houses are rezoned for office as has occurred farther north on Eastway Drive with considerable destabilizing consequences to the neighborhood. This section is an ideal location for mixed income townhomes as mapped out in the 2040 Plan. It's a quarter mile walk to Central Avenue, this city's busiest bus corridor and to a planned City Lynx Gold Line stop. As a result of our advocacy, a pedestrian hybrid beacon will be installed there next year. So, neighbors who currently run or roll along Eastway Drive dodging heavy traffic will have safe access to Kilborne Park and northbound bus stops.

This row of 11 houses also backs up to CMS Merry Oaks Elementary Campus which has a joint use agreement with Park and Rec., again driven by neighborhood advocacy. The soccer fields, playgrounds, basketball courts and walking trails are heavily used by our neighbors who live in the nearby apartments. I tell you all this to demonstrate that our little neighborhood has a long history of monitoring land use decisions to ensure that they're in the best long-term interest of all our neighbors.

We oppose this rezoning, but we've also asked for two conditions and Mr. Leland has agreed to these. He will conform to UDO exterior lighting standards for offices, i.e., no floodlights. Floodlights are growing like kudzu in our community and they're awful. I'm just saying. Number two, he'll limit parking to one space in front with additional parking in the back if City Council does vote to approve. We're asking you in the interest of maintaining the intent and purposes of the 2040 Comprehensive Plan, we're asking you to not approve this rezoning. Thank you.

Mr. Leland said well I obviously think it makes a better office than I do a residential property. I already agreed that I would do the lighting per the UDO and also, I would limit the parking in the front to one spot and the rest of the parking would be in the back. So, I don't know what more I can say. This all came up at the community meeting.

**Councilmember Ajmera** said yes. So, that addresses both of your requests. So, did I hear you say that you addressed both requests from Ms. Pierce?

Mr. Leland said yes. She asked me the lighting and the parking.

Ms. Ajmera said the parking. Okay.

Mr. Leland said the other thing she's unhappy about is the fact that it's low-cost housing going to business. I understand that, but it really doesn't make a good residential property. I'm in property management so I have rental properties and it would be hard for me to rent this as a residential property. I know there's rental houses on either side of me and they get rented, but it's probably not that easy.

Ms. Ajmera said okay. So, it looks like your requests have been addressed. So, would this be part of our notes?

Mr. Pettine said the conditions?

Ms. Ajmera said yes.

Mr. Pettine said yes. So, they would resubmit after this hearing later. With the holiday, it would be due late this week or the beginning of next and they would incorporate the conditions and commitments from that.

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Ms. Ajmera said okay. So, those conditions will be in front of us before the adoption next month?

Mr. Pettine said yes, they should be in front of the Zoning Committee as well.

Ms. Ajmera said okay.

**Councilmember Anderson** said hi Mr. Leland. I'm glad we were able to take care of your issue. I want to just confirm Ms. Pierce that you had an opportunity to have a discussion at the community meeting, because our notes show that no one attended the community meeting.

Mr. Leland said I had a second community meeting.

Ms. Pierce said we did not get a notice of the first community meeting. I think it was honest error on his part. He didn't apparently go to the next page of the directions that listed my name as the neighborhood contact. So, we had no idea until I got the notice of the public hearing that was supposed to be last month. So, the hearing was postponed until today and we had a meeting which two people attended, and we had a couple days' notice. So, I understand that was an honest mistake. To your point Ms. Ajmera, yes, we're in the curious position of opposing the rezoning. If you all approve it, because after all planning did recommend it, we don't know what the Planning Committee will do, but we're in the awkward position of having to say, "Well if you do approve it, at least give us this."

Ms. Ajmera said right.

Ms. Pierce said but we still don't think it's a good idea. We think it's a slippery slope.

Ms. Anderson said so, Ms. Pierce, I just want to be clear because Mr. Leland is saying there's been multiple community meetings and there's only been one where two neighborhood members could attend?

Unknown said yes.

Ms. Pierce said the first meeting we weren't told about. The second meeting was only a few days warning and we had two people attend.

Mr. Pettine said the initial community meeting, when we send out our mailing list, there's two separate sheets that go out. One with adjacent property owners in 300 feet then one with neighborhood contacts within a mile. From what we looked at, it looked like maybe that second tab of the neighborhood contacts within a mile of the site wasn't used in the mailing. So, they didn't get the official community meeting notice and that's why we deferred last month so Mr. Leland could reach back out and meet with them directly and talk to them about the projects since they didn't attend that first community meeting.

Ms. Anderson said thank you David. Thank you.

**Councilmember Molina** said actually you acknowledged Councilmember Anderson, and she addressed it because it looks like there was an additional question.

**Councilmember Mitchell** said Mr. Leland, you made a comment that on both sides of your property there are rental properties, correct?

Mr. Leland said yes.

Mr. Mitchell said so, why do you think it would be a challenge to rent your property?

Mr. Leland said I've had properties on streets like that and it's hard to find people there. So, I find that on certain properties that it's hard to find people, you can get tenants in,

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but they don't tend to stay very long. You can get tenants in but they don't tend to pay very well, and you really can't make enough money on the rent to pay the mortgage. So, I mean the guys that are renting the house probably have owned it for I don't know, 20 years. I've got a lot of rental houses in the area that I bought for \$60,000 and they've had them for 20 years. So, you can imagine they owe basically nothing on them. So, it's easy for me to rent a house for \$600, but if I'm renting the house and I'm paying a \$1,000 mortgage on and I'm renting for \$800, I can't do that.

Mr. Mitchell said so, do you have a business client already in mind for that location?

Mr. Leland said me.

Mr. Mitchell said okay.

Mr. Leland said I have a real estate company.

Unknown said property management.

Mr. Mitchell said you'll use that?

Mr. Leland said yes, we had an office. They decided to repurpose the office. We were thrown out of that. I have a temporary office on Elizabeth Avenue and as soon as I clear this up, I'm going to move into this office.

**Councilmember Bokhari** said Dave, N-1 B is the translation zoning. Is that the same as the alignment zoning or is there a different alignment zoning for the next phase?

Mr. Pettine said we're going through that evaluation now on what potential alignments would be, but translation would be N-1 B, yes.

Mr. Bokhari said does the 2040 Comp Plan call for that to be something else potentially in alignment or does it stay N-1?

Mr. Pettine said right now it's just a Neighborhood 1 and it would go to N-1 B if it's slated for some other N-1 C or D, we'd have to take a look just based on some of the frontage requirements and other things that are being looked at now.

Mr. Bokhari said based on what you know now, there isn't some other step secondarily. N-1 is what we can expect.

Mr. Pettine said right.

Mr. Bokhari said so, I don't know if I'm reading improperly between the lines or not for something that was kind of just done and revisited in that front, why is it something you guys would get behind for an office use now?

Mr. Pettine said you know these are challenging ones for us as well. Initially we had one on Providence Road not too long ago that was a little bit similar where you had Neighborhood 1 and you had some multi-family close by and they wanted to convert to a greenfield site to a brand-new office facility. That was something that we felt comfortable given the location along a major thoroughfare that maybe wasn't good for potential residential infill.

This one, we felt that the retention of the exiting home and converting that to an office and not doing a full redo of the site helped or at least maintained some of the residential character with a pretty low impact use of just a real estate office. So, that was part of our thought process in going through that. I know the Neighborhood 1 district does allow some neighborhood commercial if it's existing at the date of the UDO effective date as of June 1. If you have an existing business, you can maintain that as a neighborhood commercial business which would include an office.

So, again, there's some parallels to it being with a Neighborhood 1, but I think mainly our focus was the retention of that existing home and we're not looking at a brand-new office building that would look completely out of character in place with some of the surroundings.

Mr. Bokhari said yes, because that is a little odd to see, but I'll trust y'all's judgment on that.

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

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**ITEM NO. 41: HEARING ON PETITION NO. 2022-056 BY MARK PLOTT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.27 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF BENFIELD ROAD AND RIDGE ROAD, NORTH OF INTERSTATE 485 FROM R-3 (SINGLE FAMILY RESIDENTIAL), CC (COMMUNITY CENTER) TO B-1 (CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright 2022-056. It's 1.27 acres off Ridge Road and Benfield just across from Summer Creek Lane. Currently zoned to R-3 and commercial center. Then the proposed zoning is for B-1 conditional. Adopted place type is a mix of both Community Activity Center and then the portion that's currently zoned to R-3, you can see that carry that Neighborhood 1 recommendation rather than rounding out some of that Community Activity Center all the way up to Benfield. The proposal is for up to a 4,400 square-foot outdoor seasonal sales farmer's market. Access would be provided by an entrance on Benfield Road and then a driveway that would connect there to Brice Knoll Lane. It does dedicate 57 feet of right of way to the future alignment of Highland Shoppes Drive. It also commits to a 22-1/2-foot buffer and fence between the site and church and pre-school that's indicated there in green. Staff does recommend approval of this petition. We do have outstanding issues related to transportation to be resolved. It's inconsistent with a Neighborhood 1 place type, but consistent with a Community Activity Center place type. Again, I think you have some carryover from the existing zoning that kind of got that place type into that Neighborhood 1 versus keeping that Community Activity Center just rounded out through that entire area up to Benfield. So, again, staff did feel it was a beneficial petition for the community as far as establishing a seasonal sales farmer's market in this area. Again, we do recommend approval upon resolution of those issues, and we'll be happy to take any questions following the petitioner's presentation. Thank you.

**Cindy Reid, 19726 Zion Avenue, Cornelius** said thank you, good evening, I'm Cindy Reid with the Irvin Law Group. Thank you for listening to us tonight. I'm here on behalf of Farm Fresh Market. I have the owners here with me also, Mark, Jamie and Cole. Outdoor seasonal sales is what we're proposing for this site. It's 1.27 acres. The current zoning is RF-3 CC. We're requesting a rezoning to B-1 CD. There's our rezoning timeline. I'm sure you're familiar with that. You probably already know what outdoor seasonal sales are, but we have some nice pictures for you, and I'd like for you to see and be excited about what we're bringing to the neighborhood. It's fresh produce, flowers and plants, Christmas trees, pumpkins, homemade breads, pies and jams.

The applicants are here with me tonight as I've already said. It's a family owned and operated business. It's been in business since 1970 starting in Kannapolis and they have five locations in Cabarrus and Mecklenburg County. It's a fourth-generation business. I won't go back over what Dave said. It's located on East Benfield Road and south of Ridge Road. The surrounding zoning, you can't see it very well from here, but it has some CC zoning R3 and then the site plan is 4,400 square feet with one open air area and two shade areas. The shade cloths are just a cloth that has to go over the plants and vegetables to keep them from burning in the sun.

They'll be a 22.5-foot buffer with a fence between this site and the adjacent R-3 site. There will be access, right turn off of Benfield Road and also access off Brice Knoll Road. The parking exceeds what the ordinance requires. Again, I've gone over those project details here. Also, 18 parking were required. We're providing 21. The dumpster and the cooling area will be screened. There will be a 6-foot sidewalk along Benfield Road frontage. I circled this because I wanted you to see what a shade cloth looks like. That's a shade cloth and this is a photo from one of their existing sites.

It fits in the Prosperity Hucks Area Plan because it provides fresh produce for the community, easy to access and also provides an opportunity for community engagement. Again, here are some photos from their current sites. It's beautiful. I'm here to answer any questions if you have any questions. Mark, Jamie and Cole are also here to answer questions. Thank you very much.

Motion was made by Councilmember Bokhari, seconded by Councilmember Mayfield, and carried unanimously to close the hearing.
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**ITEM NO. 42: HEARING ON PETITION NO. 2022-057 BY MATTAMY HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 21.50 ACRES LOCATED ON THE WEST SIDE OF OLD PLANK ROAD, EAST OF BROOKSHIRE BOULEVARD, AND WEST OF DALE AVENUE FROM R-4 (SINGLE FAMILY RESIDENTIAL), I-1 (LIGHT INDUSTRIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-057. It's about 21 and a half acres off Old Plank Road, just east of Brookshire Boulevard, and west of Dale Avenue. It's currently zoned to R4 and I1 and the proposed zoning is for R8, multi-family conditional. Adopted place type, you can see the majority Neighborhood 1. You do have some manufacturing logistics on the back side of the property where the existing industrial use is. The proposal is for up to 110 single family attached townhouse units. That comes in just over five dwelling units per acre. An 8-foot planting strip and 6-foot sidewalk along Old Plank Road is proposed as well as a 5-foot bike lane along that frontage as well. It does provide a left turn lane on Old Plank Road at the proposed site access points A and B. Each of those turning lanes would provide 100-feet of storage. It does propose two stub connections along the west and south sides for a future connectivity.

Also commits to coordinating with Mecklenburg County Park and Rec to dedicate and convey a future one-acre park site as well as providing a 50-foot Class C buffer to abutting residential uses. Architectural standards have been provided for the townhome units as well which includes things like raised entrances, roof design exterior building materials and garage doors. Also, buildings will be limited to a maximum of four units per building. Again, staff does recommend approval.

We do have issues related to transportation and environment to work through. We are inconsistent with the Neighborhood 1 place type but feel that the low density of the project and the variety of housing types are something that we continue to see and provide a need for inventory in the area. So, we'll be happy to take any questions following presentations by the petitioner as well as the public. Thank you.

**Collin Brown, 1420 East 7th Street, Suite 100** said thank you. Mayor Pro Tem, Council members, Collin Brown on behalf of the petitioner Mattamy Homes. I think you all know Mattamy, one of the leading home builders in the area, especially Enfield Townhomes which is what we're talking about here. Site off of Old Plank Road, but great access to 16, quick access into Uptown. North of the site of course, we've got everything going on Mount Holly Huntersville Road. So, good access to Uptown as well as some employment, shopping and retail in the area. This is as you can see, just on



the edge of the City of Charlotte before you move into the ETJ (Extraterritorial Jurisdiction). As Dave mentioned, over 20 acres. So, good site. A portion of the site is actually zoned industrial. You've got heavier uses sitting here on the Brookshire.

As we transition, we think this makes a pretty good buffer. You'll see we have a lot of green space, open space on this site as we transition to a more traditional single-family neighborhood. Area plan recommendations are for Neighborhood 1 on the site that we're talking about. This is a pretty low-density residential project. So, we think we're pretty consistent with that. This is what we talked about in the 2040 Plan, kind of looking for this missing middle housing.

As Dave mentioned, Mattamy has committed to not have more than four units in the building. So, it kind of has that quadplex feel. If you can see, this is the current version of our plan. We're looking at some modifications. In this version of the plan, we're under five dwelling units per acre with the inclusion of a park to go to Mecklenburg County Parks and Rec. That is the colored-up version. So, you can see here, good separation between the industrial uses here. So, we've got open spaces. This version of the plan had the potential park here. I'm going to show you a different one that we're working on.

Some updated wetlands information has caused us to update our plan a bit. We've moved the park site here. It actually gets a little bit bigger. We've got some off-street parking that works and then you can see the buildings set up here in groupings of four. We had a community meeting. Had a fairly good attendance at that. There is a speaker in opposition who I've not spoken with. So, I don't know what his concerns will be. I believe that speaker owns the property to the south.

So, I'm happy to hear his comments. I do think some of the positives, you can see this updated of the plan here, we only have two buildings along that property line, have some buffering. We do have a stub connection as our ordinance requires. After this meeting, I'll be happy. We've kind of heard this theme of hearing from neighbors. Like I said, we had a community meeting. I don't know that they attended. So, I'll be happy to follow up with this meeting and we can talk about what's going on along that property line and see if there's anything that we can do to address their concerns.

We did provide some conceptual renderings in here. Pretty consistent with what Mattamy has done throughout the area. I guess I'll pause there. I know we have a lot on the agenda tonight. We'll hear from the other speaker, and I'll do my best to respond.

**Joel Fickling, 6109 Old Plank Road** said good evening, how are y'all doing? I am the property owner to the south, as the 3.25 acres there. Not really in opposition to what is going on. I understand the game plan. It looks like they have a nice neighborhood drawn up. Just kind of seems to be going with the theme tonight and it's the infrastructure problems that I feel like we're going to have an issue with. Old Plank Road is what I consider an old rural road. On the west side of the road, there's no right of way owned by the City of Charlotte. So, those property owners own to the center line of the road. It's just a very narrow road. School buses have to slow down to pass each other on that road. The cars, us that live there, you're constantly hitting your side view mirrors on tree limbs overhanging the road.

Before the Zoning Committee approves another neighborhood on Old Plank Road with another couple hundred cars that are going to be traveling on this road, I just feel like many people have said before me, kind of need to hit the pause button a little bit and figure out how we're going to get the road to the standards that it needs to be at to accommodate the new traffic that's going to be on it. With Mattamy Homes Project that's coming in down at Old Plank Road and the Brookshire Boulevard intersection, there was a just neighborhood that was approved that's probably halfway through development now that's got another couple 100 homes in there as well.

So, we're probably looking at an uptick of 500, 800 cars on that road per day just because of the new zoning that's going to effect and like I said, I don't really oppose what Mattamy Homes is doing, I just feel like the City of Charlotte owes it to the

residents that live there to address the issues that are going on with the existing infrastructure and what these rezoning approvals are going to do to that and the burden that it's going to put on to those residents that already live there.

Mr. Brown said yes. So, of course we'll be doing improvements to our frontage of Old Plank Road. As you've heard tonight, we can only control what's in our front. So, we're expanding that. I think we're including on street bike lanes as well as sidewalks. I believe C-DOT's numbers on this will show that the townhome plan would generate fewer trips than a single-family plan I believe by 150 fewer trips. Don't disagree with everything we've said tonight about future infrastructure. Thank you. Happy to answer questions.

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2022-060 BY PROVIDENCE GROUP CAPITAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.90 ACRES LOCATED ON THE WEST SIDE OF SOUTH BOULEVARD AND EAST SIDE OF OLD PINEVILLE ROAD, NORTH OF EAST WOODLAWN ROAD FROM I-1 (LIGHT INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright 2022-060. It's just under 6 acres between South Boulevard stretching over towards Old Pineville Road. It is currently zoned to I-1, industrial and the proposed zoning is for TOD-CC. You can see we've got some TOD-NC (Neighborhood Center) as well as some TOD just to the south adjacent to this property. It is recommended for a Community Activity Center for this site. So, continuing to build out along the Blue Line with Activity Center zoning which TOD does support. Staff does recommend approval of this petition. It is consistent with that recommendation as mentioned for the Community Activity Center. It's within a half mile walk of the Woodlawn Station and that CC district can be applied to parcels within that half-mile walking distance. So, this does fit with the guidelines of the TOD-CC district. We'll be happy to take any questions you may have following the petitioner's presentation. Thank you.

**Keith MacVean, 100 North Tryon Street, Suite 4700** said thank you Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean with Moore & Van Allen assisting Providence Group Capital with this rezoning request. As Dave mentioned, just slightly under six acres located on South Boulevard rezoning to TOD-CC, consistent with a place type recommendation of Community Activity Center. The site will have access to both Old Pineville Road and South Boulevard. Happy to answer questions.

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

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**ITEM NO. 44: HEARING ON PETITION NO. 2022-061 BY AHC INVESTMENT GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.21 ACRES BOUND BY THE SOUTH SIDE OF NORTH CHURCH STREET, NORTH SIDE OF NORTH TRYON STREET, AND EAST SIDE OF WEST 31ST STREET FROM I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-061 is approximately 2.2 acres on North Tryon Street and West 31st Street. It is currently zoned to I2, general industrial and the proposed zoning as mentioned in TOD-NC. You can see TOD-NC just across North Tryon Street and a little bit further south down North Tryon as well. This is the Innovation Mixed-Use place type on the 2040 Policy Map. So, generally TOD does provide some supportive uses for that IMU (Innovation Mixed-Use). There are some light industrial uses that could be envisioned in the Innovation Mixed-Use district, but primarily it's for some of these areas that are transitioning from some of those older industrial establishments into more mixed-use places. This particularly fits into that criterion. It is consistent with that recommendation. The NC district for TOD can be applied within one mile of a rapid transit station. This is about a three-quarter mile walk to the 36<sup>th</sup> Street Station as well as the 25<sup>th</sup> Street Station, both on the LYNX Blue Lines. So, it does meet that applicability for TOD-NC. We'll be happy to take any questions following the petitioner's presentation. Thank you.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening. Bridget Grant with Moore & Van Allen. It's a pleasure to be here tonight representing AHC Investments and Dan Broderick. Given the conventional nature of the site and the proximity and appropriateness that Dave described, I'll forego a presentation and happy to answer any questions.

Motion was made by Councilmember Anderson, seconded by Councilmember Driggs, and carried unanimously to close the hearing.
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**ITEM NO. 45: HEARING ON PETITION NO. 2022-064 BY CROSLAND SOUTHEAST FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.60 ACRES BOUND BY THE SOUTH SIDE OF CENTRAL AVENUE, WEST SIDE OF PECAN AVENUE, AND NORTH SIDE OF EAST INDEPENDENCE BOULEVARD FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO B-2 PED-O (GENERAL BUSINESS, PEDESTRIAN OVERLAY, OPTIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-064. The site in total is 8.6 acres along Central Avenue as well as Pecan Avenue just off East Independence Boulevard. This rezoning is not for the entirety of this site as a whole. We're looking at a specific area for an optional provision for a sign, which the petitioner can get into. I just wanted to let you know that the rezoning for the conditions are not anything related to the overall developed, just mainly focused on some sign provisions for that masterplan development there.

As mentioned, it's B-2 PED (pedestrian). The pedestrian overlay does allow for optional provisions. So, this petition is for B-2 PED optional. Again, that optional is primarily for some sign provisions which we'll get into on the next slide after this. It is recommended for Community Activity Center place type, which is consistent overall with the ongoing development and redevelopment of that site. So, the proposal itself is just again for these optional provisions to allow for the development of a rooftop sign on a building that is less than 30 feet in height. I think the building comes in around 27 or 28 feet. So, we're just shy of that 30 feet in height. The petitioner, because it's in the PED overlay does have the option to request that optional provision to ask for that sign to be on a building that doesn't meet that 30-foot height criteria.

Staff didn't have any significant concerns with that. It does help in the overall place making for the project. They do commit to satisfy all other ordinance requirements for the site. So, again, we're just focused on one particular building area with a sign provision and that is it. So, staff does recommend approval. We do have a minor technical revision. I think it's some clarification on what's being requested, but outside of that, we're comfortable with the petition. It is consistent with the Community Activity

Center, and we'll take any questions you may have following Mr. Brown's presentation. Thank you.

**Collin Brown, 1420 East 7th Street, Suite 100** said I'll continue to try to keep us moving quickly here. As Dave mentioned, this is just a request for a sign, and it is a roof sign. Interestingly, in our ordinance you can have a roof sign on the top of a tall building but not a short building in a nutshell. So, what you're looking at here is this will be an adaptively reused building. We'd like to put a roof sign on the top. So, interestingly this is where the roof sign would be because it's so low, we're here before you. If we were putting the sign on top of the tall building, I think that'd be okay, but we want to put it on the lower building.

This has been received pretty well. Mr. Gussman was our only attendee at the community meeting from the Plaza Midwood Association. So, we hope to have their endorsement. Thank you.

**Councilmember Anderson** said just a quick question. I can ask Mr. Gussman as well since he was in attendance of the meeting.

**Phil Gussman, Vice Chairman of Charlotte-Mecklenburg Planning Commission** said I will answer your question.

Ms. Anderson said the trips per day are jumping up close to effectively 10k.

Mr. Brown said I'll default to C-DOT off that if this exciting sign drives that many more trips, but there are no other changes to the plan.

Mayor Pro Tem Winston said I think it's the same zoning district. They are entitled for the same amount. It's just the existing usage.

Ms. Anderson said okay. So, the proposed zoning is jumping up 15,725 trips per day and that's the exact same as the existing entitlement? Is that what you're saying?

Mayor Pro Tem said yes.

Ms. Anderson said I got you. Okay. That's the only question I had. Thanks for the clarification.

**Councilmember Mayfield** said so just for clarification, why not put it on the top of the building? Is this just an aesthetic, we need to do a rezoning in order for us to have the name.

Mayor Pro Tem Winston said the Brown loves coming with his signs.

Ms. Mayfield said if you had put it on the top of the building you wouldn't need a rezoning, but because of where it's located, we need to have a rezoning?

Mr. Brown said as an advocate of signs on tall buildings in the past, far be it for me to comment on the sightliness of them. I don't know. I think it is this was important to integrate this sign into that adaptively reused building.

Ms. Mayfield said okay.

Mr. Brown said it is more of the place making lower to the ground.

Motion was made by Councilmember Mayfield, seconded by Councilmember Bokhari, and carried unanimously to close the hearing.
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**ITEM NO. 46: HEARING ON PETITION NO. 2022-067 BY CC FUND 3, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.92 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF SAM WILSON ROAD AND WILKINSON BOULEVARD, NORTH OF OLD DOWD ROAD FROM I-2 (CD) LLWPA (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA), B-2 LLWPA (GENERAL BUSINESS, LOWER LAKE WYLIE PROTECTED AREA) TO TOD-NC LLWPA (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER, LOWER LAKE WYLIE PROTECTED AREA).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said 2022-067, it's just under 16 acres as mentioned off Wilkinson Boulevard and Sam Wilson Road. It is currently zoned both B-2 and I-2. The I-2 is a conditional district. The proposed requested zoning is for TOD-NC. The adopted future place type is for Innovation Mixed-Use similar to the request we had two petitions prior about the Innovation Mixed-Use and TOD applicability within that place type. I will say this is an area along the Silver Line.

We do have provisions built in to both the current TOD, and the language in the UDO version of the TOD that really the only districts that would be applicable along that Silver Line because it's just adopted and not funded would be either TOD-NC and I believe TOD-T. So, we're still looking at a transit-oriented development along that corridor but not really getting into unlocking some of the more intense TOD-CC or UC (urban center) districts along the Silver Line until that project receives some more direct funding. So, that's why we're looking at the TOD-NC district.

Staff weighed a couple of different options. One was to do a potential MUDD district that mimicked all of the TOD-NC requirements, but the applicability with the Silver Line there was also something that we looked at and felt that TOD-NC wasn't entirely out of character or out of line for that location. So, we do recommend approval. It is consistent with that Innovation Mixed-Use place type, but it would be within a mile of the planned Sam Wilson Transit Station. Again, that TOD-NC district is applicable within that one-mile walk shed. So, we'll be happy to take any questions following the petitioner's presentation. Thank you.

**Keith MacVean, 100 North Tryon Street, Suite 4700** said thank you Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean with Moore & Van Allen assisting Carolina Capital Real Estate Partners. With me tonight and available to answer questions is Todd Harrison. As Dave mentioned, just over 15 acres at the corner of Sam Wilson and Wilkinson Boulevard. It is within close proximity to the Silver Line that runs across the frontage. The TOD district will protect that right of way. The station is actually within a quarter mile of the site. So, it's a good location for use near, employment uses in the airport. Consistent with the place type. The Innovative District allows both commercial, residential and nonresidential uses. Again, as I mentioned, it will protect a right of way, has access to the Silver Line and currently also has access to CATS (Charlotte Area Transit System) route 35. Happy to answer questions.

**Councilmember Mayfield** said this question is for staff. Has Council approved the Silver Line?

Mr. Pettine said the MTC, the Metropolitan Transit Commission, approved the alignment of the Silver Line. That's what the ordinance is based off of, is when that alignment gets adopted or even if it gets changed and readopted, that's the alignment that we apply then from the TOD standpoint.

Ms. Mayfield said so, the MTC has approved alignment, but Charlotte City Council has not approved any funding?

Mr. Pettine said right, and that's where we get into that applicability of certain districts and TOD aren't allowed until we have funding, but certain districts would be because

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they're less intensive and they provide us a little bit of ability to get out in front. The TOD development also provides us, as Mr. MacVean mentioned, some right of way protection for the actual Silver Line. So, if the alignment stays and comes through in that location, that right of way is already protected. The city would be able to go ahead and use that right of way and work with the property owner to get through that, rather than have to go through an acquisition later where there might be a building or there might be something in the way of that right of way that increases the cost for that acquisition.

So, there's a couple of benefits to the TOD on the Silver Line alignment that we have tools for now that kind of keep us out in front of some of that. Whereas with the Blue Line, we kind of had to play some catch up.

Ms. Mayfield said so, for the sake of consistency, I still would like for staff to step back now that we have approved TOD. We need to have a real conversation to look at the impact. There were some opportunities that were missed in language with TOD for the Blue Line as well as the extension of the Blue Line that I'm hoping is being considered for correction as we continue to grow TOD. For this particular conversation, it feels a bit like putting that cart before the horse when we still have not clearly identified, but opening a door to start rezoning areas without a clear understanding of what the plan is for that area. It's going to be difficult for me to move forward with. So, it would be helpful if in our upcoming planning, we have some real conversations as a Council body and as staff to make sure that we're on the same page with what we're letting the development community know is our goal for areas. Thank you.

Mayor Pro Tem Winston said like I said, this is the first time I've even seen anything like this. So, it might be worth as an update or some type of briefing on how we can apply TOD zoning districts in places that aren't even.

Mr. Pettine said yes, I think that's going to be a conversation that we're certainly going to be carrying forward. We've got some areas along the Silver Line that are recommended for Activity Center. So, how do we treat some of those moving forward. Again, we want to try to be a little more out in front of it than we were in the past, but certainly understand that it's a different kind of look and feel to that approach. So, we'll certainly try to get you all up to speed as we work through some of those conversations.

Motion was made by Councilmember Driggs, seconded by Councilmember Anderson, and carried unanimously to close the hearing.
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**ITEM NO. 47: HEARING ON PETITION NO. 2022-071 BY MTB HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.11 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF EAST EXMORE STREET AND NATIONS CROSSINGS ROAD, WEST OF OLD PINEVILLE ROAD FROM I-2 (GENERAL INDUSTRIAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-071. It's 2.11 acres off Exmore and Nations Crossing Road just west of Old Pineville. Current zoning is for I2 and the proposed zoning is TOD-CC. You can see that predominant CC district on Nations Crossing as well as south on Exmore. Adopted future land use is for a Community Activity Center on the 2040 Policy Map. So, the TOD-CC district certainly fits in with that. Staff does recommend approval. It is consistent with that Policy Map recommendation. We are within a half mile walk of the Woodlawn Station so that CC district does apply. We'll be happy to take any questions following the petitioner's presentation. Thank you.

**Collin Brown, 1420 East 7th Street, Suite 100** said thank you Mayor Pro Tem, Council members. Colin Brown on behalf of the petitioner. As Dave mentioned, it seems like a great location here. It's just an aerial. You see Woodlawn Station. We've got Scaleybark Station to the north. Easy walk to where the four corners already zoned to TOD-CC. So, we think this would be a good fit converting that heavy industrial zoning into TOD zoning to allow more transit-oriented uses in a great area.

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

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**ITEM NO. 48: HEARING ON PETITION NO. 2022-072 BY HECTOR GUADARRAMA FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.62 ACRES LOCATED ON THE EAST SIDE OF MARMAC ROAD, NORTH OF TUCKASEEGEE ROAD, AND WEST OF TODDVILLE ROAD FROM R-3 AIR LLWPA (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) TO R-4 AIR LLWPA (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said so, 2022-072. It's 0.62 acres on Marmac Road which is just north of the intersection with Tuckaseegee. It is currently zoned to R-3. There is an airport overlay and Lower Lake Wylie Protected Area overlay on that. The proposed zoning is just to take that from R-3 to R-4. Those two overlays are airport noise and Lower Lake Wylie Protected Area would of course carry forward. It is recommended for Neighborhood 1 for this general area. So, the petition to go from R-3 to R-4 would certainly be consistent with that. It is a conventional petition. So, there's no site plan, no conditions, no outstanding issues. Staff does recommend approval. It is consistent with the Neighborhood 1 place type. We'll certainly be happy to take any questions you may have. Again, we understand the petitioner is here. He doesn't have a presentation, but if you have questions, they can certainly answer those as well. Thank you.

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

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**ITEM NO. 49: HEARING ON PETITION NO. 2022-165 BY WINTERWOOD, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.3 ACRES LOCATED ON THE SOUTH SIDE OF MILTON ROAD AND WEST SIDE OF BARRINGTON DRIVE, NORTHWEST OF NORTH SHARON AMITY ROAD FROM I-1 (LIGHT INDUSTRIAL), O-1 (OFFICE) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Pro Tem Winston** declared the hearing open.

**David Pettine, Planning, Design & Development** said okay, 2022-165, approximately 10.09 acres just off Milton and Barrington Drive. The existing zoning is both I-1 and O-1. The proposed zoning is for UR-2 conditional. The adopted place type is for a Neighborhood 2. So, the petitioner request would be consistent with that place type. The proposal is for up to 168 multi-family units. That comes in at about 16.65 dwelling units per acre. There are conditional notes that articulate a workforce housing program to ensure that at least 90 percent of the new residential units constructed on the site would be reasonably priced for persons earning less than the median income for the area. It does also note the petitioner would ensure that the proposed affordable units would be onsite for no less than 20 years and maintain monthly rents that are income

restricted for households earning up to 80 percent of AMI. Of course, that's all subject to approval of tax credits and bonds from the State Housing Finance Agency.

In the event that those tax credits and bonds are not approved, they could provide market rate housing on the site instead of those listed at workforce housing. So, it does limit building height to 56 feet, 16-foot setback would be proposed from future back of curb along Barrington Drive. It would be measured from the existing back of curb. Transportation improvements would include access from Barrington as well as a dedication of right of way along Milton. Two points of ingress and egress from Barrington Drive as well as an 8-foot planting strip and 8-foot sidewalk along both Barrington and Milton.

Architectural standards related to building materials: minimum frontage requirements, modulations, architectural basis, limitations on blank walls, etc., would be provided as well. Open space and amenity areas would be provided on the site. They would be improved with at least three of the following elements: A club house, pool, walking path, landscaping, seating areas, covered structures appropriate to the proposed open space area. Also constructs a 50-foot Class A buffer reduced by 25 percent with a fence that would come out to about a 37-1/2-foot buffer. That would be provided in that green area along the site that's adjacent to the industrial.

Also would identify potential tree save and existing wetlands, and a 30-foot post construction buffers in those general areas. Staff does recommend approval of the petition. We do have outstanding issues related to transportation and site and building design to work through. It is consistent with the Neighborhood 2 Policy Map recommendations. So, we'll be happy to take any questions following Ms. Grant's presentation. Thank you.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening members of Council. Bridget Grant. Pleased to be here tonight with Gabe Fritz representing Winterwood. Winterwood has over 40 years of developing affordable housing and they are really exiting to be bringing what is essentially phase two of an existing development. As Dave highlighted, they're looking at the number of units on the north side, but you can see from the faded-out aerial, there's already an existing phase one that's out there and under construction right now. There's high demand and a waiting list for units. So, we are pleased to be taking this sort of odd-shaped site and filling in the gap to add those additional units. With that, I'm happy to answer any questions.

Motion was made by Councilmember Anderson, seconded by Councilmember Winston, and carried unanimously to close the hearing.
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## CONSENT AGENDA

**ITEM NO. 3: CONSENT AGENDA ITEMS 4 THROUGH 19 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK**

**Councilmember Mayfield** said I had five items that I wanted to pull. Unfortunately, our legislate of which Mr. Pettine was able to help me earlier, it did not upload today's information. I didn't get that until later this afternoon versus having access to it on Thursday and through the weekend. So, there were five items whenever we're ready that I wanted to pull for a separate vote.

**Mayor Vi Lyles** said this is something that we've gotten permission to do. Legal has vetted every word and all that we are doing is that those things, again, that have the criteria and we will add and acknowledge the staff agreement or concurrence with the recommendation to this list. So, now unless there's a question, we'll come to Ms. Mayfield's issue.



**Councilmember Mitchell** said Madam Mayor, I'm looking at this now and I was getting organized. So, what we're saying and based on the consent agenda items, that we will group them all together if they meet this criterion, then Councilmember Driggs added a fourth one?

Mayor Lyles said yes.

**Councilmember Mitchell** said okay. My only observation is how will the citizens know which petitions are on this list?

Mayor Lyles said well because they would have to watch the meeting because their public hearings have been closed. So, citizens can't comment, but as we read them out or pull them out for the vote, then they would be able to know it that way. I don't know if we notify.

Mr. Mitchell said I'm kind of concerned that citizens might not show up. These are on the decisions?

**Councilmember Ajmera** said right.

Mayor Lyles said they're only decisions.

Mr. Pettine said just decisions, and they'll still be listed.

Mr. Mitchell said so, usually we have opposition even on decision night.

Mayor Lyles said if you have opposition even then, one of the criteria is you cannot have any opposition to the petition at the beginning of the hearing.

Mr. Mitchell said okay.

Mayor Lyles said so, if it had anyone signed up to oppose, it would not make the list.

Mr. Mitchell said okay.

**David Pettine, Planning, Design & Development** said they would still all be listed on the agenda as standard items. So, we're not cutting any information out of the materials or out of your agenda packets. We're still treating them as full-on decisions; we're just trying to consolidate that decision making process. Let's say we had one where we didn't have opposition at a public hearing, but between then and decision you start to get neighbors that may reach out and say, "I've got major concerns," you can always pull that item off that consent so we can talk about it individually. So, these are just on there from the criteria, but any item can be pulled. Even if it meets all those criteria, you can still pull an item off consent if you want to discuss it in further detail.

Mayor Lyles said even if any Council member has heard from a community or an individual, you can say I'd like for it to be considered separately.

Mr. Mitchell said like what Ms. Mayfield is about to do.

Mayor Lyles said yes. Ms. Mayfield is going to have some of those. So, Ms. Mayfield, can you tell me which petitions that you would like to see as a separate vote?

Ms. Mayfield said thank you Madam Mayor. Number 7, 9, 10, 11, and 16.

Motion was made by Councilmember Bokhari and seconded by Councilmember Anderson to approve the Consent Agenda as presented, with the exception of Item No. 7, which was pulled for discussion, Item No. 9, which was pulled for discussion, Item No. 10, which was pulled for discussion, Item No. 11 which was pulled for discussion, and Item No. 16 which was pulled for discussion.

**Councilmember Anderson** said first I want to commend DreamKey Partners for working with the community of Grier Heights to address some of their concerns around this development and through working with the community, the community supports moving forward with this mixed dwelling development that supports affordable housing at 80 percent AMI. Also, with homeownership and renting as well. So, this is a great example of bringing affordable housing to a community that needs it with diverse housing types and also working very well with the community leaders. So, I'd like to say thank you to DreamKey Partners for doing so.

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

The following items were approved:

**ITEM NO. 4: ORDINANCE NO. 417-Z, PETITION NO. 2021-244 BY JUAREZ SILVA AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1 ACRE LOCATED ON THE SOUTH SIDE OF CINDY LANE NEAR THE INTERSECTION WITH BOWLINE DRIVE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: the 2040 Policy Map 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 petition is inconsistent with the Neighborhood 1 Place Type for this parcel and the adjacent parcel which is recommended for the Neighborhood 2 Place Type. However, the surrounding parcels are recommended for the Manufacturing & Logistics Place Type. The majority of the properties on the south side of Cindy Lane near this site are zoned industrial and developed with industrial uses. One parcel to the east of this site is developed with residential uses, which will be buffered from industrial development on this site in accordance with zoning ordinance requirements. The petitioner has limited the proposed uses on the site to contractor offices with accessory storage as permitted in the I-1 district. The petition could facilitate the following 2040 Comprehensive Plan Goal: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map (2022), from Neighborhood 1 to Manufacturing & Logistics for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s)

**ITEM NO. 5: ORDINANCE NO. 418-Z, PETITION NO. 2021-275 BY ABACUS ACQUISITIONS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.54 ACRES LOCATED ON THE WEST SIDE OF GRIMES STREET, NORTH SIDE OF FRANKLIN AVENUE, EAST SIDE OF NORTH GRAHAM STREET, AND SOUTH SIDE OF WEST 28TH STREET FROM I-2 (GENERAL INDUSTRIAL) AND R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Rhodes, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the with the 2040 Policy Map recommendation

for Neighborhood Activity Center on the northwest half of the site and inconsistent with the recommendation for Neighborhood 1 on the southeast half of the site based on the information from the post-hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Neighborhood Activity Center and Neighborhood 1 Place Types. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition adds to the variety of housing options in the area. The petition is appropriate and compatible to the existing single-family neighborhood uses along Grimes Street, Franklin Avenue, and Bancroft Street by proposing 3- & 4-unit townhomes, a less dense building form than the multifamily buildings along Graham Street and 28th Street. The petition commits to enhanced building design features such as usable porches and/or stoops when possible. The petition commits to building a 12-foot multi-use path and 8-foot sidewalk along the site's frontage on Graham Street and an 8-foot sidewalk and 8-foot planting strip along all public street frontages as well as along both sides of the proposed future Bancroft Street. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood Activity Center and Neighborhood 1 Place Types to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 304-305.

**ITEM NO. 6: ORDINANCE NO. 419-Z, PETITION NO. 2021-279 BY CRESCENT COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 61.01 ACRES LOCATED WEST OF DIXIE RIVER ROAD AND SOUTH OF SADLER ROAD IN THE RIVER DISTRICT. FROM R-3 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO MX-2 (INNOV) (MIXED-USE, INNOVATIVE, LOWER LAKE WYLIE PROTECTED AREA).**

The Zoning Committee voted 5-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Community Activity Center for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed petition to rezone to MX-2 (INNOV) is compatible with the type of development proposed in the adjacent River District project. The designation of this area as a Community Activity Center place type anticipated this type of development in this area. This petition connects to the street network of adjacent developments that are either approved or currently in development review, facilitating a cohesive transportation system and connected community. The petition commits to several transportation improvements in the vicinity including the installation of a new traffic signal at West Boulevard & I-485 Inner Ramps and Dixie River Road frontage improvements to include an 8' planting strip, 6' buffered bike lane, and 8' sidewalk. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 306-307.

**ITEM NO. 8: ORDINANCE NO. 421-Z, PETITION NO. 2022-018 BY MCRT SFR INVESTMENTS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 77.20 ACRES LOCATED SOUTH OF JOHNSTON OEHLER ROAD, EAST OF PROSPERITY CHURCH ROAD, AND WEST OF MALLARD CREEK ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO MX-2 (MIXED USE).**

The Zoning Committee voted 4-1 (motion by Rhodes, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition adds to the variety of housing options in the area. The petition is compatible with the existing residential uses and the Campus place type uses adjacent to the site. The petition proposes 268 units at less than 4 units per acre, which is compatible with the surrounding Neighborhood 1 place type. The existing environmental features, including tributaries, wetlands, and streams, serve as a natural buffer between the existing single-family neighborhoods to the south of the site. The petition commits to enhanced building design features such as usable porches and/or stoops when possible. The petition commits to providing a sidewalk and a crosswalk network that links all the principal buildings on the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated & Natural Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 recommended Place Type to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 310-311.

**ITEM NO. 12: ORDINANCE NO. 425-Z, PETITION NO. 2022-040 BY FRH REALTY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.58 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, WEST OF MATHESON AVENUE, AND NORTH OF BREVARD STREET FROM I-2 (GENERAL INDUSTRIAL) TO (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: The adopted policy map recommends the Innovation Mixed-Use Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The goal of the Innovation Mixed-Use Place Type is to “Contribute to Charlotte’s economic viability by providing mixed-use urban places that include light manufacturing, office, residential, and retail.” This petition helps to achieve that goal. The site is compatible with nearby residential and mixed uses to the north. The site abuts pending rezoning petition 2022-044, which is a request of similar context and character. The petition commits to streetscape improvements along N. Tryon Street with an eight-foot sidewalk and eight-foot planting strip. The petition states that the existing five-foot bike lane will remain. The petition could facilitate the following goals of the 2040 Comprehensive Plan: 1: 10-Minute Neighborhood, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 318-319.

**ITEM NO. 13: ORDINANCE NO. 426-Z, PETITION: 2022-044 BY 2130 NORTH TRYON STREET, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.67 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, WEST OF MATHESON AVENUE, AND NORTH OF NORTH BREVARD STREET FROM I-2 (GENERAL INDUSTRIAL) TO (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Gaston, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information

from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Innovation Mixed-Use Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The goal of the Innovation Mixed-Use Place Type is to “Contribute to Charlotte’s economic viability by providing mixed-use urban places that include light manufacturing, office, residential, and retail.” This petition helps to achieve that goal. The site is compatible with nearby residential and mixed uses to the north. The site abuts pending rezoning petition 2022-040, which is a request of similar context and character. The petition commits to streetscape improvements along N. Tryon Street with an eight-foot sidewalk and eight-foot planting strip. The petition commits to maintain the existing five-foot wide bike lane along the site’s frontage of N. Tryon Street. If not already existing, a five-foot wide bike lane will be provided. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 320-321.

**ITEM NO. 14: ORDINANCE NO. 427-Z, PETITION NO. 2022-045 BY DREAMKEY PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 16.43 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF WHEATLEY AVENUE AND ELLINGTON STREET, NORTH OF BILLINGSLEY ROAD FROM O-1, O-1 (CD), AND R-5 (OFFICE, OFFICE, CONDITIONAL, AND SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) AND UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Gaston, seconded by Rhodes) 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 recommends Neighborhood 1 for Development Area C; and the 2040 Policy Map recommends Campus for a majority of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The 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, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. This petition proposes a mixed-income community that commits to providing a variety of housing types at up to 80% AMI with at least a portion of the units being age-restricted. This site is adjacent to Neighborhood 1 areas along the north side of Wheatley Avenue and east side of Ellington Street. Although inconsistent with the adopted Place Type, the Neighborhood 2 uses proposed in this petition would be appropriate against the established Neighborhood 1, low-density areas. Additionally, the proposed development along Ellington St. and in Development Area C, which are the only areas with adjacency to existing single family detached homes, will be a mixture of single family attached and detached units. The multi-family buildings proposed in Development Area A are not adjacent to any existing single family uses. Included in the conditions of the rezoning is a commitment to dedicate and convey a 30’ easement to MCPR for a pedestrian bike trail that will connect to Wheatley Ave. This facilitates future potential connections to Grier Heights Park and Randolph Road. The proposal includes ample useable common open space areas throughout the site, with a separate amenity space for the age-restricted multi-family building. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Campus to Neighborhood 2.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 322-323.

**ITEM NO. 15: ORDINANCE NO. 428-Z, PETITION NO. 2022-052 BY CAROLINAS PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.9**

**ACRES LOCATED ON THE NORTH SIDE OF TUCKASEEGEE ROAD, WEST OF TODDVILLE ROAD, AND NORTH OF INTERSTATE 85 FROM R-3 AIR LLWPA (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) TO R-17 MF AIR LLWPA (CD) (MULTI-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Gaston, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: the 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: There is a mix of single family detached, institutional and multi-family uses in the area. The petition increases the housing types and options in the area. The development provides a transition from the institutional use to the west to the single-family homes to the east. The site is located on Tuckaseegee Rd. a minor thoroughfare, which is an appropriate street type for attached residential development. The plan limits the maximum number of units per building to 4, maximum height of 40 ft. so that building scale will be similar to what is allowed in single family residential zoning. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Mintue Neighborhood, 2: Neighborhood Diversity, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 recommended Place Type to Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 324-325.

**ITEM NO. 17: ORDINANCE NO. 430-Z, PETITION NO. 2022-074 BY CROSLAND SE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.40 ACRES LOCATED ON THE WEST SIDE OF ALLEGHANY STREET, SOUTH OF DENVER AVENUE, AND NORTH OF WILKINSON BOULEVARD FROM I-1 AIR (LIGHT INDUSTRIAL, AIRPORT NOISE OVERLAY) TO R-22 MF AIR (MULTI-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY).**

The Zoning Committee voted 5-0 (motion by Rhodes, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is for a portion of a parcel that is split zoned and aligns the zoning for the parcel to be R-22MF. The petition allows for development that aligns with the 2040 Policy Map. The zoning could allow development that increases the housing type and options in the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Mintue Neighborhood, 2: Neighborhood Diversity.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 328-329.

**ITEM NO. 18: ORDINANCE NO. 431-Z, PETITION NO. 2022-088 BY MECKLENBURG COUNTY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 10.54 ACRES LOCATED ON THE NORTH SIDE OF SOUTH TRYON STREET BETWEEN YORK CENTER DRIVE AND JOHN PRICE ROAD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Rhodes, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the

information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends 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 site is already zoned for industrial uses and surrounded by existing industrial developments. The area is within a Manufacturing & Logistics place type where recycling and collections centers area appropriate. The petition will minimize the impact of the proposed recycling center on adjacent properties and the public realm through implementing a 6' high wall along the southern and eastern boundaries, 56.25' Class B buffer along the southwestern and eastern boundaries, and a retaining wall and landscaped yard along the western boundary. The petition commits to streetscape improvements along both public street frontages with 8' planting strip and 12' multi-use path along S. Tryon Street and 8' planting strip and 6' sidewalk along John Price Road. The petition could help facilitate Goals 5 (Safe & Equitable Mobility), 6 (Healthy, Safe & Active Communities), 7 (Integrated Natural & Built Environments), 8 (Diverse & Resilient Economic Opportunity), and 10 (Fiscally Responsible) of the Charlotte Future 2040 Comprehensive Plan. The petition could facilitate the following 2040 Comprehensive Plan Goals: 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity, 10: Fiscally Responsible.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 330-331.

**ITEM NO. 19: ORDINANCE NO. 432-Z, PETITION NO. 2022-143 BY MECKLENBURG COUNTY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.58 ACRES LOCATED ON THE EAST SIDE OF FOREST POINT BOULEVARD, NORTH OF WEST ARROWOOD ROAD, AND WEST OF NATIONS FORD ROAD FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO B-2 (GENERAL BUSINESS).**

The Zoning Committee voted 5-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends 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: Allows all uses in the B-2 zoning district. Allows development and redevelopment of the site in alignment with the recommended Place Type. The site is located in an area with commercial uses within close proximity to I-77 and employment opportunities. There is bus service to the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 332-333.

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**ITEM NO. 7: ORDINANCE NO. 420-Z, PETITION NO. 2022-013 BY CHARLES T. CARPENTER FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.664 ACRE LOCATED ON THE NORTH SIDE OF JOYCE DRIVE, WEST OF MILTON AVENUE, AND SOUTH OF THE PLAZA FROM R-4 (SINGLE-FAMILY RESIDENTIAL) AND B-1 (NEIGHBORHOOD BUSINESS) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Russell, seconded by Rhodes) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be inconsistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: the adopted policy map recommends the Neighborhood Center Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Neighborhood

Centers are embedded within neighborhoods and provide access to goods, services, dining, and residential for nearby residents. The petition states that no changes are intended for the existing building or parking. This petition falls on the edge of the Neighborhood Center Place Type recommendation. Policy states that some auto-oriented uses may be located on the edges of the Neighborhood Center Place Type. 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 the Neighborhood Center place type to the Commercial place type for the site.

**Councilmember Mayfield** said so, Mayor, I am not going to be able to support this but I'm going to respect the representative. I have a concern with how close this current facility, if we were to expand, is to the daycare when we're talking about environmental and potential community impacts. The proximity with this expansion with the vehicles, the fumes, the things that go along with vehicle repair and/or maintenance being so close to a daycare center. It gives me great concern.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Graham, to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the adopted policy map recommends the Neighborhood Center place type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: neighborhood Centers are embedded within neighborhoods and provide access to goods, services, dining, and residential for nearby residents. The petition states that no changes are intended for the existing building or parking. This petition falls on the edge of the Neighborhood Center place type recommendation. Policy states that some auto-oriented uses may be located on the edges of the Neighborhood Center place type. 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 the Neighborhood Center place type to the Commercial place type for the site.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Mitchell, Molina, and Winston.

NAYS: Councilmember Mayfield.

Absent: Councilmembers Johnson and Watlington.

The Ordinance is recorded in full in Ordinance Book 65, Page(s) 308-309.

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**ITEM NO. 9: ORDINANCE NO. 422-Z, PETITION NO. 2022-026 BY CROSS COMMERCIAL REAL ESTATE GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.15 ACRES IN THE SOUTHEASTERN CORNER OF THE INTERSECTION OF STEELE CREEK ROAD AND SHOPTON ROAD WEST FROM R-3 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO NS LLWPA (NEIGHBORHOOD SERVICES, LOWER LAKE WYLIE PROTECTED AREA).**

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



find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the petition would be an appropriate transition between the commercial uses to the north side of Shopton Rd West and the single-family residential uses to the south of the site. The petition would improve the streetscape along both the Shopton Rd and Steele Creek Rd frontages with 8' planting strip and 6' sidewalk and 8' planting strip and 12' multi-use path, respectively. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from current recommended Neighborhood 1 place type to Commercial place type for the site.

**Councilmember Mayfield** said I pulled this one specifically because the representative Ms. Watlington who is unable to join us tonight, did note that she reached out and has been working with the Steele Creek Residents Association and that there is full support, and to also have the moment to thank the petitioners for working with the Steele Creek Resident's Association on addressing some of the outstanding concerns on this. Thank you.

**Councilmember Bokhari** said I think just as we're exploring new ways to do this, which I love what we're doing right now. I think that was more like in the consent agenda. Having an opportunity to speak to something that is going to be voted in the affirmative versus if it's pulled out, the expectation is someone's voting no.

Ms. Mayfield said that's where the assumption of expectations come in, but I hear you.

Motion was made by Councilmember Bokhari, seconded by Councilmember Mayfield, and carried unanimously to approve 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 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 would be an appropriate transition between the commercial uses to the north side of Shopton Rd West and the single-family residential uses to the south of the site. The petition would improve the streetscape along both the Shopton Rd and Steele Creek Rd frontages with 8' planting strip and 6' sidewalk and 8' planting strip and 12' multi-use path, respectively. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from current recommended Neighborhood 1 place type to Commercial place type for the site.

The Ordinance is recorded in full in Ordinance Book 65, Page(s) 312-313.

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**ITEM NO. 10: ORDINANCE NO. 423-Z, PETITION NO. 2022-030 BY VLASTIMIL DIDIK FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.36 ACRE LOCATED AT THE SOUTHEAST INTERSECTION OF MATHESON AVENUE AND PINCKNEY AVENUE, WEST OF CLEMSON AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Russell, seconded by Welton) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: the adopted policy map recommends the Neighborhood 1 (N1) 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 compatible with the surrounding neighborhood character. Single-family detached homes on lots are the primary use in the N1 Place Type. Duplexes, triplexes, and quadraplexes may also be found in the N1 Place Type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm.

Motion was made by Councilmember Bokhari, seconded by Councilmember Anderson, to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the adopted policy map recommends the Neighborhood 1 (N1) 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 compatible with the surrounding neighborhood character. Single-family detached homes on lots are the primary use in the N1 Place Type. Duplexes, triplexes, and quadraplexes may also be found in the N1 Place Type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm.

**Councilmember Mayfield** said this one I will not be in support, but I think it also falls back into the conversations that we had with the hearings and that is for staff and Council to be able to actually identify what our goal is so we don't continue to run into items that may be inconsistent or that is changing a community make up when we say we support aging in place.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Mitchell, Molina, and Winston.

NAYS: Councilmember Mayfield.

Absent: Councilmembers Johnson and Watlington.

The Ordinance is recorded in full in Ordinance Book 65, Page(s) 314-315.

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**ITEM NO. 11: ORDINANCE NO. 424-Z, PETITION NO. 2022-035 BY ED REFAEY - A AND E RENTAL HOMES, LLC FOR APPROXIMATELY 0.37 ACRE LOCATED AT THE SOUTHWEST INTERSECTION OF PARKWOOD AVENUE AND HARRILL STREET, EAST OF SEIGLE AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Welton seconded by Gaston) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be inconsistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: the adopted policy map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the Neighborhood 1 Place Type may consist of smaller lot single family detached developments, small townhome buildings, and small multi-family buildings. The petition is compatible with neighboring residential and commercial uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active

Communities The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from current recommended Neighborhood 1 Place Type to new recommended Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Anderson, to approve and adopt the following Statement of Consistency: this petition is found to be inconsistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the adopted policy map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the Neighborhood 1 Place Type may consist of smaller lot single family detached developments, small townhome buildings, and small multi-family buildings. The petition is compatible with neighboring residential and commercial uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from current recommended Neighborhood 1 Place Type to new recommended Neighborhood 2 Place Type for the site.

**Councilmember Mayfield** said so, according to what we mentioned earlier, because we did receive emails from community on this particular petition, this one should have fallen in that category. So, that's why I had already identified this one to pull out because of community emails and concern. I am a no as far as moving forward with this petition, but it seems like this one with A and E Rental Homes would have been one of those that would've been pulled aside because we did receive emails with community concern on it.

**Mayor Lyles** said Mr. Pettine would you address that as you can look at the criteria?

**David Pettine, Planning, Design & Development** said yes. We did receive some emails prior to the public hearing from one of the neighboring property owners I believe, and they actually worked with that property owner before the hearing and resolved all the issues and they said they were satisfied. They didn't sign up to speak at the public hearing. So, that's why we did include that one.

**Councilmember Anderson** said so there was follow up Councilmember Mayfield and then also the community meeting was well intended, and feedback was taken and action was taken on that. Thank you.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Mitchell, Molina, and Winston.

NAYS: Councilmember Mayfield.

Absent: Councilmembers Johnson and Watlington.

The Ordinance is recorded in full in Ordinance Book 65, Page(s) 316-317.

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**ITEM NO. 16: ORDINANCE NO. 429-Z, PETITION NO. 2022-055 BY ELMINGTON CAPITAL GROUP FOR APPROXIMATELY 13 ACRES LOCATED IN THE SOUTHEASTERN QUADRANT OF THE INTERSECTION OF ALLEGHANY STREET AND ASHLEY ROAD FROM B-D (CD), INST, R-17 MF (BUSINESS DISTRIBUTIVE, CONDITIONAL INSTITUTIONAL, MULTI-FAMILY RESIDENTIAL) TO R-22 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the consistency statement as follows: 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 Commercial Place Type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the proposed multifamily and single family attached residential uses are an appropriate transition from single family detached residential to the south and west and the commercial and institutional uses to the north. The proposed development will provide more housing options on the edge of a neighborhood of predominately single-family detached dwellings. The site is in close proximity to CATS bus stops, retail, public schools, and will have a direct trail connection to Camp Greene Park. The petition proposes to extend and construct to streets to city standards while providing an 8' buffered bike lane, 8' planting strip, and 8' sidewalk along the site's Alleghany St frontage. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Commercial Place Type to Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Graham, to approve and adopt the following Statement of Consistency: this petition is found to be 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 Commercial Place Type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the proposed multifamily and single family attached residential uses are an appropriate transition from single family detached residential to the south and west and the commercial and institutional uses to the north. The proposed development will provide more housing options on the edge of a neighborhood of predominately single-family detached dwellings. The site is in close proximity to CATS bus stops, retail, public schools, and will have a direct trail connection to Camp Greene Park. The petition proposes to extend and construct to streets to city standards while providing an 8' buffered bike lane, 8' planting strip, and 8' sidewalk along the site's Alleghany St frontage. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Commercial Place Type to Neighborhood 2 Place Type for the site.

**Councilmember Mayfield** said again looking at what Council expectation is with development and hearing from staff as the area continues to grow, we've approved some projects. This area has changed tremendously from when I was the district representative for this area. So, I would like for us to get an update and have a different conversation regarding moving forward with how we're looking at industrial institutional land and what multi-family could look like. So, I will be a not, but I know my colleagues will be in support of.

**Mayor Lyles** said okay. I want to make sure we captured. Were you asking for a report?

Ms. Mayfield said is it consistent with staff for us to have a conversation regarding what is Council's expectation with growth in the city and how is staff interpreting the language that's been approved based on inconsistencies that's coming before us while we're in this limbo area? Mr. Pettine got it.

Mayor Lyles said okay. Alright, thank you.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Mitchell, Molina, and Winston.

NAYS: Councilmember Mayfield.

Absent: Councilmembers Johnson and Watlington.

The Ordinance is recorded in full in Ordinance Book 65, Page(s) 326-327.

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## DECISIONS

**ITEM NO. 22: ORDINANCE NO. 433-Z, PETITION NO. 2021-264 BY CHUCK PRICE FOR APPROXIMATELY 4.7 ACRES LOCATED ON THE NORTH SIDE OF OAK DRIVE, EAST OF OLD STATESVILLE ROAD, AND SOUTH OF PETE BROWN ROAD FROM I-1 (LIGHT INDUSTRIAL), R-4 (SINGLE-FAMILY RESIDENTIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Harvey, seconded by Gaston) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Manufacturing & 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 proposed use is aligned with the recommended Manufacturing & Logistics Place Yype. The petition is requesting expansion from the existing lumber business adjacent to the site. The petition proposes the same industrial uses found in the area along the Old Statesville Road Corridor. The petition commits to a 100-foot Class A buffer adjacent to the abutting residential properties. The petition commits to a 50-foot class A buffer along Oak Drive. Access to the site will be limited to only the existing adjacent property and avoid creating additional traffic or access on Oak Drive. This petition helps to fulfill the Comprehensive Plan's goal of contributing "to Charlotte's economic viability by accommodating places of employment for a range of uses related to manufacturing, logistics, production and distribution."

Motion was made by Councilmember Graham, seconded by Councilmember Bokhari, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Manufacturing & Logistics Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the proposed use is aligned with the recommended Manufacturing & Logistics Place Yype. The petition is requesting expansion from the existing lumber business adjacent to the site. The petition proposes the same industrial uses found in the area along the Old Statesville Road Corridor. The petition commits to a 100-foot Class A buffer adjacent to the abutting residential properties. The petition commits to a 50-foot class A buffer along Oak Drive. Access to the site will be limited to only the existing adjacent property and avoid creating additional traffic or access on Oak Drive. This petition helps to fulfill the Comprehensive Plan's goal of contributing "to Charlotte's economic viability by accommodating places of employment for a range of uses related to manufacturing, logistics, production and distribution."

The Ordinance is recorded in full in Ordinance Book 65, Page(s) 334-335.

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**ITEM NO. 23: ORDINANCE NO. 434-Z, PETITION NO. 2021-274 BY DICKERSON REALTY FLORIDA, INC. FOR APPROXIMATELY 0.57 ACRE LOCATED ON THE WEST SIDE OF WEST CARSON BOULEVARD, NORTH OF SOUTH MINT STREET, AND EAST OF WEST PALMER STREET FROM MUDD (MIXED-USE DEVELOPMENT) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER).**

The Zoning Committee voted 5-0 (motion by Welton, seconded by Russell) to recommend approval of this petition and adopt the consistency statement as follows: 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 Regional Activity Center for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the site is within a ½-mile walk of the Carson Station. The TOD-UC zoning district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station or within a ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The rezoning of this parcel will allow the site to be redeveloped for transit-supportive uses. The site is directly adjacent to a number of parcels zoned TOD-UC. The use of conventional TOD-UC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Mayfield, seconded by Councilmember Driggs, and carried unanimously to approve 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 Regional Activity Center for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the site is within a ½-mile walk of the Carson Station. The TOD-UC zoning district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station or within a ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The rezoning of this parcel will allow the site to be redeveloped for transit-supportive uses. The site is directly adjacent to a number of parcels zoned TOD-UC. The use of conventional TOD-UC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The Ordinance is recorded in full in Ordinance Book 65, Page(s) 336-337.

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**ITEM NO. 25: ORDINANCE NO. 435-Z, PETITION NO. 2022-016 BY VISION PROPERTIES FOR APPROXIMATELY 25.91 ACRES LOCATED ON THE EAST AND WEST SIDE OF CARMEL COMMONS BOULEVARD AND EAST SIDE OF CARMEL ROAD, SOUTH OF PINEVILLE-MATTHEWS ROAD FROM O-1 (OFFICE) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT - OPTIONAL).**

The Zoning Committee voted 4-1 (motion by Rhodes, seconded by Harvey) to recommend approval of this petition and adopt the consistency statement as follows:

this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: the map recommends Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the site is developed with office uses and surface parking lots. The site is in a community activity center which are areas for a mixed-use development in a pedestrian-oriented environment with open space as a key feature. The petition will introduce a mix of uses to the site including commercial, EDEE and multi-family uses. Improves pedestrian and vehicular connectivity through the site by modifying parking and existing drive aisles to create a new street from Carmel Rd, across Carmel Commons Bv. to the eastern property line. Orients new buildings to streets. Provides minimum of 41,780 sq. ft. of designated urban open space throughout the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Mintue Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

1. 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.

Motion was made by Councilmember Driggs, seconded by Councilmember Anderson, and carried unanimously not to refer back to the zoning committee.

Motion was made by Councilmember Mayfield, and seconded by Councilmember Driggs, to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the map recommends Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the site is developed with office uses and surface parking lots. The site is in a community activity center which are areas for a mixed-use development in a pedestrian-oriented environment with open space as a key feature. The petition will introduce a mix of uses to the site including commercial, EDEE and multi-family uses. Improves pedestrian and vehicular connectivity through the site by modifying parking and existing drive aisles to create a new street from Carmel Rd, across Carmel Commons Bv. to the eastern property line. Orients new buildings to streets. Provides minimum of 41,780 sq. ft. of designated urban open space throughout the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Mintue Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm, as modified.

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

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

NAYS: Councilmember Winston.

Absent: Councilmembers Johnson and Watlington.

The Ordinance is recorded in full in Ordinance Book 65, Page(s) 338-339.

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**ITEM NO. 26: ORDINANCE NO. 436-Z, PETITION NO. 2022-046 BY THE SALVATION ARMY OF GREATER CHARLOTTE FOR APPROXIMATELY 5.98 ACRES LOCATED ON THE NORTH SIDE OF QUEEN CITY DRIVE JUST WEST OF THE INTERSECTION WITH SLOAN DRIVE FROM B-2 (CD) AIR (GENERAL BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY) TO B-2 AIR (GENERAL BUSINESS, AIRPORT NOISE OVERLAY).**

The Zoning Committee voted 5-0 (motion by Welton, seconded by Gaston) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends Commercial place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the petition is consistent with the Commercial place type recommendation for this site. The B-2 conventional zoning designation is compatible with the commercial developments found in this area, which is near the Interstate 85 and Interstate 85 interchange, just north of Charlotte-Douglas International Airport. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to approve and adopt the following Statement of Consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map recommends Commercial place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition is consistent with the Commercial place type recommendation for this site. The B-2 conventional zoning designation is compatible with the commercial developments found in this area, which is near the Interstate 85 and Interstate 85 interchange, just north of Charlotte-Douglas International Airport. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 6: Healthy, Safe & Active Communities.

The Ordinance is recorded in full in Ordinance Book 65, Page(s) 340-341.

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**ITEM NO. 27: PETITION NO. 2022-051 BY JOSEPH BOYAPATI AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.98 ACRES LOCATED ON THE SOUTH SIDE OF SAM NEELY ROAD, WEST OF STEEL CREEK ROAD, AND EAST OF KRISLYN WOODS PLACE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Russell, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. This infill of this site with six quadplex buildings allows for a moderate increase in density to approximately 4.8 DUA over the currently entitled 3 DUA. Although the petition is inconsistent with the recommended Place Type and more closely represents Neighborhood 2 development, it proposes building forms supported in Neighborhood 1. The proposal includes a 6' buffer with a fence against the



existing single family uses along the site's western boundary and a Class A buffer against the site's eastern boundary which is along an area zoned I-1. In conjunction with the Charlotte WALKS and BIKES Policies and the Vision Zero Action Plan the petition proposes a 12' shared multi-use path along Sam Neely Road. Redevelopment of this site, which although adjacent to a single-family neighborhood to the south and west, would not transect an existing neighborhood. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

**David Pettine, Planning, Design & Development** said one thing to clarify real quick. This did have some stormwater concerns that came up that Councilmember Watlington and the neighbors were working with stormwater on just to kind of close those out. The general concern was about the location of where the stormwater control measure would be. They do need to work together to try to get some drainage easement with some of the properties nearby, but the stormwater staff didn't have any outstanding concerns as of this point. It's really going to come down to when they get into permitting to have to work through some of the logistics.

They are providing a stormwater study that the petitioner is going to do to assess any impacts they might have and then maybe go above and beyond what our standard stormwater requirements are. So, just wanted to point that out that there was a lot of collaboration on that one. Seems like everything had been resolved to where it needs to be for this point and then they'll continue to work on that through permitting after that.

**Councilmember Mayfield** said so, Councilmember Watlington has been working closely. I want to make sure that we're very clear and that it's in the minutes. It is stormwater flooding issues that is the challenge with this area and the concerns that come from the community so that it's not glossed over, just some stormwater issues. Councilmember Watlington did note that she sent to us initial support, but after speaking with the community and because of the outstanding issues, she did request for us to support not moving forward on this particular petition tonight. She did ask if we would consider deferring this petition. So, since there was a motion and a second, I would like to do a substitute motion to defer this to give more time for the community and the petitioners to have discussions on coming closer to a solution.

Substitute motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to defer Item No. 27 until December 19, 2022, to provide the petitioner more time.
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Mr. Driggs said do we know where the petitioner stands on this? Did they agree to it?

Ms. Mayfield said did the petitioner agree to defer? That's a very good question. I'm making the motion on behalf that we have the ability to do it.

Mr. Driggs said I saw that. I understand that. When I saw it I was curious to know. I thought the petitioner was going to ask for the deferral.

Mr. Pettine said so, Councilmember Driggs. I did send an email to the petitioner late last week and did recommend that they defer so they'd have more time. They felt that they were in a good place with the community and didn't want to go to a deferral at this point. Certainly, that's at the discretion of Council, but we did encourage them to defer to give everybody a little bit more time. Again, they felt that they were in the best place that they could potentially be in trying to address the issues with the community.

Mayor Lyles said so, I want to be clear. You requested the impact of them saying that they did not want it to be deferred. What are the consequences of that?

Mr. Pettine said there's no particular consequence. We have a meeting in December. They would just get bumped potentially to that meeting for a decision and they would have the extra month to try to work through to everybody's satisfaction that they could

get to. Again, we did request that. They weren't supportive of that, but again, that's at the discretion of Council at this point.

Mayor Lyles said okay.

Ms. Mayfield said as we take into consideration, we're working from our role which is supposed to be representing the community and not just the business community. If we speak to a petitioner and request that it may be in their best interest to do a defer. We have one of three options, a defer, a denial, or approved. So, there could be the support because of flooding issues, and we know the impact of flooding issues in this area, and we know the impact of our infrastructure needs right now to move to deny versus to defer.

Mayor Lyles said right. That's what I'm asking. So, we go through the choices, and we have a motion on the table.

Ms. Mayfield said so, that's why I'm asking, but I wanted to make sure since we have a couple of new members on, to understand where we are with having this discussion when the district rep has had conversations with this petitioner. What we just heard from staff is this petitioner said, "You know what? I'm not concerned about what the district rep asked for, nor am I concerned about the community's concerns. I'm going to move forward."

Mayor Lyles said we don't know that they actually said that now Ms. Mayfield.

Ms. Mayfield said through their actions, what they've chose to say is, "We don't choose to ask for a deferral." So, I'm asking for a deferral on behalf of our colleague who is not here based on the email that she sent opposed to moving for a denial.

Mayor Lyles said I understand.

**Councilmember Bokhari** said this is strange at best here. What is the underlying issue? Is there any outstanding issues from a staff perspective that actually need to be resolved here? When I hear that a petitioner says, "I think we're in a good spot. I want to move forward," it tells me one, they've checked all their boxes with staff from a requirements perspective and two, they've gone as far as they can go and they don't think they're going to achieve anything else by delaying from the timing perspective. So, without the district rep here, without the background, this is a very awkward position for us to be in.

Mr. Pettine said certainly. I think we're kind of in between trying to work between the petitioner, stormwater, and the residents as well. I think from our standpoint, stormwater communicated they don't have any technical outstanding issues. There are some general concerns about the location of where that stormwater management pond is at the back of the site, and they suggested that they would have some of that on private property. They would need individual property owner's permission to get some of that storm drainage easement to make all of that work. They said it's best for all parties to try to make that happen, but stormwater is not going to get involved to make sure that does happen, they're just going to make sure the site is designed to meet the requirements of whatever they've committed to.

Mr. Bokhari said because that's not normally in their scope, right?

Mr. Pettine said yes. I think in deference to what Councilmember Mayfield had mentioned, there's also been a lot of conversations between Councilmember Mayfield and the community there that I'm not really plugged in to. So, I can only communicate what's been communicated via email.

Mr. Pettine said so, I think that's were having that extra time to allow the district rep to be able to articulate what some of those concerns are might be in everybody's best interest at this point. That's why we suggested the deferral as well because we knew

Councilmember Watlington wouldn't be here this evening, but they felt it best to try to proceed forward. At this point, like I said earlier, it's at the Council's discretion.

**Councilmember Driggs** said I do think that taking Ms. Mayfield's point, there is also a burden on us to talk to each other and I wasn't able to learn everything that I would've wanted to know before insisting on a vote tonight and not taking into account what reasons the petitioner may have. Sometimes you have contract situations and so on where a deferral is a real hardship. You could lose your deal; you could lose a deposit. I mean I'm just saying there are circumstances. So, if we're going to proceed over the objection of the petitioner with a deferral, I would've preferred to know more about it. I think that's something that could've been worked out among us without any disrespect to the community. It's just we don't have all the information we would normally want to have to defer something when the petitioner is saying they don't want to defer it.

**Councilmember Mitchell** said you know, I'm just giving my little tidbit being a district rep for 14 years. You work with petitioners on rezoning. I think it's always good to err, especially when there's a great dialogue between the Council member and the petitioner. Since it's not going to be a hardship and the fact that you actually encouraged him or her to defer, I think says a lot. So, I hope we will support the substitute motion and let them continue to work it out for another 30 days.

**Councilmember Anderson** said I agree with Mr. Mitchell. Councilmember Watlington did reach out to us and expressed that we support deferment and was open to answering any questions that we might have about this particular petition. So, I'd like to honor that given that she did reach out. She has been in close communication, and she shared in transparency some of the discussions that she's having with the community. So, I support a deferment on this until the December meeting.

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## ADJOURNMENT

The meeting was adjourned at 8:51 p.m.

  
Stephanie C. Kelly, City Clerk MMC, NCCMC

Length of Meeting: 4 Hours, 7 minutes  
Minutes Completed: February 26, 2024