

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, February 16, 2026, at 5:04 p.m. in the Meeting Room of the Charlotte Mecklenburg Government Center with Councilmember Ed Driggs presiding. Council members present were Danté Anderson, J.D. Mazuera Arias, Malcolm Graham, Lawana Mayfield, Joi Mayo, James Mitchell, and Kimberly Owens.

ABSENT: Mayor Vi Lyles, Councilmembers Renee Johnson and Victoria Watlington

ABSENT UNTIL NOTED: Councilmember Dimple Ajmera

Councilmember Driggs said this is the February 16, 2026, Zoning Meeting of the Charlotte City Council. My name is Ed Driggs. I am the District Seven Council member, and also the Chair of the Transportation, Planning and Development Committee, and in that capacity, I'm sitting here tonight. We will begin with introductions.

INVOCATION AND PLEDGE

Councilmember Graham gave the Invocation.

Councilmember Ajmera arrived at 5:05 p.m.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited by everyone in attendance.

EXPLANATION OF THE ZONING MEETING PROCESS

Councilmember Driggs explained the Zoning Meeting rules and procedures.

INTRODUCTION OF THE ZONING COMMITTEE

Douglas Welton, Chairman of the Zoning Committee said thank you very much, Councilmember Driggs. My name is Douglas A. Welton. I am the Chairman of the Zoning Committee of the Planning Commission. Please allow me to introduce my fellow committee members. They include Melissa Gaston, Erin Shaw, Theresa McDonald, Robin Stuart, Carolyn Millen, and Michael Caprioli. The Zoning Committee will meet on Tuesday, March 3, 2026, at 5:30 p.m. At that meeting, the Zoning Committee will meet to discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome to that meeting, but please note that meeting is not a continuation of the public hearing that is being held tonight. Prior to the meeting, you are welcome to contact us to provide your input. You can find contact information and information about each petition on the City's website at charlotteplanning.org, and that is it. Back to you, Councilmember Driggs.

DEFERRALS / WITHDRAWALS

Councilmember Driggs said thank you, Mr. Chair. At this point, we need to consider deferrals and withdrawals. So, what can happen is we have a schedule of Zoning hearings or decisions, and then at some time before our meeting tonight, they are withdrawn or deferred.

Motion was made by Councilmember Mitchell, seconded by Councilmember Mayfield and carried unanimously to defer: a decision on Item No. 13, Petition No. 2025-021 by Harold Jordan to March 23, 2026; a decision on Item No. 14, Petition No. 2025-039 by Christopher Martin to March 23, 2026; a decision on Item No. 15, Petition No. 2025-091 by Embark Development Company, LLC to March 23, 2026; a decision on Item No. 17, Petition No. 2025-030 by Tryon Advisors, LLC to March 23, 2026; a decision on Item No. 20, Petition No. 2025-094 by Atapco Properties, Inc. to March 23, 2026; a decision on Item No. 21, Petition No. 2025-126 by Crosland Southeast to March 23, 2026; and a hearing on Item No. 22, Petition No. 2025-063 by Northwood Ravin to March 23, 2026.

CONSENT AGENDA

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

Councilmember Driggs said please note, that these petitions meet the following criteria. For one, they had no public opposition at the hearing; two, the staff recommends approval; three, the Zoning Committee recommends approval; and four, there were no changes after the Zoning Committee's recommendation. So, now I ask are there any Consent agenda items Council would like to pull for question or comment or a separate vote? Seeing none, we will proceed.

Motion was made by Councilmember Mitchell, seconded by Councilmember Owens, and carried unanimously to approve the Consent agenda as presented.

The following items were approved:

Item No. 3: Ordinance No. 1086-Z, Petition No. 2025-004 by The Charlotte-Mecklenburg Hospital Authority amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.14 acres located west of East Morehead Street, north of Myrtle Avenue, and south of South Tryon Street from NC (Neighborhood Center) to CAC-2(CD) (Community Activity Center-2, Conditional).

The Zoning Committee voted 6-0 (motion by Stuart, seconded by McDonald) to recommend approval of this petition and adopt the following statement of consistency: The petition is consistent with the goals and policies of the South Inner Area Plan based on the information from the final staff analysis and the public hearing. The petition may facilitate the following priority goals of the area plan: 3: Housing Access for All may be facilitated by the plan's commitment that a minimum of 20% of the dwelling units remain income-restricted for households earning 80% or less of the area median income (AMI) for a minimum of 30 years. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This site is zoned NC (Neighborhood Center) and designated as a Neighborhood Center Place Type by the 2040 Policy Map. However, the proposed CAC-2 (Community Activity Center-2) zoning is appropriate for this site, as it is in a rapidly developing area with new high-rise residential buildings and a mix of multi-family, office, and institutional uses. The site is adjacent to Community Activity Center Place Types to the west and Regional Activity Center to the north and east. The plan

includes a landscaped area, 20 feet in width, adjacent to neighboring single family and low-rise multi-family uses to the south and west as well as along Morehead Street. The proposal provides height transitions from these uses that are more restrictive than UDO (Unified Development Ordinance) requirements. These site-specific conditions create development envelopes that would resemble the scale allowed in the Neighborhood Center zoning district, creating a sensitive transition across this site where it is adjacent to Neighborhood 1 uses. The proposal commits to maintaining at least 20% of the developed multi-family dwelling units as affordable to households earning under 80% of the Area Median Income (AMI) for no less than 30 years. The plan proposes up to 10,000 square feet of ground floor commercial space, supporting a mix of uses within walking distance of the growing number of area residents. The site is located within a half-mile of Carson Station on the LYNX Blue Line. The petition could facilitate the following additional 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods may be facilitated by providing up to 10,000 square feet of ground floor commercial space. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood Center Place Type to Community Activity Center Place Type for the site.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 192-193.

Item No. 4: Ordinance No. 1087-Z, Petition No. 2025-078 by Image Custom Homes, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.46 acres located east of Castleton Road, west of Craig Avenue, and north of North Sharon Amity Road from N1-A (Neighborhood 1-A) to N1-C (Neighborhood 1-C).

The Zoning Committee voted 6-0 (motion by McDonald, seconded by Millen) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible as the site is within an area designated by the 2040 Policy Map for the Neighborhood 1 Place Type. The petition is situated among lots with typical lot dimensions that span from 50 feet to 100 feet in width for most adjacent properties and lot areas that mostly range between 10,000 and 20,000 square feet. This site has a lot width of 105 feet and a lot area exceeding 15,000 square feet. The subject site is adjacent to several lots that have been rezoned to the N1-C district, aligning with entitlement shifts in this residential block. The N1-A and N1-C zoning districts allow the same single family residential uses. The primary differences between the two Neighborhood 1 districts are limited to dimensional standards such as lot width. This petition would allow for slightly more flexibility in the dimensional standards for the site but will maintain the same single-family intent and allowed uses that currently exist under the N1-A zoning. The petition could facilitate the following 2040 Comprehensive Plan goals: 1: 10-Minute Neighborhoods.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 194-195.

Item No. 5: Ordinance No. 1088-Z, Petition No. 2025-096 by Justin Berry amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.21 acres located south of State Street, north of Katonah Avenue, and east of Mahopac Street from ML-2 (Manufacturing and Logistics 2) to N1-D (Neighborhood 1-D).

The Zoning Committee voted 6-0 (motion by Caprioli, seconded by Millen) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. The proposed rezoning is in alignment with the adopted Neighborhood 1 Place Type. Therefore, we find this petition to be

reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is designated as a Neighborhood 1 Place Type by the 2040 Policy Map, the parcels surrounding the property contain a mix of zoning districts including N-1, Neighborhood 2 (N-2), and business, and is abutting Manufacturing & Logistics, and Office zoning districts. The site is along a local street with primarily single-family homes to the east and some multi-family developments though it is located in an area with a wide variety of uses and the proposed development is in keeping with the character of the area which is rapidly diversifying from industrial to a mix of office, retail, restaurant, and residential development with light industrial slowly moving out of the area. The site is located within a half-mile to the Five Points intersection, an area designated as a Neighborhood Center by the 2040 Policy Map. The site is located less than a block from Stewart Creek Greenway as well as the Seversville and Martin Luther King Parks. The site is well served by transit and is located within a half-mile walk of 2 LYNX Gold Line stations as well as the number 1, 7, 8, and 34 CATS local buses providing service between Little Rock and Scott Futrell Roads, Paw Creek, Callabridge Commons/Riverbend shopping centers, Northlake Mall, the Rosa Parks Community Transportation Center, and the Charlotte Transportation Center.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 196-197.

Item No. 6: Ordinance No. 1089-Z, Petition No. 2025-102 by Olympia & Wright Homes amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.78 acres located on the north side of Moores Chapel Road, west of Old Moores Chapel Road and east of Kendall Drive from CG (General Commercial) to N1-E(CD) (Neighborhood 1-E, Conditional).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Millen) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition would align zoning with the 2040 Policy Map recommendation for the Neighborhood 1 Place Type. The N1-E (Neighborhood 1-E) zoning district allows for residential uses and a small number of non-residential uses on lots of 3,000 square feet with 30 feet width. The uses permitted in the N1-E (Neighborhood 1-E) zoning district are more compatible with the surrounding residential uses than those permitted under the current CG (General Commercial zoning). The site is located on an arterial street (Moores Chapel Road) and is less than a quarter-mile from a commercial area providing access to goods and services. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 198-199.

Item No. 7: Ordinance No. 1090-Z, Petition No. 2025-111 by Quiktrip Corporation amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.49 acres located south of Lakeview Road, west of Wake Drive, and east of Harris Technology Boulevard from MHP (Manufactured Home Park) to ML-1 (Manufacturing and Logistics-1).

The Zoning Committee voted 6-0 (motion by Stuart, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition would align the site with the surrounding area's zoning of Manufacturing and Logistics and industrial uses. The petition is more compatible than the existing MHP zoning and helps

to achieve what is envisioned for the Manufacturing and Logistics Place Type. Given that the site is surrounded by ML-zoned properties, maintaining a residential designation would raise environmental justice concerns and allow uses that are incompatible with the adjacent warehouses and offices. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity. The ML-1 Zoning District has greater potential to advance access to jobs and employment opportunities versus the property remaining residentially zoned. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to the Manufacturing and Logistics Place Type for the site.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 200-201.

Item No. 8: Ordinance No. 1091-Z, Petition No. 2025-112 by Alexander-Myers Family, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.82 acres located north of Gibbon Road, south of Henderson Circle, and west of Old Statesville Road from I-2(CD) (General Industrial, Conditional) to ML-2 (Manufacturing and Logistics 2).

The Zoning Committee voted 6-0 (motion by Caprioli, seconded by Millen) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Manufacturing and Logistics Place Type. The proposed rezoning is in alignment with the adopted Manufacturing and Logistics Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is currently zoned for general industrial uses and surrounded by other properties zoned for and developed as manufacturing and logistics uses. The proposed use is aligned with the recommended Manufacturing & Logistics place type. The site is located along an existing major throughfare and the site has access to I-77 within one mile and I-85 within 3 miles along existing major throughfares. The proximity to interstates and major roads provide efficient connection for movement of goods. Additionally, with the area being mostly industrial near major throughfares, there is minimized impact on local streets or causing noxious impacts to residential homes. The site is located along the route of the CATS number 7 local bus providing service to the Charlotte Transportation Center and the Rosa Parks Community Transportation Center. This petition helps to fulfill the 2040 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." This petition's request for an Industrial zoning will maintain consistency with the surrounding industrial land uses.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 202-203.

Item No. 9: Ordinance No. 1092-Z, Petition No. 2025-113 by Sea Lion, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.03 acres located on the east side of Reid Avenue, south of West Boulevard, and north of Farmer Street from CG (General Commercial) to N1-C (Neighborhood 1-C).

The Zoning Committee voted 6-0 (motion by Millen, seconded by Stuart) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood Center Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition would bring the parcel, which is currently split-zoned, under one zoning district. The petition would allow the parcel to be developed under one district, with one list of permitted uses and one set of development standards. The neighborhood to the south of the site is almost entirely zoned N1-C (Neighborhood 1-C), same as the requested zoning district. 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 Neighborhood 1 Place Type.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 204-205.

Item No. 10: Ordinance No. 1093-Z, Petition No. 2025-115 by Abacus Capital amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.71 acres located north of Greensboro Street, west of East Sugar Creek Road, and south of North Tryon Street from TOD-TR (Transit Oriented Development - Transition) to TOD-CC (Transit Oriented Development - Community Center).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Millen) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Community Activity Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is under a half-mile walk to the Sugar Creek Light Rail Station along the LYNX Blue Line. The proposed TOD-CC zoning district aligns with the TOD-CC zoning to the north, south, and east of the site. The TOD-CC District is appropriate for parcels near moderate-intensity rapid transit stations. The rezoning site is less than half a mile to two different bus stations (Sugar Creek Station Bay and Sugar Creek at Greensboro Street stops). The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods may be facilitated by this petition because of its location within the Community Activity Center and to the Light Rail which could provide access to amenities, goods, and services for the communities it serves. 4: Trail & Transit Oriented Development may be facilitated by supporting transit-oriented development along the LYNX Blue Line.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's Office.

Connor Klassen, NoDa NBA President

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 206-207.

Item No. 11: Ordinance No. 1094-Z, Petition No. 2025-116 by Piedmont Land Development, Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 5.8 acres located on the south side of Wilkinson Boulevard, west of Sam Wilson Road, and east of Old Dowd Road from CG (General Commercial) to ML-1 (Manufacturing and Logistics 1).

The Zoning Committee voted 6-0 (motion by Millen, 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 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 petition would align zoning with the recommended Manufacturing & Logistics Place Type. The site is adjacent to industrial zoning to the north, east, and west. The site is approximately 500 feet from the nearest developed residential uses. An undeveloped, wooded parcel zoned CG (General Commercial) and wooded homeowners association property separate the site from residences. A stream and associated 40-foot water quality buffer limits the development that could occur on the southern portion of the site, closest to residential uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity may be facilitated by allowing for industrial uses which may present employment opportunities on a property recommended for the Manufactured & Logistics Place Type.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 208-209.

Item No. 12: Ordinance No. 1095-Z, Petition No. 2025-119 by Hines amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.87 acres located north of Carnegie Boulevard, west of Sharon Road, and east of Roxborough Road from B-1SCD (Business Shopping Center) and MUDD-O (Mixed Use Development, Optional) to RAC(CD) (Regional Activity Center, Conditional).

The Zoning Committee voted 6-0 (motion by Stuart, seconded by McDonald) to recommend approval of this petition and adopt the following statement of consistency: The petition is consistent with the goals and policies of the South Middle Area Plan based on information from the final staff analysis and public hearing. The petition may facilitate the following priority goals of the Area Plan: 1: 10 Minute Neighborhoods may be facilitated by providing multi-family residential units and a higher concentration of essential amenities, goods, and services in a walkable, activity center environment. Therefore, we find this petition to be reasonable and in the public interest based on the information from the staff analysis and the public hearing, and because: Rationale for Recommendation - The Carnegie Boulevard corridor is situated within Charlotte's SouthPark Regional Activity Center, a vibrant mixed-use district characterized by mid-to high-rise structures and a blend of commercial, office, multi-family residential, and retail uses. The area promotes pedestrian-oriented development through enhanced infrastructure, including the SouthPark Loop multi-use path, which improves connectivity and supports active transportation. The proposed redevelopment at 6601 Carnegie Boulevard aligns with the established character of the area by introducing a mixed-use development that may include multi-family stacked residential units along with integrated ground-floor commercial spaces designed to support and enhance the existing community. Ground-floor activation is a key component of the proposal, providing access to goods and services through uses such as office, retail, restaurants/bars, personal services, and fitness facilities, as permitted within the RAC (Regional Activity Center) zoning district. These elements will enhance street-level vibrancy and contribute to a more engaging public realm. The site benefits from proximity to existing transit, with two nearby bus stops served by CATS Routes 19, 20, 28, 30, and 57, ensuring convenient accessibility for residents, employees, and visitors. The petition could facilitate the following additional 2040 Comprehensive Plan Goals: 5: Safe & Equitable Mobility may be facilitated by upgrading Adair Court to a non-network-required private street, built to public street standards, and with a public access easement for pedestrian, bicycle, and vehicular connections to Colony Plaza Dr. This new connection exceeds UDO requirements. It will give the north/south street connection needed in this area.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 210-211.

DECISIONS

ITEM NO. 16: ORDINANCE NO. 1096-Z, PETITION NO. 2025-025 BY ANGELO TILLMAN AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.75 ACRES LOCATED EAST OF MOSS ROAD, SOUTH OF LIVINGSTON MILL ROAD, AND NORTH OF SCOTTSMAN TRACE DRIVE FROM N1-A (NEIGHBORHOOD 1-A) TO N1-C(CD) (NEIGHBORHOOD 1-C, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by McDonald, seconded by Caprioli) 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 the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition would

allow for a modest increase in density on the site while remaining consistent with the Neighborhood 1 Place Type. The proposed N1-C(CD) zoning would allow 6,000 square foot lots as opposed to 10,000 square foot lots under the current N1-A zoning while maintaining the intent of the Neighborhood 1 Place Type. Given the substantial area of the site dedicated to tree save, open space, and future greenway, the overall density proposed is compatible with the surrounding residential development. The petition exceeds ordinance requirements in its commitment to provide a 10-foot Class C landscape yard with an opaque fence along the northern and southern property boundaries where adjacent to single family detached dwellings. The petition commits to dedication of a minimum of 100-foot along Polk Ditch to Mecklenburg County for a future greenway as well as a 60-foot access easement to connect to proposed Loughlin Lane extension. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion.

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

1. The petitioner added notes committing to meeting or exceeding ordinance requirements relating to sanitary sewer, potable water, and stormwater systems.

Holly Cramer, Planning, Design & Development said we believe that the changes are minor, and do not warrant additional review by the Zoning Committee.

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

Motion was made by Councilmember Mayo, and seconded by Councilmember Mitchell, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition would allow for a modest increase in density on the site while remaining consistent with the Neighborhood 1 Place Type. The proposed N1-C(CD) zoning would allow 6,000 square foot lots as opposed to 10,000 square foot lots under the current N1-A zoning while maintaining the intent of the Neighborhood 1 Place Type. Given the substantial area of the site dedicated to tree save, open space, and future greenway, the overall density proposed is compatible with the surrounding residential development. The petition exceeds ordinance requirements in its commitment to provide a 10-foot Class C landscape yard with an opaque fence along the northern and southern property boundaries where adjacent to single family detached dwellings. The petition commits to dedication of a minimum of 100-foot along Polk Ditch to Mecklenburg County for a future greenway as well as a 60-foot access easement to connect to proposed Loughlin Lane extension. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, as modified.

Councilmember Mayo said so, I appreciate that we have many members of the community here to talk about this. We've talked extensively about this. I know you've chatted with the Planning Department, and I've met with the community as well. I think it's really imperative that we think about the difference between by-right in a rezoning, and for this one the rezoning actually allowed us some community benefits. So, that enabled the petitioner to do some of the things that the community wanted, and they even did more, which we just saw. So, I will be supporting this, and I'm welcome to chat more about it if anyone has questions.

Councilmember Driggs said thank you, appreciate your work on this.

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

YEAS: Councilmembers Ajmera, Anderson, Driggs, Graham, Mayo, Mitchell, and Owens

NAYS: Councilmembers Mazuera Arias and Mayfield

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 212-213.

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ITEM NO. 18: ORDINANCE NO. 1097-Z, PETITION NO. 2025-076 BY KEVIN NGUYEN, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.58 ACRES LOCATED ON THE NORTH SIDE OF SHOPTON ROAD, EAST OF STEVE CHAPMAN DRIVE, AND WEST OF PINECREST DRIVE FROM CG ANDO (GENERAL COMMERCIAL, AIRPORT NOISE DISCLOSURE OVERLAY) TO N2-A(CD) ANDO (NEIGHBORHOOD 2-A, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY).

The Zoning Committee voted 6-0 (motion by Shaw, seconded by McDonald) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is adjacent to multi-family attached residential dwellings to the west along Shopton Road. The site is within 1/3 mile of a commercial node at Shopton Road and Steele Creek Road, providing walkable access to goods and services. The petitioner has committed to provide a larger landscape yard than required by the ordinance with a 20-foot yard planted to Class B standards with a 6-foot opaque fence along the northern property boundary where adjacent to single family detached dwellings. The petition meets preferred criteria for changing to a Neighborhood 2 Place Type given its adjacency to the Neighborhood 1 Place Type, proximity to a commercial node, and location fronting an arterial street. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type.

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

1. Added a sidewalk connection from units to the public right-of-way.
2. Added a crosswalk to connect units to the public right-of-way.
3. Converted visitor parking at the rear of the site from parallel parking to head-in in an effort to increase the number of parking spaces.
4. Committed to all windows having a minimum sound transmission class rating value of 35.

Holly Cramer, Planning, Design & Development said the windows having a minimum Sound Transmission Class reading value of 35, that's an effort for sound mitigation at that site. Staff believes that these changes are minor and do not warrant additional review by the Zoning Committee.

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

Councilmember Mayo said I think this is another great example of the community and I working together, working with the petitioner, to address some of their concerns. As you saw with some of the additional language that the petitioner agreed to, that was so imperative based on those conversations. So, very grateful for Steele Creek Residents Association for spending time working with the petitioner to figure out how we can collaborate and make this work for everyone. So, just as an FYI, that's something that I do with all of my rezonings. I think it's very important that I am hands on and having those conversations to make sure that the community feels that they are heard.

Motion was made by Councilmember Mayo, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is adjacent to multi-family attached residential dwellings to the west along Shopton Road. The site is within 1/3 mile of a commercial node at Shopton Road and Steele Creek Road, providing walkable access to goods and services. The petitioner has committed to provide a larger landscape yard than required by the ordinance with a 20-foot yard planted to Class B standards with a 6-foot opaque fence along the northern property boundary where adjacent to single family detached dwellings. The petition meets preferred criteria for changing to a Neighborhood 2 Place Type given its adjacency to the Neighborhood 1 Place Type, proximity to a commercial node, and location fronting an arterial street. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type, as modified.

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

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 214-215.

ITEM NO. 19: ORDINANCE NO. 1098-Z, PETITION NO. 2025-088 BY NORTHWAY HOMES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.51 ACRES LOCATED SOUTH OF KENTBERRY DRIVE, WEST OF BELLHAVEN BOULEVARD, AND NORTH OF GUM BRANCH ROAD FROM R-8MF(CD) (MULTI-FAMILY, CONDITIONAL) TO N1-D(CD) (NEIGHBORHOOD 1-D, CONDITIONAL) AND N1-A (NEIGHBORHOOD 1-A).

The Zoning Committee voted 6-0 (motion by Stuart, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is designated as the Neighborhood 1 Place Type by the 2040 Policy Map. The proposed zoning of N1-D(CD) (Neighborhood 1-D, conditional) and N1-A is consistent with the Policy Map recommendation. The site is currently zoned R-8MF(CD) (Multi-Family, conditional), per petition 2005-111, and is entitled for up to 28 multi-family dwelling units. The proposed development reduces the number of units permitted on the site and limits the

development to single family detached units in the N1-D(CD) portion of the site. The site is adjacent to the Coulwood Shopping Center, located across Bellhaven Boulevard, and designated as the Neighborhood Center Place Type, providing convenient access to uses such as retail, dining, personal services, and small-scale office spaces. The site is adjacent to Coulwood Oaks, a multi-family attached development located to the northwest across Kentberry Drive, and zoned R-15MF(CD) (Multi-Family, conditional). The site is within a quarter-mile of Coulwood Middle School and Coulwood Park, as well as adjacent to a religious institution. Convenient access to civic facilities such as schools, parks, and religious institutions is considered essential to building complete communities and is encouraged by the 2040 Comprehensive Plan. The site is directly served by transit, with the CATS Route 1 local bus and the 88x CATS express bus providing service between Callabridge Commons Shopping Center and the Charlotte Transportation Center (CTC) in Uptown.

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

1. Conditional note prohibiting vinyl siding in the N1-D(CD) portion of the site added to plan.

Holly Cramer, Planning, Design & Development said this is a result of community conversation, and staff believe that this change is minor and does not warrant additional review by the Zoning Committee.

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

Motion was made by Councilmember Graham, and seconded by Councilmember Owens, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is designated as the Neighborhood 1 Place Type by the 2040 Policy Map. The proposed zoning of N1-D(CD) (Neighborhood 1-D, conditional) and N1-A is consistent with the Policy Map recommendation. The site is currently zoned R-8MF(CD) (Multi-Family, conditional), per petition 2005-111, and is entitled for up to 28 multi-family dwelling units. The proposed development reduces the number of units permitted on the site and limits the development to single family detached units in the N1-D(CD) portion of the site. The site is adjacent to the Coulwood Shopping Center, located across Bellhaven Boulevard, and designated as the Neighborhood Center Place Type, providing convenient access to uses such as retail, dining, personal services, and small-scale office spaces. The site is adjacent to Coulwood Oaks, a multi-family attached development located to the northwest across Kentberry Drive, and zoned R-15MF(CD) (Multi-Family, conditional). The site is within a quarter-mile of Coulwood Middle School and Coulwood Park, as well as adjacent to a religious institution. Convenient access to civic facilities such as schools, parks, and religious institutions is considered essential to building complete communities and is encouraged by the 2040 Comprehensive Plan. The site is directly served by transit, with the CATS Route 1 local bus and the 88x CATS express bus providing service between Callabridge Commons Shopping Center and the Charlotte Transportation Center (CTC) in Uptown, as modified.

Councilmember Mayfield said just a question for staff for clarification. It was noted that the petitioner had committed to individual driveways for the development, and maybe I missed that language; that was the understanding of community on this project?

Ms. Cramer said yes, so I'm unfamiliar with that commitment, because as it stands the development standards that are being committed to as part of the rezoning conditions relate to single-family detached uses, and the prohibition for vinyl siding. If there is a discussion, it could be that that is perhaps their development intent based off plans that they're looking into, but they're not ready to commit to that in a conditional note.

Ms. Mayfield said I appreciate that. I do want to say to the developers and the petitioners that we do appreciate the fact that it is restricted to single-family detached homes, as well as I want to thank community members that have reached out, including Morgan Eberly, who we had a chance to speak early, and do know, Councilmember Graham, that there is support in the community. They are not overly excited, yet they do recognize what can be built by-right, but they also appreciate the concessions that this developer has made and the commitments that it has made to the community. I will be supporting it along with my colleague on behalf of the community tonight.

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

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 216-217.

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PUBLIC HEARINGS

ITEM NO. 23: HEARING ON PETITION NO. 2025-118 BY CHARLOTTE PLANNING, DESIGN & DEVELOPMENT DEPARTMENT – TEXT AMENDMENT. THE PURPOSE OF THIS TEXT AMENDMENT IS TO UPDATE THE UDO TO IMPLEMENT AND SUPPORT THE GOALS AND POLICIES OF THE CHARLOTTE FUTURE 2040 COMPREHENSIVE PLAN. THIS INCLUDES UPDATES TO REFLECT BEST PRACTICES, ADDRESS NEW AND EMERGING TRENDS, ADDRESS IMPLEMENTATION CHALLENGES IDENTIFIED BY EXTERNAL AND INTERNAL STAKEHOLDERS, AND CORRECT SCRIVENER'S ERRORS. UPDATES ARE PROPOSED TO 25 OF THE 39 ARTICLES.

Councilmember Driggs declared the hearing open.

David Pettine, Planning, Design & Development said good evening, members of Council. Again, we have our public hearing for our text amendment; it's Petition 2025-118. So, again, why is this text amendment needed? We've done several text amendments over the years since the UDO has gone into effect. This again, is helpful in facilitating the goals of the 2040 Plan. It's a document, again, that we've always described as a living document, and we do make routine updates just to make sure we're doing things to get into best practices, add clarity, adjust use permissions, prescribe conditions, correct errors, and this proposed text amendment will again try to make the UDO more user friendly and result in better functionality.

This petition was originally filed in October of 2025, and we did provide some updates and filings back in December 2025, and then again just last month in January 2026. It does address multiple items that were identified by both stakeholders and internal staff. We did engage with our UDO Advisory Committee back in October 2025 and November 2025. Also provided an update on this text amendment to the Transportation, Planning and Development Committee back on January 5, 2026, and then had virtual community engagement that same week on both January 6, 2026, and January 8, 2026, and then of course we're here tonight with our public hearing on February 16, 2026.

So, we just want to go over a few of the highlights that are included in this text amendment. The first one we'll talk through is just some changes to our regulations on accessory dwelling units. This is, you can see the red line text there on the left. We

made some modifications to state that the heated floor area of the ADU (Accessory Dwelling Unit) shall not exceed 600 square feet or 70 percent of the total floor area of the principle residential use, whichever is greater; however, in no case can they be more than 1,000 heated square feet. This change was essentially made to accommodate ADUs of different sizes and give folks a little bit more flexibility, particularly when they have maybe a home in one of our older historic neighborhoods that may be 900 or 1,000 square feet. A 400-square foot ADU may not be something feasible; they may need a little bit more space or square footage, so this was done in order to try and accommodate, again, just some greater flexibility with folks that may be deciding to pursue constructing an ADU on their property.

Next highlight we want to go over is just some changes to where we allow our outdoor markets, or farmer's markets. These are now proposed to be allowed in ML-1 (Manufacturing and Logistics-1), ML-2 (Manufacturing and Logistics-2), IC-1 (Institutional Campus-1) and IC-2 (Institutional Campus-2), and ROFC (Research Office Center) and OG (Office General) Zoning Districts. Those were historically areas that were not allowed to accommodate these types of uses, but certainly will expand the availability of food access, particularly to these outdoor markets, in areas that may have that as the predominant zoning, and may struggle with access to fresh and healthy food. So, again, this is just opening that use up in some more areas across the City and in some different zoning districts.

We also made some changes to our solid waste standards in the UDO. Just to highlight some of those, if you have a project that's one through 11 dwelling units for all development types you are eligible for City-provided rollout, and you're not required to construct an area for solid waste space and collection, mainly a dumpster pad. If you have 12 or more dwelling units for all development types, you're eligible for City-provided dumpster service. You may also be required to construct this on-site solid waste space. There are some exceptions for duplexes, triplexes, and quads that would not be required to construct that on-site solid waste space when meeting criteria of either being located on an individual lot and fronting on a public street, so that would again provide that eligibility then for City provided. Then, we do have some standards for 12 through 49 dwelling units. Again, they're eligible for City-provided dumpster service and be required to construct that on-site solid waste space, again, except you're not required to if, again, you meet those criteria being located on an individual lot or fronting on a public street. These changes in no way preclude folks from pursuing private hauler service, so solid waste collection done through a private contractor can still be pursued. This again is just to provide a little more flexibility and clarity in the eligibility for different projects, and also when those solid waste spaces need to be constructed and how they need to be constructed.

We did have to make a change based on House Bill 926. We've talked about this at a couple of various meetings in the last month or two. The main challenge that we saw out of this bill for the UDO was the waiting period for Rezoning Petitions. Passage of this House Bill eliminated that across the State, so no jurisdiction in North Carolina can have a waiting period for refiling development applications, which includes Rezoning Petitions. We did have that language explicit in our UDO and also in our Legacy Ordinance, so that is something that we do have to strike now as a result of the passage of that House Bill. So, we are taking that out of our UDO just to make sure there's no conflict with state law.

We did update some general use standards and development standards, just different flexibility for transparency, particularly for modular buildings. We see these used quite a bit for schools. Our transparency standards, of course, require more windows than a lot of those premanufactured buildings can accommodate, so schools were running into some challenges in getting those permitted quickly and effectively. So, worked with the school district, and came up with some standards that would work for all parties, also some flexibility on certain design standards for larger healthcare institutions. Setbacks from new wireless telecommunications infrastructure have been added, flexibility for some driveway widths to ease conflicts between City and NC-DOT (North Carolina Department of Transportation) standards. There were some instances where the City

standard was more restrictive than the State, and the State was asking for a wider width, and the City said, well, we just can't allow that per the UDO. So, we've put some flexibility in there for both parties to work together to make sure the driveway standards meet both parties' needs, and also update some notice requirements for floodplain regulations.

So, we do recommend approval of the petition. It is consistent with the 2040 Comprehensive Plan based on the information in the staff analysis, and also because we are facilitating a lot of the goals from the Comprehensive Plan through our regulatory standards, and these changes continue to try to facilitate those goals in a more effective and efficient way. So, we'll be happy to take any questions and discuss this further.

Mr. Driggs said so, colleagues, particularly for our new members, this is a petition by the City of Charlotte to make some changes to the text of the UDO as part of an ongoing process of basically trying to align it better with our experience and input from the public.

Councilmember Ajmera said a couple of questions. Is this something that was reviewed by the Transportation and Planning Committee?

Mr. Pettine said yes, back on January 5, 2026.

Ms. Ajmera said okay. So, have we heard from the industry and the community any opposition on any of these proposed changes?

Mr. Pettine said none that we've been made aware of, no, and we have engaged our Ordinance Advisory Committee, which does include folks from both the community and the industry, and haven't had any feedback from either group on it.

Ms. Ajmera said at some point, we were also looking at design templates to incentivize ADU developments to help us tackle affordable housing crisis. Could you also update me on that?

Mr. Pettine said yes, they are still working through those, that's in partnership with our Housing and Neighborhood Services group. Some of the changes that came through for the UDO did come out of some of those conversations, as we saw some of the templates that we're being explored, they would conflict with some of the standards we currently have in place, which is why some of those changes are being made to open up opportunities for folks to take advantage of some of those templates should they come online for us.

Ms. Ajmera said so, what's the timeline?

Mr. Pettine said that I don't know. I'd have to reach out to our folks in housing, but we can certainly get you that in a follow-up.

Ms. Ajmera said yes, I think if we can prioritize that as we are looking at affordable housing and incentivizing ADUs, I think it's important for us to have those design templates that can save thousands of dollars to homeowners that are looking to do this, that would be helpful.

Last, but not the least, logistically, my screen is not working, so it's hard for me to go back and forth. So, if someone can look into this screen, or give me a copy of the deck, that would be helpful. Thank you.

Mr. Pettine said yes, we can certainly provide that.

Councilmember Mayo said yes, I just wanted to note that I really like that part about establishing outdoor markets as by-right in various areas. I thought that was a really innovative and thoughtful approach that you all were taking, particularly as we know in black and brown neighborhoods, we do have a larger influx of industrial complexes in

zoning. So, this can give us opportunities to work innovatively with our peers, with groups like The Bowl, so that we can bring fresh fruits and vegetables to historically underserved communities. So, just want to highlight that, and thank you all for thinking outside the box in order to really support our various neighborhoods. Although, we don't necessarily deal with those human services as much as the County, I think that thinking through the zoning for this and reworking it gives us an opportunity to be part of the solution.

Councilmember Owens said just wanted to go back to the ADU template for a second, and I'm going to throw out another acronym and just ask if it's been part of the process for developing those templates, and that's the ADA (Americans with Disabilities Act). Do we have a template that we envision will be really useful for people who are looking to house an elder family member in a way that really does cut through some of the noise on that process and make that more accessible?

Mr. Pettine said that's a good question. I'd have to go back and see if any of the templates included that, if there's any kind of elevators, or anything like that that are included just for any accessibility, if they're built on maybe a second level. Let me go back and take a look at what's being explored in the templates and see if that's addressed, and then we can provide both the timeline for those and that question in the follow-up report.

Ms. Owens said I do appreciate that, and if I can, I don't know that I'm thinking as much around elevators, but more around the widths of doorways to accommodate wheelchairs, and just some things that would make that a little bit easier bite for somebody who is looking to house an elder, that would be really useful. So, thank you.

Mr. Pettine said okay, yes, we'll certainly look at that and get you that information.

Ms. Owens said thank you.

Councilmember Graham said I just want to compliment staff for listening. One of the things that we said when we adopted the 2040 Plan and the UDO was that it was a living document, and that we would continually take a look at what we're doing, get public feedback, and make adjustments along the way. We all talk about 159 folks moving to the City of Charlotte every day, and I just to relay to the community that there's been some planning along the way as well for the last four years going to the 2040 Comprehensive Plan, doing the UDO, having a robust discussion about that, and saying at that time that we would make necessary changes, corrections, and edits to it as we go along. Now that we're doing the Strategic Area Plan, I just want to leave the notion to the public that we are responding through planning for the growth, and we're hearing the citizens and some of the petitioners when they're coming to us about how the UDO needs to be adjusted and changed to make it a lot more user friendly, as they apply what we have voted on doing. So, I think it's a good job, something that we should vote on, and continue to kind of listen and learn and adjust along the way. Thank you.

Councilmember Mayfield said I also want to compliment staff on the quickness of making the amendments, as this is a living document, and want to reiterate my colleagues' comments regarding ensuring that we have ADA compliance with our ADUs. I would hope that the language is automatically there, especially for ranch-style, but knowing that there's also an option for a split-level model where there might be an elevator, making sure that we are hearing based off of what we already know. We have examples, so we can look at projects we supported and challenges that some of our elders are having in and out of the bathrooms, the width, as well as the tubs, how tall tubs sit, since to my understanding, we've received over 130-plus applications for the ADU process currently, but making sure that our language is as clear as possible on what can be built and what the expectations are. It's not just elders who may need a home that's ADA compliant, but making sure we have that language in place, so that potential partners clearly know what the expectation is. Thank you.

Mr. Pettine said thank you, and I did get some clarification from staff while I was up here that the plans that we're looking at, most of them are that one-story option for an ADU that, yes, should be ADA compliant as a result. We'll again look at that and do some confirmation, but the templates that are designed now, still folks can work outside of any templates that the City may provide or give guidance on, but the ones that we've been working on should meet a lot of those criteria and guidelines. We'll again follow up and give you that information in that report.

Ms. Mayfield said what you just mentioned, I was under the impression that the template is from where anyone interested in taking advantage of the ADU should be pulling from, not also have the ability to submit their own design.

Mr. Pettine said well, the template would be for anybody that wasn't really as well versed or equipped to go out and maybe hire a contractor to come out and design plans for them. It'd be somebody that just decided they may want to construct one of these in their yard, and have options, and the City would have templates that could be looked at and potentially be preapproved. We still have to work with the County on some of those nuances, but that would be something folks could come in and say, yes, this one looks good, it suits my needs. Private residents, citizens also have the ability to call a designer, contractor and say, hey, can you work with me on this. It just depends which route they want to go. We do try to provide some way that makes it a little bit easier to access, but folks as always can go out and hire somebody private to develop an ADU. It still has to meet all the same standards, but it's just providing more options and making it a little bit easier for folks to get into it versus having to call somebody and explore something they may know nothing about.

Ms. Mayfield said thank you for the clarification.

Councilmember Anderson said Mr. Pettine, I have a question about this last question here. So, I appreciate the increase of usability and ease with a template, and certainly if it's preapproved I think that will definitely take away or reduce bureaucracy. However, I wanted to make sure that we weren't dictating what homeowners can do with their property. So, if they wanted to build an ADU to a specification that meets our requirements, they should certainly have the right to if it goes outside a specific template as a private homeowner.

Mr. Pettine said and they certainly would, yes, that wouldn't preclude anybody from working with somebody to design it specifically for their needs or whatever their desired outcomes were. It's just another way to provide access to options, but that option certainly always exists for somebody to hire somebody on their own and design it however they need, as long as it meets all the City and County and other requirements that are applicable.

Ms. Anderson said okay, great, and then my next question is around the slide that you have up here. I just want to make sure we're changing the percentage of the total floor area; however, there is a cap on the square footage, and that's 1,000 square feet?

Mr. Pettine said yes, and that's unchanged from how it was when the UDO was adopted.

Ms. Anderson said okay. Is that an industry standard, or is that a best practice that we've seen in other cities?

Mr. Pettine said it's more of a best practice standard that we've seen replicated in other places, and do want to have some level of a cap. If you've got, let's say, a 3,000 or 4,000 square foot home, that 50 percent or more could lead to almost another small home versus the ADU, which is really supposed to maintain that accessory and subordinate status to the principle structure, so clearly smaller. So, that 1,000 square feet was more of an industry best practice kind of standard, but that's not something again that we propose to change; we haven't run into any real challenges with that. Certainly, we'll monitor it, and if folks feel like they need more and they have a larger

home and they need something to better accommodate, there's certainly some flexibility and option for us to revisit that number, but for now we're leaving that proposal unchanged.

Ms. Anderson said okay, I think that's a great statement to make that if we find that residents want the flexibility to increase that square footage, that perhaps that could potentially occur, because we're talking about elderly and grandparent suites here, but there are other opportunities where family members might want to leverage this tool and they may have small children that need space. So, I just wanted to make sure that we stated that on the record.

Mr. Pettine said yes. We've done a lot of work on the ADU front, not just with our partners in housing, but just from a service delivery standpoint. We've got staff that have created times to meet specifically with folks that just want questions answered on ADUs, and we saw a really big influx of folks calling in and working with our staff to kind of understand the process and what the requirements were. So, as we've learned more, that's where some of this came from, but as we continue to have those conversations and meetings with residents and see these start to come out of the ground hopefully a little bit more than we currently are and we need to continue to make some tweaks, and certainly we're open to that.

Ms. Anderson said thank you.

Councilmember Mazuera Arias said I wanted to quickly talk about the section where it talks prescribed conditions for wireless telecommunications and how it establishes a setback for new wireless telecommunications towers from buildings located in Neighborhood-1 or Neighborhood-2 Place Types. I'm interested to know in what relation it could be also applied to data centers, and if that's something we're currently discussing?

Mr. Pettine said so, we haven't applied it to that standard at this point. What this standard would do, is essentially protect current homeowners from a new cell tower being built in their backyard overnight without any real knowledge. Right now, that could potentially be a scenario. Now, that doesn't preclude, if you have an existing cell tower and somebody does want to build a new subdivision or new houses right next to that, that's a little bit different, because folks know what they're buying into. They know there's a tower there, and they know there's that type of use next door. What this does is really say that, if you've got existing homes, those new towers have to meet certain distance requirement to make sure that if they do fall they're in a safe fall zone area, but we haven't really looked at anything like that related to data centers. There are some challenges with introducing space and requirements like that for particularly a lot of the existing uses, this applies only to new. So, we do have some challenges from a State standpoint with some legislation passed about a year and a half ago where we'd have to be very careful about nonconformities and how that would relate, but it's not something we've explored yet on the communication centers yet.

Mr. Mazuera Arias said got it, thank you so much.

Mr. Pettine said yes.

Councilmember Ajmera said so I just wanted to sort of clarify the whole process we went through in the Housing Committee last year, was to come up with innovative ideas, creative ideas, to reduce the cost of building ADUs. One of the ideas that came out of that was to have a preapproved plan that really reduces, not just the cost, because it costs thousands of dollars in designing phase, but also saves time. So, I think when we have preapproved templates, that will help with the overall process, and I think that's a great way to incentivize building of more ADUs, which helps us with affordable housing crisis. I was reading the ADU and how we were having requirements around square footage, which is certainly more lenient than what we had earlier, which is great, because especially when you look at neighborhoods closer to Uptown where you have smaller units. So, this will really help if they want to build an ADU in the back where the

main house is only 1,000 square feet or less. I really appreciate the staff's work in coming up with this proposal, which will help us with building bigger ADUs, though, less than 1,000 square feet, but still. Are we making any updates in the approval process, because I know other cities have done that where approval for ADUs has been streamlined? Have we looked at that, or would that come down the pipe later on?

Mr. Pettine said we've had to come up with some plans to accommodate the influx that we've seen through the program that housing put together. We've got staff even in my group and my division helping out with our land development team doing those reviews, so there's an overlap between even within divisions throughout the Planning Department that are helping to kind of move these along and get them through hopefully quicker. So, as we continue to work through that and see how that process is going, if we have to add any more additional resources for reviews, or come up with kind of a streamline process, we certainly will. There's been a lot of collaboration and even within the department, on trying to get those reviewed a little bit quicker and put some more resources on those knowing that we've seen a lot come in through that housing program.

Ms. Ajmera said so, it's good to hear that there is collaboration underway, but I believe that having a streamlined process would be helpful, because municipalities across the nation have done that to really incentivize ADU constructions. So, would that be something that'll come in front of the Council for an approval?

Mr. Pettine said one of the things we are working through, and I'm grateful to have some staff on my team that really are all in on ADUs and really want to look at our UDO. Right now it's a little bit fractured on where you go to find all the information on how to build one. So, what we're working on for an upcoming text amendment is trying to consolidate all that into one place, so you say, hey, I want to build an ADU, you have a section that's got everything you need to know. If there's other checklists and things we can put out for folks if they come in for permitting, there's always ways we can try to streamline it and make it easier for folks to enter into that process, but that's something that I think we're going to start to put together over the next few months, and then when we do another round of a text amendment later, probably later in the summer or early fall, we will have a lot of that pulled together and hopefully streamline it even more from start to finish. Some of the things like the procedural stuff within the review process wouldn't come through necessarily to Council, but any of the regulatory change to kind of repackage how we share that information in the UDO would certainly come back through ya'll as a group.

Ms. Ajmera said yes, whatever we can do to not have homeowners jump through, because they're not experts in building ADUs, and I think if you want to incentivize more of it, we've got to figure out a way. I mean, cities across the nation have done that where it doesn't take months to have to get a permit for an ADU. So, if we can find a way to do that sooner, that would help with our affordable housing crisis. That's all I have. Thank you.

Mr. Pettine said yes, thank you.

Motion was made by Councilmember Owens, seconded by Councilmember Graham, and carried unanimously to close the public hearing.
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ITEM NO. 24: HEARING ON PETITION NO. 2025-086 BY PENCE ROAD DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 31.17 ACRES LOCATED ON THE NORTH SIDE OF PENCE ROAD, WEST OF HARRISBURG ROAD, AND EAST OF BANDY DRIVE FROM ML-1 (MANUFACTURING AND LOGISTICS 1), N1-A (NEIGHBORHOOD 1-A), I-1(CD) LIGHT INDUSTRIAL, CONDITIONAL) AND B-2(CD) (GENERAL BUSINESS,

CONDITIONAL) TO ML-2(CD) (MANUFACTURING AND LOGISTICS 2, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Joe Magnum, Planning, Design & Development said good evening. This site is just over 31 acres, located on Pence Road at East Charlotte. The site is largely wooded. There's a small area with storage, some materials and vehicles along Pence Road. The AC&W (Aberdeen, Carolina and Western) Railway runs along the southern property boundary. That goes from Uptown through East Charlotte, all the way out to the Sandhill's region. The site is surrounded by a mix of uses. There's a single-family residential neighborhood under construction to the north; Charles T. Myers Golf Course, which is a County-owned golf course to the east; and some commercial and light industrial uses to the south along Pence Road. Current zoning is primarily ML-1, smaller areas of N-1A, I-1(CD), and B-2(CD), with a proposed zoning of ML-2(CD). The 2040 Policy Map recommends the Manufacturing and Logistics Place Type. The proposal would allow for some ML-2 uses, and specifically a rail freight terminal. There would be rail spurs coming off the mainline into the site allowing for transfer of goods from train cars to trucks. A driveway out to Pence Road would be how trucks would access the site. There is a 100-foot Class A landscape yard shown along the northern property boundary, and also the petitioner is accommodating a right-of-way for a Pence Road realignment.

Staff does not recommend approval of this petition. While it is consistent with the Policy Map recommendation for the Manufacturing and Logistics Place Type, it would expand industrial uses on a property that abuts both residential and recreational uses. The majority of the site is currently zoned ML-1, which does allow for a variety of light industrial uses, but staff does not support expanding those uses, and in particular for a rail freight terminal. I will pass it over to the petitioner.

Collin Brown, 1420 East 7th Street Suite 100 said thank you. Councilmember Driggs, Council members, Zoning Committee members, Collin Brown on behalf of the petitioner. I'll say I think this is a work in progress. I'm happy to have the hearing, so we can answer questions, respond to you all. Of course, I think all petitions are interesting, but I do think this is an interesting one; there's some different background on this. As Joe mentioned, the property is already zoned ML-1, so it's got the industrial designation. What's more interesting to me about the property is that it's owned by a railroad. So, railroads, we don't have many of them. This is owned by the Aberdeen Carolina & Western Railway. Nick Elder from the railroad is here. So, there's a rail corridor that basically runs all the way from NoDa down to, as Joe said, he said the Sandhills, but it runs to Pinehurst, so they own that. So, in addition to the railroad, the railroad also owns these 30-acres of land right here next to the rail. Now, what I think is so interesting is, we've talked about here's the 30 acres, we've talked about staff's opinion on it, and it's true that staff is not supporting. I think Councilmember Mazuera Arias and I will have some ongoing conversations about that, but what's important and I've heard you mention tonight is understanding by-right and conditions, and we're often able with a conditional zoning to come out with something better than by-right. What makes this even more interesting is there's not just by-right zoning here. Railroads have very interesting and generous federal laws that protect them. So, on this site, if Aberdeen Carolina wanted to build a rail facility that was just theirs, they could do that. Essentially, there's federal legislation that preempts local zoning law. So, Aberdeen Carolina on this 30-acre site on their rail line could build a rail terminal tomorrow, so why are we here? They can build a terminal for themselves, but if they are going to build a terminal that serves another business, then the law doesn't preempt, and we need to comply with the zoning. There is a pretty exciting opportunity, another third party that is active in the area has come to the railroad and said, "Well, this is pretty unique. You've got a rail line. You've got land. We would like to do an operation here." There are some kinds of economic development things going on, so I can't share all of that, but I'm happy to have some conversations about that. So, I actually think that if we go through this rezoning process with the Conditional Zoning, I think we could add essentially more conditions to our zoning to protect the public, regulate what goes on the site than could

be done today. So, I do think there's a path forward, again I think this is a work in progress, and we'll continue having conversations. I don't think there's a speaker signed up in opposition, but I did just receive a comment from a neighbor, a memo, which I'm sure you'll receive as well, and we're happy to have the same conversation with the neighbors, because I do think there's an opportunity for a win-win here. So, interesting triangle-shaped site. One access point coming in; this would be kind of where the activity is. We do have on the north side on the site, there are some single-family homes, and so I think staff has accurately asked for some buffering. So, essentially, with what we're offering with the rezoning plan, we can agree to buffers, we can agree to where the site activity will take place, and so I think we can offer more protections than certainly would be allowed if the railroad developed their own facility on the site.

A couple things I wanted to respond to and thank you for letting us do that. So, staff has pointed out staff is not supportive, and I'm struggling with that and I'll tell you why on a couple reasons. Staff has said, hey, it's adjacent to single-family to the north and Mecklenburg County Golf Course to the east, and so that [INAUDIBLE], well, this is pretty bucolic, Collin. Why are we trying to build a rail facility next to single-family and a Parks and Preserve Place Type? The reality out here is a little bit different. It is true, here's our site in purple, and so it's important to remember, we're already zoned, and the land use plan, calls for us to be Manufacturing and Logistics. The land use plan shows the area just here to the east of us as Parks and Preserve. However, in reality, Mecklenburg County has just built a pretty nice, new recycling facility, so it's a kind of waste collection site. So, it is not a Park and Preserve; it is a waste collection site. They've worked closely with the railroad. This is Aberdeen Carolina Railway here. They worked with Mecklenburg County, gave them the permissions necessary for this facility. This is a pretty large and intensive facility, so this sits on our western boundary, and it's got trucks coming in and out. Also, as Joe mentioned, we're working with C-DOT (Charlotte Department of Transportation). So, here's our site again. This is a little bit different map, which you can see there, this is proposed Pence Road realignment. The Department of Transportation is working on relocating Pence Road to essentially bring it through our site. So, one of the things we've done is the railroad has actually redesigned their plan. Railroads don't love rail crossings, cars going across crossings. The Department of Transportation has indicated to us that this would be a flyover, so they have plans for a bridge essentially over our site, and so we're working with them on that, we've reoriented our plan and could dedicate right-of-way to accommodate that.

So, I think now when you look at our site and say, well, I see staff's position, and I'm not sure staff was aware, if you look at the maps you see Park and Preserve, you do not see a recycling facility next door. So, now as you look at this parcel, here's a railroad here, we have a large recycling facility here, and this is not Al ya'll, I did this myself, just to try and see in reality there's something different there, and I hope we can have a further conversation about that.

So, I've gone back and forth with staff a little bit about this and said, gosh, I'm really surprised you're not supporting this, can we have a further conversation? I think we're going to continue these conversations. I think their point to me is, you all have said tonight, well, let's talk about some conditions, and so my concern is we do need some industrial uses in Charlotte, and the potential user of this site would be a good operator, it would be an economic development opportunity, some good kind of blue collar jobs coming in this area; I think that's a positive. Where does that go? Well, they've got to have a railroad, so there are not many choices in Charlotte where we can find railroad set up. So, here we have a site that is currently zoned M&L. The plan calls for M&L. We sit on a rail line. The property is already owned by the railroad. We've got a recycling facility here, a future road and probably bridge to the north of the site, and the railroad itself could develop this terminal tomorrow. So, if this is not a site that can support some more industrial intensity, I don't know if we'll find one. Again, I think this can be a win-win, and if your constituents you've received communication from, I think they attended our community meetings, we followed up, but I'm happy to continue the conversation both with staff and the District Representative, because I think there's an opportunity for a win-win outcome here for a better situation than what's currently allowed. Happy to take questions.

Mr. Mangum said I think maybe one point of clarification. The terminal that could be developed under current zoning I believe is a passenger terminal. Is this under federal law?

Mr. Brown said I'm saying, essentially, federal law preempts, so zoning doesn't apply. I am not that lawyer, and if you'd like, I'm sure **Terrie** and I could get together with that lawyer and get everyone the answers on that, but that's what I'm understanding from the railroad, is essentially if it is a railroad use that just the railroad is using, it preempts. The reason we're here is Aberdeen Carolina is saying, "Well, we don't just want our terminal, we've actually got a user that wants to come have a business use on the site that would use the terminal." If it is not just the railroad use, we do need to comply with zoning. So, that is our hope for the site.

Mr. Mangum said under the UDO, the rail freight terminal use, which is the primary use that's proposed here, it requires the ML-2 Zoning, as opposed to the current ML-1.

Mr. Brown said and to be clear, we agree with this, unless the terminal is operated by the railroad itself, the UDO requires it, but you don't have to obey the UDO. We're asking for this terminal not used by the railroad, so we're not arguing with staff over this.

Councilmember Mazuera Arias said sorry, to ask a clarifying question. Thank you, by the way. So, you're asking to rezone this to use a railroad terminal, but it could be used by-right as a railroad terminal? Sorry, I'm a little bit confused.

Mr. Brown said well, it is confusing. I've done this for a long time, and I've never had this situation. So, I would say by-right, no, the ordinance does not allow it. If the railroad, for its own use on its own property, wishes to operate a terminal, they do not have to abide by the ordinance, federal law will preempt. That is not what they'd like to do here. There's a user that would like to come in and put in a facility, and therefore, that user has to comply with the ordinance. It is not allowed by-right in ML-1, so we are requesting to zone to ML-2, so a third party could. If this rezoning did not move forward. If you guys said, you know what, we don't like it, you're not going to do that, Aberdeen Carolina could then build their own facility on the site.

Mr. Mazuera Arias said got it. So, who is going to be the primary user of the site?

Mr. Brown said I cannot share that publically. I'm happy to have that conversation, and this has evolved, staff asked us earlier on. There's some nondisclosure things happening, but happy to talk with you. That user does have a facility in Charlotte, and I've driven by it, and I bet you've driven by it a thousand times and didn't know it was there. So, we can share some of that offline, but I've got to be a little careful.

Mr. Mazuera Arias said gotcha, and given that it is adjacent to some single-family neighborhoods, is there a study on noise disruption, sound vibrations, environmental impact?

Mr. Brown said I do not have that. Again, the railroad is there, and it is used and can be a rail facility. I think as part of our rezoning, we can offer more buffering separation than would currently be required. The railroad may have that information, so we're happy to share it.

Mr. Mazuera Arias said got it. Thank you, no further questions.

Councilmember Ajmera said this is one of a kind. I haven't seen this, at least in the last 10 years. A couple of questions. So, I just want to make sure, since the user is not the landowner, that's why you are having to do this rezoning, but if the landowner was the user, under federal law they would be able to build the facility without having to come for rezoning.

Mr. Brown said that is my understanding, and again, **Terrie** and I will be happy to get with the federal guys and make sure we both understand it, but yes, Councilmember

Ajmera, that is my understanding, that if the railroad is operating its own facility, then federal law will preempt. We have another user that would like to use this spot, and so that's why we're here for a rezoning.

Ms. Ajmera said got it. I have concerns, especially with having ML-2 so close to single-family neighborhoods. This question is for staff. What are some of the uses under ML-2 that are not allowed under ML-1? I know there is probably a long list, but if you could just tell me a few?

Mr. Mangum said well, essentially, ML-1 is light industrial, ML-2 is heavy industrial.

Ms. Ajmera said so, would the recycling facility fall under ML-1 or ML-2?

Mr. Brown said conveniently, the County has ML-2 Zoning already next to us.

Ms. Ajmera said so, did they go through rezoning?

Mr. Mangum said it is conventional ML-2, and I'm not sure at what point it became ML Zoning; it would've translated from I-2 from the old ordinance.

Ms. Ajmera said yes, so once we adopt to ML-2, the next wave of rezoning petition could potentially come, hey, there is ML-2 nearby, I think we should also have ML-2. I think that's something we have to keep in consideration if that overall aligns with the Area Plan. Go ahead, you want to say something?

Mr. Brown said if you were asking, I would say I do think it's part of our conditional rezoning, we could get rid of most of the noxious ML-2 uses.

Ms. Ajmera said yes, that's what I would like to see, what's the list. I mean, we have to be very cognizant about single-family neighborhood nearby, because when residents bought their home, they didn't sign up for having ML-2 next door. So, I think that is something we've got to be very considerate of, especially as Councilmember J.D. mentioned, about noise pollution, environmental concerns. I think we need to take those into serious consideration. So, I agree with staff here, but I would like to see that detailed list, and even potentially a study about what are some of the things we need to be concerned about if there is an ML-2 next to a single-family neighborhood, because this about quality of life for residents that are living nearby that have a home. I mean, that is probably for a lot of homeowners, when you're looking at ML-2, there is a reason we don't allow ML-2 close to single-family neighborhoods. So, certainly there's quality-of-life impact study that we need to do to make sure we are taking those concerns seriously. Mr. Brown, I know you cannot go into detail about the entity who will be operating it as the user, but what's the proposed use here?

Mr. Brown said I think maybe we can go into details moving forward about the frequency of uses, but essentially, products are brought into the Charlotte market on rail and distributed by vehicle, and so this is a facility where that would happen. A product would come off the train and be distributed into Charlotte. I think with this user, there's a potential that actually the amount of deliveries is fairly low, but granted staff doesn't know that and you don't know that and we haven't committed to that.

Ms. Ajmera said right, and I think that's something we need to look at very carefully, because there is a train honking at 2:00 a.m., 3:00 a.m., close to single-family neighborhoods. No one would want that in their neighborhood. So, obviously there is more work that needs to be done, but I'm with staff on this rezoning petition. That's all I have. Thank you.

Councilmember Anderson said just so I'm clear here, if we're looking at the slide you have up here, this area is effectively all ML-1, some preexisting ML-2, as well as I-1, which is the Manufacturing and Logistics designation. So, this whole area is already Manufacturing and Logistics?

Mr. Brown said a tiny sliver of our site is not zoned now that's actually in the railroad, but yes, the vast majority of the site is already zoned ML-1.

Ms. Anderson said so, what is just south as this map here ends? Is it more ML-2 that's just south of that?

Mr. Brown said we could pan out and show you more. There are kind of a variety of commercial uses along this portion of the Pence Road corridor. This is the County recycling facility, they have some more recycling going on, and then there is some multi-family in this area. Now, again our site would be accessed here, but set back pretty significantly. The neighborhood that we're talking about to the north is here, this area is pretty far away from our operations, and recall there's also a plan for a new road and bridge essentially through this area here, which would also separate us and buffer us from that neighborhood.

Ms. Anderson said okay, it's helpful to see this particular map here, because I can see the parcels and the building.

Mr. Mangum said I do want to point out if we can go back to that map. So, you can see the area that's been cleared in the northwest corner for a subdivision. Well, the area to the right, that's also been approved; it's an approved subdivision that is yet to be built. So, just to point out that there's residential along the entire northern property boundary.

Ms. Anderson said in the north, yes. Okay, thank you, that's helpful to see it on the map.

Councilmember Owens said Mr. Brown, thank you. I just want to be very clear, when you do consult with the attorneys with respect to what can be done by-right by the owner of the property, could you also give some clarity with respect to any expectations around buffers or anything, because what I'm hearing you say is that there's a pretty big difference between what you would be bringing to the table with respect to this if it is being used by a third party versus what you can do right now with it. Can you give some clarity to that?

Mr. Brown said yes, and I'd like to have that clarity too and make sure, because I believe you're correct that if it's preempted they don't have to meet the buffer requirements anyway, that's why the conditional plan would be better, but we will investigate that.

Ms. Owens said that would be helpful. Thank you.

Mr. Mazuera Arias thank you, Mr. Brown. Correct me if I'm wrong, a community meeting was advertised, but there were zero in attendance?

Mr. Brown said correct. We had RSVPs, but we did not have attendance, and then we had some owners to the south contact us, and then we had an HOA (Homeowner Association) person who reached out and we followed with and were not able to connect with, and I did just receive a letter from him literally 10 minutes before I stepped up here. So, we're happy to have this conversation with you and the community about this.

Mr. Mazuera Arias said perfect. Yes, my follow-up question was will there be a second meeting given the lack of participation?

Mr. Brown said happy to do that. I will say the user has evolved since the community meeting, also our conversations with the DOTs (Departments of Transportation) about the bridge has evolved.

Mr. Mazuera Arias said thank you.

Mr. Driggs said just to be clear, there is existing rail traffic through here?

Mr. Brown said it's his railroad and he uses it.

Mr. Driggs said right. So, trains go through this site now?

Mr. Brown said correct.

Mr. Driggs said but what we're proposing is they would get to this site, there would be a terminus there, and it looks like, in effect what you're asking for, is a conventional ML-2. I mean, in the sense that you are not prepared to disclose any more than you have, I think this is going to come down to a discussion about the limits that can be placed on ML-2, at least. Would we know before we vote?

Mr. Brown said I think so, and to be clear, it is a conditional zoning, and we have offered a site plan. I don't have specific details on the user, and I'll tell you, if you're a railroad, railroad says we can do anything we want with this site on our own. So, we've got to be cognizant of what we're willing to compromise, and that's a fair conversation, but yes, I imagine before you vote on this you're going to have as much information as we can provide.

Mr. Driggs said so, I just would encourage you, as you ask us to consider this, not to hold out the specter of the railroad exercising its authority. I've been in this situation before, and it puts a kind of pressure on us that it's informational, I guess it's something we need to know, but I sure hope that we can just achieve an outcome here and not feel threatened by something they might do in spite of our concern about the adjacency of ML-2 with residential. So, let's keep working on that one, I guess.

Motion was made by Councilmember Anderson, seconded by Councilmember Mazuera Arias, and carried unanimously to close the public hearing.
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ITEM NO. 25: HEARING ON PETITION NO. 2025-114 BY THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.56 ACRES LOCATED EAST OF LOMBARDY CIRCLE, NORTH OF EAST BOULEVARD, AND WEST OF SOUTH KINGS DRIVE FROM N2-B (NEIGHBORHOOD 2-B) TO OG(CD) (GENERAL OFFICE, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said yes, Petition 2025-114 is a 0.56-acre site on Lombardy Circle, near the intersection of East Boulevard. The plan proposes a private outdoor recreation facility, associated with the adjacent healthcare institution. The site is currently vacant. The site's currently zoned N-2B, Neighborhood 2. Proposed zoning is OG(CD), General Office, Conditional. The plan is consistent with the goals and policies of the South Inner Community Area Plan, and it also consistent with the 2040 Policy Map recommendation for the Campus Place Type. The proposal calls for the development of a therapy park, and open space associated with that adjacent healthcare institution, following the prescribed conditions of Article 15.4 of the UDO. It will include elements such as pedestrian features, therapeutic structures and equipment, seating, shade elements, raised garden beds, landscaping, fences, walls, lighting, and art installations. No buildings are permitted on the site, and a minimum 25-foot-wide Class B landscape yard will be installed along the northern and southern property boundaries adjacent to residential uses.

Staff recommends approval of this petition as it aligns with the South Inner Area Plan and Campus Place Type, incorporates landscaping buffers adjacent to residences, introduces a therapy park with amenitized open space along Little Sugar Creek Greenway that may advance the 2040 policy goals of integrating natural and built environments. I'm happy to take any questions following Mr. Carmichael's presentation.

John Carmichael, 600 South Tryon Street, Suite 2300 said thank you, Councilmember Driggs, members of City Council, and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner, the Charlotte-Mecklenburg Hospital Authority, also known as Atrium Health. Kyle Baugh is with me tonight. The site contains just over half an acre. It's located on the east side of Lombardy Circle, just north of its intersection with East Boulevard. It's immediately adjacent to Atrium Health's Carolina Medical Center Campus, which you can see here, and this is a zoomed in aerial of the site. The site's currently vacant, so it's next to the healthcare campus, and in particular, it's really close to the new rehab hospital on the campus, and this is a view into the site from Lombardy Circle. The site's currently zoned N-2B. The surrounding parcels are also zoned N-2B, with the exception of a hospital campus, which is zoned MUDD-O. The N-2B is a Residential District that allows, among other things, apartments, duplexes, triplexes, single-family detached. The request is to rezone the site to OG(CD) to accommodate a therapy park and open space area on the site that would be associated with Carolina's Medical Center Campus that would be the only permitted use of the site. No buildings, as Mr. Oliver stated, could be located on the site. The only allowed improvements would be pedestrian improvements and various walking services, seating elements, shade structures, raised garden beds, landscaping and hardscape, fences or walls. At the option of the petitioner, the site could be fenced if it needed to be for security purposes, lighting and arts, there could be security cameras on site, and then there'd be a minimum of a 25-foot-wide Type B landscape yard along the northern and southern boundaries of the site next to existing residential. You could also put a fence or wall in that buffer area. The therapy structures were originally proposed, and they are no longer proposed. There's really no active component here, and certainly passive in nature.

We did meet with the DCDA (Dilworth Community Development Association) Land-Use Committee, and the property owners on Lombardy prior to the filing of the petition. We also had an official neighborhood meeting, and we've been in constant contact with the DCDA and Land-Use Committee, and we're not aware of any opposition. I'm not saying there's not any, but we have not been made aware of it. Last thing, it's consistent with the Policy Map. This lot here, the subject half-acre site, is in the Campus Place Type. So, happy to answer any questions that you may have.

Councilmember Anderson said I did speak with the Dilworth Land-Use leader, and they're very happy with negotiations that have occurred. In addition to this being a therapy park, it will also be open to the neighbors along Lombardy, so they will be able to access this open space as well. So, it's a win-win all around. Thank you.

Mr. Carmichael said yes, ma'am.

Councilmember Mayfield said actually, my question was just answered, and that was if it was going to be open to the community, but there's an additional statement.

Mr. Carmichael said so, to clarify, you're right, that was asked at the neighborhood meeting.

Ms. Mayfield said I opened the door for you.

Mr. Carmichael said oh, I'm sorry. So, that was asked at the neighborhood meeting, that is certainly the intention. There is a little difference of opinion amongst the neighbors. Some of them are concerned that Atrium employees would park on Lombardy, walk through the therapy park to get to work. Atrium has said, we'll communicate to team members that that should not occur. There's the option to fence this in the rezoning, just to be perfectly candid. If there were security concerns or things getting broken or some sort of things like that, then they may fence it. That's not their intention, they want it to be open to the community, but it's not a dedicated open space; it would be privately owned by Atrium.

Ms. Mayfield said so, for clarification, this will be a privately-owned space, but there may be an opportunity, basically ours, like we have at the parks, there's posted set hours

that are up, that may be a conversation that can be had with the petitioners. We can follow up. We don't have to have a commitment now, but thinking about maybe posting hours, but there is a possibility that it might be available for community?

Mr. Carmichael said we have not discussed hours, but I'm sure there would be, Councilmember Mayfield, and we would have the security phones, and it would be monitored by the security staff at the healthcare campus, but yes, the intention as we see it tonight is not to fence it.

Ms. Mayfield said thank you.

Mr. Carmichael said thank you.

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

ITEM NO. 26: HEARING ON PETITION NO. 2025-121 BY THE HUNTINGTON NATIONAL BANK FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.67 ACRES LOCATED NORTH OF BALLANTYNE COMMONS PARKWAY, SOUTH OF CONLAN CIRCLE, AND WEST OF HUFFINES LANE FROM NS (NEIGHBORHOOD SERVICES) TO NS(SPA) (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just over 3.5 acres, located along the north side of Ballantyne Commons Parkway in an area where we have a real range of commercial, institutional and office uses along that north side, and then some residential uses along the south side. Proposed zoning is for a Site Plan Amendment to the existing Neighborhood Services plan, which is from 2004, and the Policy Map does recommend the Regional Activity Center, which is the most intense and scaled up of our Activity Center Place Types on this site. The proposal itself is for a very small modification to that 2004 plan, which is an increase to the square footage allowed from 30,500 square feet of uses to 35,100 square feet. All other conditions of the plan would remain as is. It is within an adopted Area Plan, that would be the South Outer Community Area Plan, and it is in alignment with that Area Plan and the 2040 Policy Map's recommendation for the Regional Activity Center Place Type. In terms of the priority goals of that Community Area Plan, it helps to facilitate goal one for 10-minute neighborhoods by helping to contribute to that concentration of goods and services within a designated activity center.

Staff recommends approval of this petition. It is consistent with the goals and policies of the Area Plan, it helps further a priority goal of that Area Plan, and then this is a really small modification to the existing Neighborhood Services plan, and we believe it keeps the intent of that conditional plan intact and provides for greater efficiency and use of the site. I'll be happy to take questions following petitioner comments.

Eddie Moore, 2100 South Tryon Street, Suite 400 said good evening, Councilmember Driggs, Council members, Zoning Committee. My name is Eddie Moore with McAdams. I, along with Jeremy Fisher of Gensler who's here tonight, we are representing Huntington Bank who is the petitioner, and the ownership group, York Development Group. Holly's done a real good job outlining the location of the site. The zoning is not changing; we're just doing a small Site Plan Amendment. We are in alignment with the 2040 Policy Map. This is a copy of the approved 2024 Petition, and there are three buildings as part of it being in the southeast corner; that area is developed with parking, so this is the area of the redevelopment. Since the approval of the rezoning, there have been a few administrative amendments from staff, and as of today the allowable square footage is 30,500 square feet. So, our request is to increase that maximum allowable

square footage from 30,500 to 35,100 square feet for redevelopment of that corner. This is a rendered plan that shows the three buildings. The area that you do see, the building will be in the corner of Huffines and Ballantyne Commons Parkway. Right now, it is just being used as parking, but half of that parking will remain with the building at the corner, and the end user is a Huntington Bank. There will not be a drive-thru. This will be a walk-up bank and neighborhood-type bank, and this is another rendering that just zooms in a little bit more and from there. Glad to answer any questions that you may have.

Mr. Driggs said so, I have a quick question. The elimination of that parking is not going to result in an under-parked situation? We have a number, like the Trader Joe's Shopping Center at Waverly, where there are real problems about parking.

Mr. Moore said no, sir. The [INAUDIBLE] group, they are fine. They understand they will be losing the parking. We're not under any parking minimums that's required as part of the old Legacy Zoning Ordinance, and they do not feel it's going to create any issues, since there's not a drive-up component to this facility.

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

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ITEM NO. 27: HEARING ON PETITION NO. 2025-122 BY UNION CHURCH FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.92 ACRES LOCATED SOUTH OF EAST W.T. HARRIS BOULEVARD, EAST OF OLD CONCORD ROAD, AND WEST OF UNIVERSITY EAST DRIVE FROM BP(CD) (BUSINESS PARK, CONDITIONAL) TO OFC (OFFICE FLEX CAMPUS).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just southwest of E. W.T. Harris Boulevard, along Old Concord Road, in an area where we have a lot of office uses, primarily, there's some residential more outside the periphery of this rezoning, though, it's mostly entirely surrounded by office uses. It is currently zoned Business Park, Conditional, and they are proposing to go to Office Flex Campus. The current Place Type is Manufacturing and Logistics; that's as a result of that BP Conditional Zoning, a lot of the site's translated to M&L on the Policy Map, though, I will just call out, when you go to consider the revised Policy Map, hopefully here maybe in another month or so, you might see that this site is calling for a change to the Campus Place Type. So, this request for the Office Flex Campus District, if we had the revised Policy Map, would be considered in alignment with that Campus Place Type, but as it stands it's out of alignment with the Manufacturing and Logistics Place Type called for on the site.

Staff recommends approval of this petition. It's calling for the Office Flex Campus District, which is really in alignment with the uses and the general trend that we're seeing this area go towards. I'll be happy to take questions following petitioner comments.

Collin Brown, 1420 East 7th Street, Suite 100 said I'll go quickly. I will say this is a very interesting one, because we do so many church rezonings these days, and unfortunately, it's a little depressing, because usually it's because the congregations have diminished and they don't need the property. So, happy to be here on behalf of Union Church, Pastor Brian Bullock is here as well, with a church that is expanding and growing rapidly and needs a permanent home in the University City area. As Holly mentioned, I think it's a great adaptive reuse of the site. What do churches need a lot of? Parking. What does this have? Take a look, a lot of parking. So, happy to have staff

support, had a good community meeting, we've gotten very positive feedback from the District Four Coalition. Happy to answer any questions.

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

Councilmember Mayfield said congratulations on the growth.

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ITEM NO. 28: HEARING ON PETITION NO. 2025-127 BY 4749 WEST BOULEVARD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.35 ACRES LOCATED SOUTH OF WEST BOULEVARD, EAST OF SIRUS LANE, AND WEST OF INTERNATIONAL AIRPORT DRIVE FROM ML-2 ANDO (MANUFACTURING AND LOGISTICS-2, AIRPORT NOISE DISTRICT OVERLAY) TO IMU(CD) ANDO (INNOVATIVE MIXED USE, CONDITIONAL, AIRPORT NOISE DISTRICT OVERLAY).

Councilmember Driggs declared the hearing open.

Joe Magnum, Planning, Design & Development said this site is 5.35 acres, located along West Boulevard and just south of Charlotte Douglas Airport. You can even catch an airplane in that aerial there. The site is surrounded by a lot of light industrial uses. It's currently developed with a warehouse and office use. Current zoning is ML-2 ANDO, Airport Noise Disclosure Overlay, with a proposed zoning of IMU(CD) ANDO. The 2040 Policy Map recommends Manufacturing and Logistics Place Type for this property, as well as all surrounding properties. This is a Tier 1 Conditional Rezoning with just the condition that residential uses would be prohibited.

Staff recommends approval of this petition. While it's inconsistent with the Policy Map recommendation for the Manufacturing and Logistics Place Type, the Innovation Mixed-Use Place Type and associating zoning is a preferred adjacency compatible with the surrounding zoning and land uses. I'll turn it over to the petitioner.

Susanne Todd, 1065 East Morehead Street said good evening, Council and Zoning Committee. My name is Susanne Todd. I'm an attorney with Johnston Allison & Hord, here on behalf of the applicant, 4749 West Boulevard. With me tonight is also Larry Sullivan. Larry and his wife Sharon own this property subject to our rezoning request. The property consists of five acres. It's located generally between I-485 and Billy Graham Parkway. The property is currently zoned ML-2, Conventional. So, it can be developed by-right for any general industrial use allowed in the ML-2 Zoning District. Charlotte residents, Larry and Sharon Sullivan, bought this property about five years ago, and have been operating their window and door replacement business in the existing warehouse building on the property. The window replacement business has changed over the past years; it is no longer where you warehouse a huge inventory. Most of the window and door orders are custom, so as they come in, they go back out, so you don't need to store as much inventory as you used to. Additionally, the Sullivans do own affiliate businesses in North and South Carolina, and they want to make Charlotte their corporate headquarters by consolidating the day-to-day operations of these various businesses under one roof. The Sullivans are looking to expand their operations in Charlotte by building a 10,000 to 12,000 square foot building on the property that would include a call center and training facilities. As staff mentioned, ML Zoning limits office use to 40 percent of the building area. So, in order to expand their operations in Charlotte, the Sullivans are requesting IMU Zoning. The Innovative Mixed-Use Zoning allows for similar uses as ML, but doesn't place limits on the office use. Even though the 2040 Plan does recommend the property remain ML Place Type, the requested zoning is reasonable, because abutting properties are back-zoned ML-1 or M-2 Conditional, and being used for light industrial. The rezoning would allow for more uses that are in line with surrounding property, while prohibiting introduction of hazardous or noxious uses that may negatively impact these neighboring properties. It also allows for an

opportunity for new development and employment in this area. Finally, IMU is a preferred adjacent zoning to ML Zoning. We appreciate your support, and we're happy to answer any questions.

Councilmember Mayo said no question, but excited to see ya'll in person. I know we met virtually last week. Excited to continue to hear about potential jobs that will come to our area if this is passed, and loved our conversation as well talking about a potential bus stop at this location. So, as we bring additional jobs for residents of District Three, great opportunity to also think about multi-modal transportation. So, excited to continue this conversation and bring investment to the area.

Ms. Todd said thank you, Councilmember Mayo. We appreciated your time last week. It was a great opportunity to get to meet you and discuss this project. We have reached out to the West Neighborhood Coalition.

Motion was made by Councilmember Mayfield, seconded by Councilmember Owens, and carried unanimously to close the public hearing.
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ITEM NO. 29: HEARING ON PETITION NO. 2025-129 BY TRUE HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.94 ACRES LOCATED SOUTH OF WEST W.T. HARRIS BOULEVARD, EAST OF WEST SUGAR CREEK ROAD, AND NORTH OF BROOKSTONE DRIVE FROM INST(CD) (INSTITUTIONAL, CONDITIONAL) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2025-129 is an undeveloped portion of a tract containing a church, approximately 4.94 acres in size and located on the southeast corner of West Sugar Creek Road and West W.T. Harris Boulevard. The site is currently zoned Institutional CD. The proposed zoning is N-2B(CD), Neighborhood 2. The 2040 Policy Map recommends the Campus Place Type for the site. The N-2B District is inconsistent with this Place Type, and approval of this would revise the Place Map to the N-2. The rezoning proposal calls for the development of up to 65 multi-family attached townhome dwelling units, including potential live-work units within that. All residential units will be offered for sale or lease to households earning 80 percent or less of Area Median Income. An eight-foot sidewalk and eight-foot planting strip will be provided along the site's frontage with Brookstone Drive to south, and a 12-foot multi-use path and eight-foot planting strip along West Sugar Creek Road. A minimum of 9,750 square feet of enhanced open space will be provided. Buildings along public streets will have a maximum of five units per building, and they're allowed up to two six-unit buildings on site. Units will have predominant porches and stoops, and front porches will be covered at a minimum of four to six feet in depth.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, site and building design, and environment. The proposed development supports the institution's mission by providing affordable housing for households earning 80 percent AMI (Area Median Income) or less, introduces live-work units, enhances open space beyond ordinance requirements, and rezones the site to Neighborhood-2 Place Type, which is adjacent to commercial amenities, improving housing diversity and access to daily needs. I'm happy to take any questions following the petitioner's presentation.

Pastor Donnell FitzJefferies, 3835 W. W.T. Harris Boulevard said thank you for receiving us. I'm Donnell FitzJefferies. I'm privileged to be the Pastor at University City. We see this project as just continuing our ongoing call of God. Our campus and our building hosts about 1,000 people per week walking through our doors for various meetings, accountability groups, schools, and people just walking the campus. We feel

that we are a place where God's kingdom can grow, and we want to offer something to our community that will allow people to have a place to live. A clean wholesome place to live, that is also relatively affordable. I say relatively, because we live in Charlotte, and prices are going up and up and up, but we want police people, nurses, teachers to be able to come and actually live in the City where they work. We think by doing this, we enhance our community, we follow our call of God, and we make a place where the community can gather in an even greater way, so that we can be called a place of peace, hope, building, a place where people can feel good about themselves and good about the possibility that can be in their lives. I'll allow Ron to come and speak.

Ron Staley, 2216 Catalina Avenue said thank you. Council members, staff, I'm Ron Staley with True Homes Foundation. This is part of our true housing trust initiative. We're going to be building 65 townhomes on this campus, three bedrooms, 2½ baths, in conjunction with the church. All of the homes will remain 80 percent AMI or below for a century or more, unlike the LIHTC (Low-Income Housing Tax Credit) model, which can expire in 20 years or so. So, we're extremely excited about bringing this model to University City UMC (United Methodist Church), and we appreciate your support.

Councilmember Graham said I was telling Councilmember Mayfield I can literally walk from my house to the site. I passed by it for the last 34 years on my way home every day, and had the opportunity last week to meet with the leadership team, and obviously I'm very familiar with site and very familiar with their intention. So, a community meeting has already been held. Any feedback from the community?

Mr. Staley said the few feedback that we got we sent it out to the neighbors.

Mr. Graham said okay. Well, I'm very supportive of it, given all the restrictions are made in terms of where there's some disagreements; I think we can get there for sure. It's a very good project, very good intent, and no City money, which is even better that we get housing brought to us from the community. Obviously, the church has been a mainstay in that community for years, and we appreciate the work that you've done.

Mr. Driggs said just a quick comment. So, the program you referred to that True Homes is using, is one in which you essentially have no return on your equity, so it's an investment you're making in the community. Just wanted to express my appreciation for that.

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

ADJOURNMENT

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

The meeting was adjourned at 6:45 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 1 Hour, 41 Minutes
Minutes completed: February 26, 2026