

Petition 2024-129 by Brookhill Investments, LLC

To Deny:

This petition is found to be **mostly inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* recommends the Neighborhood 2 Place Type for the site.
- The 15.23 acre portion of the site proposed to remain zoned N2-B (Neighborhood 2-B) is consistent, while the 27.24 acre portion proposed to be rezoned to CAC-1 (Community Activity Center 1) is inconsistent.

Therefore, we find this petition to not be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because:

- The 42-acre Brookhill Village site was originally developed in 1950 with several hundred affordable multi-family dwelling units and is subject to a 99-year land lease denoting that the land cannot be sold, though the structures on the site can. During the tenure of the lease, tenants may develop on the site, but such investments turn back to the property owners at the end of the lease. In its current state, the site is underutilized as much of the land is now vacant. Brookhill Village is located at the edge of South End's core where redevelopment has successfully transitioned industrial and older commercial areas to transit supportive development anchored by the LYNX Blue Line and large mixed-use projects.
- There is a desire to activate the Brookhill Village site but there are several unique constraints that make development scenarios difficult to pursue under the Unified Development Ordinance's existing regulations and tools. Article 14 of the UDO allows for the creation of new overlay districts and this avenue is being pursued as all other options have been adequately exhausted and ruled out for feasibility. The application of an overlay district to the area provides necessary flexibility to contend with the site's varied needs and challenges. The creation of new overlay districts should be reserved for highly unusual and unique scenarios like this which cannot be resolved through other means in the ordinance such as application of a new zoning district, an exception rezoning request, alternative compliance review board request, or other mechanisms.
- The petition presents substantial outstanding issues that must be resolved including use regulations, streetscape, and subdivision requirements. The existing infrastructure is substandard and must be upgraded to support the uses envisioned for the site. Staff requests resolution to outstanding issues regarding infrastructure commitments and use clarifications to ensure minimum requirements are being met. The petitioner is requesting exemption from street network requirements and they are dependent upon receiving City funding to construct a portion of Dunavant Street as well as two key internal pedestrian connections. There is no commitment at this time that would ensure these proposed improvements are completed.
- The petition would facilitate activation of a site that is vacant and subject to a land lease that expires October 31, 2049. Following this date, City Council action would be required to extend or renew the termination date. No new permits could be issued after October 31, 2049.
- The proposed CAC-1 (Community Activity Center 1) portion of the site would allow a mix of uses including retail, residential, and a range of outdoor and temporary uses.

- The petition commits to providing 100 residential units onsite that are income restricted to households earning 80% or less of the Area Median Income (AMI) for the duration of the land lease that expires October 31, 2049.
- The request for CAC-1 (Community Activity Center 1) for a portion of the site meets preferred criteria for acreage, place type adjacencies, and location. The petition site is more than 20 acres, adjacent to Neighborhood 2, Neighborhood Center, Commercial, and Regional Activity Center Place Types, and is within ½ mile of the LYNX Blue Line New Bern Station. The site is also served by CATS Bus Route 2 along Remount Road and CATS Bus Route 16 along South Tryon Street.
- The petition could facilitate the following *2040 Comprehensive Plan* Goals:
 - 1: 10 Minute Neighborhoods
 - 2: Neighborhood Diversity & Inclusion
 - 3: Housing Access for All

The approval of this petition will revise the recommended place type as specified by the *2040 Policy Map* (2022) for the portion of the site proposed to be rezoned to CAC-1 to the Community Activity Center Place Type.

To Approve:

This petition is found to be **mostly inconsistent** with the *2040 Policy Map* (2022) based on the information from the staff analysis and the public hearing, and because:

- The *2040 Policy Map* recommends the Neighborhood 2 Place Type for the site.
- The 15.23 acre portion of the site proposed to remain zoned N2-B (Neighborhood 2-B) is consistent, while the 27.24 acre portion proposed to be rezoned to CAC-1 (Community Activity Center 1) is inconsistent.

However, 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:

- (To be explained by the Zoning Committee)