

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, March 20, 2023, at 5:03 p.m. in Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Council Members present were Tariq Bokhari, Ed Driggs, Malcolm Graham, Lawana Mayfield, James Mitchell, Victoria Watlington, and Braxton Winston II.

**ABSENT:** Councilmember Dimple Ajmera.

**ABSENT UNTIL NOTED:** Councilmembers Danté Anderson, Renee Johnson, and Marjorie Molina.

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Mayor Lyles said [inaudible] City Council chamber in the Government Center. We so much appreciate those of you that have come out. We also want to say thank you to those that are joining us either on Facebook Live or on the government channel. Now I want to call the March 20<sup>th</sup> Zoning meeting of the Charlotte City Council to order. I want to have introductions of those that are at our dais.

We begin our meeting with a statement to help us come together to do the work that we have to serve you as residents of our community. This is intended for us to learn more about how we can be more civil and kinder and act as a unified group to take care of things and issues in our community.

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#### **INVOCATION AND PLEDGE**

Councilmember Winston gave the Invocation and the Pledge of Allegiance to the Flag was recited by everyone in attendance.

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

**Mayor Lyles** explained the Zoning Meeting rules and procedures.

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

**Councilmember Molina arrived at 5:06 p.m.**

**Phil Gussman, Chairman of the Zoning Committee** said thank you Mayor Lyles. Hi, I'm Phillip Gussman, Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my fellow committee members. Douglas Welton, Terry Lansdell, Ronnie Harvey, Melissa Gaston, Courtney Rhodes and Will Russell. The Zoning Committee will meet Tuesday April 4<sup>th</sup> at 5:30 p.m. here at the Governmental Center conference room 280. At that meeting, the Zoning Committee will meet to discuss and make recommendations on the petitions that have public hearings tonight. The public is welcome at that meeting, but please note it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you're welcome to contact us to provide input. You can find contact information and information on each petition on the City's website at [charlotteplanning.org](http://charlotteplanning.org). Thank you.

Mayor Lyles said alright. Thank you, Mr. Gussman. Since our agenda has been last week, we've had several changes. I'm going to ask Mr. Pettine to go through all of the deferrals and withdrawals and at the end of that, ask Council for a motion to accept the deferrals and the withdrawals.

**Councilmember Anderson arrived at 5:08 p.m.**

Councilmember Johnson arrived at 5:09 p.m.

DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs and carried unanimously to defer: a decision on Item No. 6, Petition No. 2022-087 by Appaloosa Real Estate Partners to April 17, 2023; a decision on Item No. 12, Petition No. 2022-060 by Providence Group Capital to May 15, 2023; a decision on Item No. 13, Petition No. 2022-078 by Sere Ventures, LLC to April 17, 2023; a decision on Item No. 14, Petition No. 2022-086 by PDAN Holdings, LLC; a public hearing on Item No. 19, Petition No. 2022-037 by SunCap Property Group, LLC to April 17, 2023; a public hearing on Item No. 20, Petition No. 2022-066 by Wood Partners to April 17, 2023; a public hearing on Item No. 21, Petition No. 2022-079 by Well Pappas Corporate Parcel Owner, LLC to May 15, 2023, a public hearing on Item No. 22, Petition No. 2022-120 by Blackburn Communities, LLC to May 15, 2023; a public hearing on Item No. 23, Petition No. 2022-076 by Sam's Mart to April 17, 2023; a public hearing on Item No. 24, Petition No. 2022-089 by Taylor Morrison to April 17, 2023; a public hearing on Item No. 25, Petition No. 2022-092 by Sam's Mart to April 17, 2023; a public hearing on Item No. 26, Petition No. 2022-099 by Levine Properties to April 17, 2023; a public hearing on Item No. 27, Petition No. 2022-109 by Urban Trends Real Estate, Inc. to April 17, 2023; a public hearing on Item No. 28, Petition No. 2022-136 by Vision Ventures to April 17, 2023; and a public hearing on Item No. 29, Petition No. 2022-154 by Real Estate Properties Holding, LLC to April 17, 2023.

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CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 11 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.

Mayor Lyles said is there any item in the consent items that are not already pulled for a separate vote, to have a separate vote.

Councilmember Mayfield said Mayor, you just stated 4 and 10 were the only ones that were pulled?

Mayor Lyles said yes. Do we have any others to be pulled for a separate?

Ms. Mayfield said 11 please.

Mayor Lyles said 11? Alright.

Motion was made by Councilmember Bokhari, seconded by Councilmember Winston, and carried unanimously to approve the Consent Agenda as presented with the exception of Item No. 4, Item No. 10, and Item No. 11, which were pulled for a separate vote.

The following items were approved:

ITEM NO. 3: ORDINANCE NO. 490-Z, PETITION NO. 2022-008 BY RAM REALTY ACQUISITIONS V LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 26.9 ACRES LOCATED IN THE SOUTHEASTERN QUADRANT OF THE STEELE CREEK ROAD INTERCHANGE WITH INTERSTATE 485 FROM R-3 (SINGLE FAMILY

**RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES) AND MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.**

The Zoning Committee voted 4-1 (motion by Rhodes, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be partially consistent and partially 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 Community Activity Center place type for the site. Development Areas C and D are consistent with the Community Activity Center place type while Development Areas A and B are inconsistent. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The proposed rezoning is consistent with the Community Activity Center place type recommended for this site. The proposed rezoning would improve connectivity to the surrounding properties through extensions of both Rigsby Road and Paragon Drive. The proposed rezoning would enhance walkability through the site in the form of a 12-foot multi-use path along Steele Creek Road and 8-foot sidewalk along internal streets. The housing and neighborhood services proposed in this rezoning would help support the greater Community Activity Center and adjacent commercial node. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity, 10: Fiscally Responsible. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map for Development Areas A and B from Community Activity Center Place Type to Commercial Place Type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 462-463.

**ITEM NO. 5: ORDINANCE NO. 492-Z, PETITION NO. 2022-062 BY JEFF CONSTANTINEAU AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.38 ACRES LOCATED ON THE EAST SIDE OF NATIONS FORD ROAD, NORTH OF TYVLA ROAD, AND WEST OF INTERSTATE 77 FROM R-17MF (MULTI-FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES)**

The Zoning Committee voted 5-0 (motion by Lansdell, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is inconsistent with the Neighborhood 1 place type designation for this site. However, it is adjacent to Commercial and Campus place types that are developed with a hotel and place of worship, respectively. While the proposed NS zoning is inconsistent with the Neighborhood 1 place type recommendation, the current R-17MF zoning is also inconsistent. The proposed electric vehicle charging station will support a goal of the city's Strategic Energy Action Plan to reduce reliance on fossil fuels. The increasing number of electric vehicles in the community is creating a need for these types of charging stations. The petition will replace back of curb sidewalk with 8-foot planting strip and 6-foot sidewalk. The petition could facilitate the following 2040 Comprehensive Plan Goals: 5: Safe & Equitable, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Commercial place type for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 466-467.

**ITEM NO. 7: ORDINANCE NO. 493-Z, PETITION NO. 2022-093 BY ZCM B1, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO**

**AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.56 ACRES LOCATED ON THE NORTH SIDE OF CONDOLA AVENUE, EAST OF WEST SUGAR CREEK ROAD, AND NORTH OF CINDERELLA ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO UR-1(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Lansdell, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends 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 currently undeveloped located between commercial and multifamily uses to the west and south and single family detached residential to the east and north. The proposed development provides a transition between the higher intensity uses and the single-family neighborhood. Limits the maximum number of units per building to two. Provides architectural standards related to exterior building materials, blank walls, garages and usable porches and stoops. Extends Gondola Av. to the western boundary of the site with an 8-foot planting strip and 6-foot sidewalk along the frontage. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. 5: Safe & Equitable Mobility. 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 468-469.

**ITEM NO. 8: ORDINANCE NO. 494-Z, PETITION NO. 2022-106 BY DRAKEFORD COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.50 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF RENNER STREET AND FAIRMONT STREET, EAST OF BEATTIES FORD ROAD, AND NORTH OF OAKLAWN AVENUE FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Lansdell, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition proposes access to a variety of housing options in the area. The building types proposed are an appropriate and compatible form within the Neighborhood 1 place type. The petition serves as an appropriate infill project and as a transition between the Neighborhood Activity Center Place Type and the adjacent neighborhood. The petition proposes streetscape improvements to both Fairmont Street and Renner Street by way of 8- foot planting strip and 8-foot sidewalks. The proposed site would be well served by the existing transit access located ¼ mile from the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 470-471.

**ITEM NO. 9: ORDINANCE NO. 495-Z, PETITION NO. 2022-128 BY KINGER HOMES LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.05 ACRES LOCATED ON THE WEST SIDE OF MALLARD CREEK ROAD, SOUTH OF SILVER BIRCH DRIVE, AND WEST OF DAVID TAYLOR DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Rhodes, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Fronting Mallard Creek Road, a major thoroughfare, and sharing boundaries with existing multi-family uses and zoning, this is an ideal location for infill development on a site that is generally underutilized. The petition proposes up to 16 townhome units at a density slightly below 8 dwelling units per acre. The adjacent townhome development to the west, has a density just below 14 dwelling units per acre. This petition proposes similar land uses to the neighboring development but at a scale that allows for ample open space on the site. The proposal commits to an a sizable 40-foot rear yard on its western boundary against the townhome development, and 20-foot side yards along the rezoning's northern and southern boundaries. The application of the Neighborhood 2 Place Type is appropriate for this site given the bordering Neighborhood 2 and Neighborhood 1 Place Types, the frontage along a major thoroughfare, and the general mix of compatible uses already present in the area, including the multi-family and institutional uses abutting the site. If approved, this petition would improve the site's pedestrian infrastructure with the installation of a 12-foot multi-use path along Mallard Creek Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 472-473.

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**ITEM NO. 4: ORDINANCE NO. 491-Z, PETITION NO. 2022-059 BY TAYLOR MORRISON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 50.70 ACRES LOCATED ALONG THE WEST SIDE OF GARRISON ROAD, EAST OF DIXIE RIVER ROAD FROM MUDD-O AIR LLWPA (MIXED USE DISTRICT, OPTIONAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE – PROTECTED AREA) AND R-3 AIR LLWPA (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE – PROTECTED AREA) TO MX-2 INNOV AIR LLWPA (MIXED USE DISTRICT, INNOVATIVE, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE – PROTECTED AREA)**

The Zoning Committee voted 4-1 (motion by Harvey, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: The petition is inconsistent with the 2040 Policy Map recommendation for the Neighborhood 1 place type portion of the site but consistent with the Community Activity Center recommended place types based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the majority of the site and Community Activity Center for a smaller portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is adjacent to the previously rezoned River District, which is recommended for Community Activity Center place type. The proposed project falls within both the Neighborhood 1 and Community Activity Center place types. The project has worked to incorporate a transition in building forms/type in an effort to better align with those place types, particularly along the frontage of Garrison Rd. The petition is committing to public improvements including public streets with stubs to adjacent properties, 12-foot multi-use path along Garrison Rd, and easements for the future Beaverdam Creek Greenway. The petition proposes quadplexes nearest the approved River District in the northern portion of the site, transitioning to duplexes and single family style buildings along Garrison Road where adjacent to and across the

street from existing single family residential. The proposed project could provide additional housing options in the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type for the majority of the site as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

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

1. The petitioner removed an option to provide community benefits in the form of a land donation to the West Side Land Trust for affordable housing. The petition commits to providing \$500,000 to the West Side Land Trust for affordable housing.

Motion was made by Councilmember Bokhari and seconded by Councilmember Anderson not to refer back to the Zoning Committee.
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**Councilmember Mayfield** said a clarifying question. This actually I guess would fall into the City Manager's office. This is a fee in lieu where this petitioner has offered to donate funds. Can you provide Council an update on what land or projects have benefited from these fees in lieu? The concern I have is as we continue to build, our employees are not able to live in the City. We have City employees who aren't able to live within the City of Charlotte limits. Our best opportunity to make sure that we have mixed income or workforce housing is in the projects that we approve, not in the fee in lieu, especially when we are looking at land that is no longer available. We don't have as much land that is still out there that is available for a development.

So, I think it would be helpful for Council to receive an update on these fees in lieu that we have accepted. What has actually been the impact in community from where we've actually been able to support whether through a partnership like this partnership or any other partnership, the actual purchase and development of land versus what would the impact be if our language actually included that we need workforce housing in all of these developments.

As you create these things, again if the workers for this ground floor retail and any other services that are in the immediate area cannot afford to live in the area, that's going to cause a challenge. Also, what is the CATS (Charlotte Area Transit System) transportation plan because there's not public transportation? The River District, when we originally had the conversation years ago, there was a commitment for public transportation access out there as well as a development plan that will ensure that there's access. What is the transportation plan to connect this part of the community to the rest of the City if the individual is able to work anywhere through Charlotte outside of just Uptown? Thank you.

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

Motion was made by Councilmember Bokhari, and seconded by Councilmember Watlington to approve this petition and adopt the following statement of consistency: The petition is inconsistent with the 2040 Policy Map recommendation for the Neighborhood 1 place type portion of the site but consistent with the Community Activity Center recommended place types based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the majority of the site and Community Activity Center for a smaller portion of the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is adjacent to the previously rezoned River District, which is
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recommended for Community Activity Center place type. The proposed project falls within both the Neighborhood 1 and Community Activity Center place types. The project has worked to incorporate a transition in building forms/type in an effort to better align with those place types, particularly along the frontage of Garrison Rd. The petition is committing to public improvements including public streets with stubs to adjacent properties, 12-foot multi-use path along Garrison Rd, and easements for the future Beaverdam Creek Greenway. The petition proposes quadplexes nearest the approved River District in the northern portion of the site, transitioning to duplexes and single-family style buildings along Garrison Road where adjacent to and across the street from existing single family residential. The proposed project could provide additional housing options in the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type for the majority of the site as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site as modified.

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

YEAS: Councilmembers Anderson, Bokhari, Driggs, Graham, Johnson, Mitchell, Molina, Watlington, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 464-465.

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**ITEM NO. 10: ORDINANCE NO. 496-Z, PETITION NO. 2022-132 BY FALL LINE DEVELOPMENT INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 17.95 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF IBM DRIVE AND UNIVERSITY POINTE BOULEVARD, WEST OF INTERSTATE 85, AND NORTH OF UNIVERSITY CITY BOULEVARD FROM RE-2 (RESEARCH) TO R-17MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Lansdell, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type. We find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition is appropriate and compatible with the Community Activity Center Place Type as it increases the mix of uses in the area by adding housing within a 15-minute walk of employment, schools, religious institutions, and retail. Approval of this petition would result in zoning that is better aligned to the Community Activity Center Place Type than the existing Research zoning district. The proposal includes architectural and site design standards such as limiting the buildings to a mid-rise, not more than 80 feet in height, provides articulation of the façades through projections, recesses, bays, a variety of materials, etc., features prominent entrances with direct connections to the public sidewalk, prohibits parking between the building and adjacent street frontages, and limits blank walls. The proposal provides a 60-foot easement to be dedicated to Mecklenburg County Park and Recreation for a portion of the future Doby Creek Greenway that will cross the site. The petition commits to construct a minimum 12-foot multi-use path with an 8-foot planting strip along the frontage of IBM Drive. The site is served by the CATS number 50 and 54, local buses providing transit access to the Mallard Creek Park and Ride and Concord Mills, respectively. The site is within a 15-minute walk of Ikea Blvd with access to the number 11 local bus providing service to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1:

10 Minute Neighborhoods, 4: Transit and Trail Oriented Development, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity.

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. Proposed left turn lane with 100' storage.
2. Petitioner shall widen IBM Drive and construct a dedicated left turn lane at the Site's proposed entrance with a minimum storage length of 100-feet, as generally shown on the Rezoning Plan.
3. Petitioner shall ensure that all transportation improvements are substantially completed prior to the issuance of the Site's first building certificate of occupancy.

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

Motion was made by Councilmember Anderson and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Community Activity Center Place Type. We find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible with the Community Activity Center Place Type as it increases the mix of uses in the area by adding housing within a 15-minute walk of employment, schools, religious institutions, and retail. Approval of this petition would result in zoning that is better aligned to the Community Activity Center Place Type than the existing Research zoning district. The proposal includes architectural and site design standards such as limiting the buildings to a mid-rise, not more than 80 feet in height, provides articulation of the façades through projections, recesses, bays, a variety of materials, etc., features prominent entrances with direct connections to the public sidewalk, prohibits parking between the building and adjacent street frontages, and limits blank walls. The proposal provides a 60-foot easement to be dedicated to Mecklenburg County Park and Recreation for a portion of the future Doby Creek Greenway that will cross the site. The petition commits to construct a minimum 12-foot multi-use path with an 8-foot planting strip along the frontage of IBM Drive. The site is served by the CATS number 50 and 54, local buses providing transit access to the Mallard Creek Park and Ride and Concord Mills, respectively. The site is within a 15-minute walk of Ikea Blvd with access to the number 11 local bus providing service to Uptown. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Transit and Trail Oriented Development, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity as modified.

**Councilmember Mayfield** said I sent a question to City staff earlier and it's really for all of these rezonings including this one, but since some of them were approved without being voted on separately. The question I have was one, how have we assessed, or do we know the impact that new housing would have on our fire department response time? We did receive information noting that the response times for our fire department has been slowed a little with a lot of the construction. The response from staff is the fire department uses rezoning activity as the signal for where development activity is occurring and not specifically for capital planning since these projects are not confirmed and if they foresee the timing is uncertain. The Strategic Planning Division of the fire department has plans to look closer at these cases going forward and doing further analysis as capacity allows.



One, that didn't answer my question, but more importantly the question that I have of which I don't think I see anyone that can answer this unless someone in staff can follow up, is as we're approving projects, exactly when will it be reviewed? If we're saying we're going to take a closer look at the cases, and we have multiple cases that are being approved within a year that are within a mile and a half to two miles of each other. There's an impact, there's a capacity impact. We as the City are experiencing very high growth and we're not able to meet all the sanitation and sewer capacity needs as they are. If our fire department has an average time, I believe of six minutes or less, and that has been increased to seven and in some cases almost eight minutes, that should be a consideration on the front end.

So, it would be helpful if someone in staff could actually answer the question of when would this be reviewed versus a response of we plan on taking a closer look at the cases, when we're approving cases tonight. I'm not sure if the Planning Committee is asking this question when they're in their review, but it's not making its way to us to find out exactly what is the potential impact from our fire. So, is there a staff that can at least give me an answer to this?

**David Pettine, Planning, Design & Development** said we don't have fire staff here with us this evening, just a response that we worked with them on for the email response.

Ms. Mayfield said so, one of many challenges again is the fact that as these conversations and proposals are coming before Planning Committee, coming before Planning staff and then coming before Council. I'm looking at the actual impact of all of this development and looking at what is our sewer capacity, what is our fire prevention and retention capacity? How are we addressing the multiple needs that are in the community on these two-lane roads and these communities that have one way in and one way out on a two-lane road that is literally already jammed pack if there's a slight accident or any type of slow down regarding response time. At some point as not only the committee, but the Council should also be looking at these proposals that we are supporting and voting on the impact of the neighborhoods. Not only the residents in the neighborhood, but the surrounding areas. How are they being impacted by these decisions that we are making.

So, even though this one, like so many others probably will be moving forward, I need us to have a report out as soon as possible from staff on when are we going to look at the true impact of these decisions prior to those decisions coming before Council. Specifically in this case and all cases of development, we need to know from our fire department what potential response time delays would this have, as well as our sewer capacity. Because we already one project, the petitioner is contributing funds to help with sewer, but we have sewer challenges and these challenges I heard in the current neighborhoods by way of sinkholes and other issues with their properties. Thank you.

**Councilmember Johnson** said thank you Councilmember Mayfield. I just want to piggyback off what you're saying. This is something I've been saying for years that we need to ask and consider the cumulative impact. I know you've all heard me say these words. This is also the reason why champion the infrastructure meeting in December. These were some of the answers that we asked for, for the City. I've shared with Council and the Mayor and others the 20 or so pending petitions near Mallard Creek as well as the 20 or so petitions that were approved last year. What is the true impact? What's the impact on our emergency system? What's the impact on our tree canopy? We know we're not looking at numbers or the numbers haven't been captured since 2019. The school numbers I keep saying have been stagnant or the same since 2021.

So, I would agree with you. I thank you for saying that. There seems to be more of us know that are saying this. We truly need to understand the impact of what the approved petitions are having on our area. Again, I'm raising the red flag or ringing the bell for the Mallard Creek area, and I've talked to you about this. They're currently over 20 pending petitions in the Mallard Creek area. So, we need to know how these are connected and how they're affecting one another. So, we've asked for the infrastructure to take a look

at it. We've asked for the acceptable capacity. I don't know what else we as a Council can do to begin to start to consider the cumulative impact and really managing this growth. So, again, I thank you. I will be supporting 132, but I do want to begin to look at these especially. I'm the District 4 representative. So, I really raise that area at this time. Thank you.

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

YEAS: Councilmembers Anderson, Bokhari, Driggs, Graham, Johnson, Mitchell, Molina, Watlington, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 474-475.

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**ITEM NO. 11: ORDINANCE NO. 497-Z, PETITION NO. 2022-142 BY EC LEGACY PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.57 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF ALBEMARLE ROAD AND MALLARD DRIVE, SOUTH OF RAINBOW DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 5-0 (motion by Rhodes, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be 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: While inconsistent with the 2040 Policy Map recommendation for Neighborhood 1 uses, the petition is proposing residential uses that add to the housing options in the area. The petition commits to an age restrictive product. The petition proposes sidewalk connection to the sidewalk systems along Albemarle and Mallard Roads. The petition commits to a 12-foot multi-use path (MUP) along Albemarle Road, and a 6-foot sidewalk and an 8-foot planting strip along Mallard Drive. The petition lies in close proximity to the 46X Harrisburg Express bus route. Neighborhood 2 at this site helps to achieve the Place Type goal of providing a variety of housing types such as townhomes and apartments. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to the Neighborhood 2 for the site.

Motion was made by Councilmember Molina and seconded by Councilmember Bokhari 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: While inconsistent with the 2040 Policy Map recommendation for Neighborhood 1 uses, the petition is proposing residential uses that add to the housing options in the area. The petition commits to an age restrictive product. The petition proposes sidewalk connection to the sidewalk systems along Albemarle and Mallard Roads. The petition commits to a 12-foot multi-use path (MUP) along Albemarle Road, and a 6-foot sidewalk and an 8-foot planting strip along Mallard Drive. The petition lies in close proximity to the 46X Harrisburg Express bus route. Neighborhood 2 at this site helps to achieve the Place Type goal of providing a variety of housing types such as townhomes and apartments. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to the Neighborhood 2 for the site.

**Councilmember Mayfield** said for the record and for consistency's sake, the same concerns that I've already shared with the others including the fact that it is a challenge that as we're moving forward with a 2040 Policy Plan. We are still approving projects that are inconsistent with the plan but justifying that inconsistency. We're either going to support the plan that was created and be comfortable sometimes with a no or work with our partners for you to create a plan that will be consistent, or we shouldn't even say that it's inconsistent. Just move forward with the plan. This is clearly noted as being inconsistent.

However, we find that this petition is reasonable and in the public's interest based on the information from the staff analysis, the public hearing. Then we go through a bunch of reasons why. If the item is inconsistent, we need to either update our language for what is consistent since we have approved multiple projects that are considered inconsistent by staff. We either need to update the language so that there is consistency and so the community and the petitioners have an opportunity to bring us a project that's not going to be deemed inconsistent or if it is inconsistent, then we need to be comfortable with saying, "No, let's go back to the drawing board and try to create something that is going to be more consistent."

Again, for the sake of consistency and transparency in this conversation, we cannot keep continuing to move down the same path that we have previously moved down with little to no clear direction of what the expectation is. What type of city do we really want to be? Do we want to be a city where only a handful of individuals have access, have opportunity and have a choice? Or do we want to continue building in a way where very few have that access and where we're creating a majority that leads a minority when we're talking about who has opportunity. Whether it's an opportunity zone where there's area for development. Who are these opportunities really for? Thank you.

**Councilmember Molina** said not to not consider what my colleague just said because those are all valid concerns as we continue to go through this process, but I'm actually pretty excited about this product. This product is actually one that's a solution to an issue that we've had throughout the City for our 55 and older residents. So, we're talking about apartments that are age restricted. They're going to be specifically for our 55 and older residents for the City of Charlotte. Notwithstanding the issues that we need to address as a Council, but I want to make sure that we're clear and the public is at ease understanding the reason why I support this product and why I've asked my colleagues on Council to support it with me because it's a small solution, but it's a solution all the same to say that 32 of our residents that are over the age of 55 will now have an affordable place to live. Mr. Pettine, can you tell me about the consistencies

because I know we discussed this earlier. Can you discuss what the method of reasoning was behind the piece that is inconsistent?

**David Pettine, Planning, Design & Development** said we parceled that out partially here in the rezoning rationale for adding additional housing options in the area, commits to the age restricted products, the pedestrian connections along Albemarle and Mallard roads, including the 12-foot multi-use path along Albemarle Road. We've got transit within close proximity to I think the 46 X Harrisburg Express bus routes. So, there were a few things that we looked at that seemed reasonable for staff to say it's inconsistent but there's some positives with the project where if that inconsistency does make us a little bit more comfortable because of the outcome of the project and the commitments they've made to pedestrian improvements and the use itself. So, that's where we reached our conclusion on that as well as Zoning Committee.

Ms. Molina said okay. Now, is it possible for us to in the future have something? I guess I don't know if we'll be able to not do this on a case-by-case basis. Is that something that you foresee?

Mr. Pettine said yes, we are working on some parameters to continue to evaluate these inconsistencies on that could be a little bit more uniformed for everybody to understand and be included with. I think we're always going to see inconsistencies with a map that's static. It's got a lot of positive recommendations and outcomes, but there's always going to be inconsistencies because market conditions change, development types of change. So, we're always going to grapple with that, but I think what our approach is going to be is come up with some uniform criteria and methodology for us to then evaluate those inconsistencies on a regular basis so it's a little bit more easier for all of us to understand what everyone is looking at evaluating those.

Ms. Molina said okay. Thank you. That's all I have.

**Councilmember Winston** said I just wanted to add just a little more context to Ms. Mayfield's comments. I do agree. The intent of the 2040 Plan is to get to a more planned city. I just would remind the folks out there that the 2040 Plan is not something that has been done. It is a process that we is ongoing. The Comprehensive 2040 Plan is actually a series of planning processes. So, the current map really maps the status quo, what is already there. We as a City, as a community are going through a community area planning process all across the City to put future policies down that will change the current maps.

So, on this particular parcel you have the lowest level of intensity and basically staff has said that using the vision of where we're going, they're okay with the inconsistency of the status quo right now. So, that doesn't mean this area won't change in the future. Actually, that doesn't mean that this area won't stay the same, but as we go through this particular process, the idea is that at the end of it we will run into less of these inconsistencies because we will have a future forward looking policy on the map.

As Mr. Pettine said even when you finish processes like this, neighborhoods change, tastes change, where people want to live, work and play change. That's what living in a city is about. It's about constant change. So, hopefully we limit those inconsistencies in the future, but we probably never will completely eliminate them. Thank you.

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

YEAS: Councilmembers Anderson, Bokhari, Driggs, Graham, Johnson, Mitchell, Molina, Watlington, and Winston

NAYS: Councilmember Mayfield

Ms. Johnson said I have a question for Mr. Pettine. 087, No. 6. Was it deferred?

Mr. Pettine said yes it was deferred.

pti:mt

Ms. Johnson said can you tell me who requested that deferral?

Mr. Pettine said the petitioner.

Ms. Johnson said the petitioner requested it? Okay. Alright. Thank you.

**Councilmember Mitchell** said Dave, we have before us Rezoning Petition 2002-075. Is that to be added?

Mr. Pettine said yes. We left that out when we printed it unfortunately. So, we had to add that back in digitally. So, it's on the online agenda and I printed a hard copy for everybody.

Mayor Lyles said it's on 18b?

Mr. Pettine said so, that'll be 18b. That'll be our last decision this evening.

Mr. Mitchell said okay. Thank you. Thank you, Madam Mayor.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 476-477.

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## DECISIONS

**ITEM NO. 15: ORDINANCE NO. 498-Z, PETITION NO. 2022-053 BY RAYNA PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 5.63 ACRES LOCATED ON THE WEST SIDE OF PROSPERITY CHURCH ROAD, NORTHEAST OF MALLARD CREEK ROAD, AND SOUTH OF PROSPERITY POINT LANE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-17MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

The Zoning Committee voted 4-1 (motion by Welton, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be Inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition proposes to add to the variety of housing options in the area. The petition serves as an appropriate infill project on a major road and as a buffer to the adjacent neighborhood. While the zoning district isn't consistent with the Neighborhood 1 place type, the duplex buildings proposed are an appropriate and compatible form at this location adjacent to the single-family neighborhood. The petition commits to enhanced building design features such as porches, stoops or corner windows at all building corners facing a public street. The petition proposes streetscape improvements along Prosperity Church Road including an 8-foot planting strip and 8-foot sidewalk. The proposed site would be well served by transit via the existing bus route and proposed CATs bus stop adjacent to the site. The petition commits to a 20-foot-wide Class C buffer around the whole property, reduced by 25% on the north and south sides of the site where a fence will be included. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

The petitioner made the following changes to the petition after the Zoning Committee vote. Therefore, the City Council must determine if the changes are

substantial and if the petition should be referred back to the Zoning Committee for review.

1. Relocated the access point to a right-in/right-out on Prosperity Church Road.
2. No access on Pinewood Lane.

Motion was made by Councilmember Johnson and seconded by Councilmember Mitchell not to refer back to the Zoning Committee.

**David Pettine, Planning, Design & Development** said yes. So, the changes to this one were just mainly relocating the access point from Pinewood Lane to Prosperity Church Road and made that a right in-right out. So, the access point on Pinewood is no longer in play. It's now a right in-right out on Prosperity Church Road. Those are the only changes. So, staff doesn't believe that those should go back to Zoning Committee for additional review.

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

Motion was made by Councilmember Johnson and seconded by Councilmember Bokhari to approve this petition and adopt the following statement of consistency: This petition is found to be Inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type 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: This petition proposes to add to the variety of housing options in the area. The petition serves as an appropriate infill project on a major road and as a buffer to the adjacent neighborhood. While the zoning district isn't consistent with the Neighborhood 1 place type, the duplex buildings proposed are an appropriate and compatible form at this location adjacent to the single-family neighborhood. The petition commits to enhanced building design features such as porches, stoops or corner windows at all building corners facing a public street. The petition proposes streetscape improvements along Prosperity Church Road including an 8-foot planting strip and 8-foot sidewalk. The proposed site would be well served by transit via the existing bus route and proposed CATs bus stop adjacent to the site. The petition commits to a 20-foot-wide Class C buffer around the whole property, reduced by 25% on the north and south sides of the site where a fence will be included. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site as modified.

**Councilmember Johnson** said I want to thank the residents for engaging in this process. As you heard, the entrance was moved from Pineville which is a residential street of about 20 houses to Prosperity Church Road. This was major for the residents. It would've impacted the quality of life in my opinion. I was honored to work for the residents, and I want to thank the petitioner for working to get this done, and I'm happy to support.

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

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 478-479.

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**ITEM NO. 16: ORDINANCE NO. 499-Z, PETITION NO. 2022-080 BY RD SOUTHPARK, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.13 ACRES BOUND BY THE NORTH SIDE OF ROXBOROUGH ROAD, WEST SIDE OF COLONY ROAD, AND EAST SIDE OF REXFORD ROD, SOUTH OF WICKERSHAM**

**ROAD FROM R-17MF (MULTI-FAMILY) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) WITH 5-YEAR VESTED RIGHTS.**

The Zoning Committee voted 4-1 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) for Area C and inconsistent for Area A and B based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends Neighborhood 2 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Historically recognized as part of the South Park Activity Center, this site serves as an edge of the Regional Activity Center and existing single-family neighborhoods north of South Park. The site is located adjacent to the Regional Activity Center (RAC) place type to the south and west, and to the north by the Neighborhood 1 (N1) place type. The Neighborhood 2 (N2) and Community Activity Center (CAC) place types that would result should this petition be approved would provide appropriate transition from the more intense RAC along Rexford Rd. and Roxborough Rd. to the intersection with Colony Rd., and to the N1 to the north. Given the contextual sensitivities in the area around the site, this petition commits to height step downs, and transitions the proposed land use intensities by focusing the tallest portions of buildings and most intense uses away from the abutting single family and towards the Regional Activity Center. More specifically: Locates commercial uses along Rexford, Roxborough and the proposed woonerf (pedestrian focused street), multi-family use is focused in the center of the site and townhome styled units are proposed between the new east/west street and the northern property line abutting single family zoning. The site transitions the proposed building heights in Development Area A from a maximum of 85 feet at 92 feet along Colony Road and with at least 1 step to 128 ft along Roxborough Road to a maximum of 164 ft at the corner of Rexford Road and Roxborough Road. In Area B the maximum building height is 119 100 feet, the maximum for N2 place type. and steps down to a maximum of 60 ft at the northwest corner of the building towards the existing residential uses. Development Area C, adjacent to single family residential, is limited to a maximum of 48 feet, consistent with N2 place type. Preserves existing vegetation within the stream buffer along the northern property line adjacent to single family zoning and commits to providing supplemental plantings based on Urban Forestry review during permitting. Provides a mix of uses designed in walkable, pedestrian friendly form consistent with development found in activity centers including a central woonerf with ground floor uses, outdoor dining, and open space amenities. Provides a number of public benefits including contributions to the South Park Loop project, provision of at least 3 public art installations and a contribution of \$500,000 to the Housing Trust Fund. The site is adjacent to bus Route 20 and 1/3 mile walk to Routes 19, 28, 30 and 57 at the Southpark Community Transit Center. There are parcels abutting single family residential in South Park recommended for Regional Activity Center (RAC), a more intense place type than the CAC place type that a portion of the site would change to if the rezoning is approved. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 2 to Community Activity Center for Development Areas A and B.

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. South Park Loop Trail Project.
  - a. In an effort to further support pedestrian mobility for residents within the SouthPark area and the project area, the Petitioner shall contribute \$2,000,000, less the cost of installing the Loop branded crosswalk improvements described in Section 4.I.5 above as these improvements will serve as part of the Loop Trail, first applied to the portion of the "South

Park Loop Trail” designated for Rexford Road, which may include possible public art features (the “Loop Trail Project”) to the SouthPark Community Partners MSD (“SP Community Partners”) for the purpose of design and/or construction of sidewalk and/or pedestrian connections and other improvements associated with the “Loop Trail”. Such contribution shall be provided by: a first installment of \$250,000 prior to the completion of urban design plan review, a second \$250,000 installment prior to issuance of the building permit for the first building within Development Area A or B, and starting one year after payment of the second installment ten (10) annual installments of \$150,000 each for \$1,500,000, all such installments for a total of \$2,000,000.

- b. Petitioner shall also work with SP Community Partners to include on-site perimeter hardscapes/walkways and related improvements along Rexford Rd, Roxborough Rd, Private Street A (i.e. the pedestrian/woonerf street), and Colony Rd, to be compatible with the standards of the Loop Trail (such in-kind support is valued at \$3 Million) and to serve as an extension of the Loop Trail, subject to the reasonable review and approval of SP Community Partners and governance by the MSD Loop Committee. In coordination with SP Community Partners, Petitioner will use good faith diligent efforts to apply for and secure federal, state and/or other grants or appropriations funding to further support the Loop Trail Project with the goal of securing \$3,000,000 of funding for the Loop Trail. In this regard, Petitioner will organize and fund up to \$100,000 of design/consulting/legal/advocacy/application costs associated with this pursuit, which funds will be provided to SP Community Partners or vendors reasonably approved by SP Community Partners prior to issuance of the first certificate of occupancy for the first building within Development Areas A or B. As part of the funding pursuit, Petitioner shall use good faith diligent efforts to seek \$1 Million value from The Related Philanthropic Foundation or other affiliated source towards public art on the Loop Trail to serve as a “match” for other funding.
  - c. The provisions set forth in this subsection a. will be incorporated into an agreement or memorandum of understanding with SP Community Partners, which shall control, to ensure the implementation as provided herein. This agreement shall provide for written updates to SP Community Partners of pursuit efforts and expenditures, which, given the possible timeline for seeking funding, may extend for several years so that project permitting, and construction may proceed forward provided that Petitioner makes timely installments for the Loop Trail Project and otherwise complies with the above provisions of this subsection a.
2. Public Art. The Petitioner shall install public art in three locations on the Site. A minimum of two of the public art installations shall be visible from the adjacent public street rights of way and if located on the Loop Trail as contemplated herein may help address in part requirements set forth in subsection a above.
  3. Contribution to Housing Trust Fund. In an effort to further support affordable/workforce housing, the Petitioner shall contribute an amount equal to \$1,000,000 to the City of Charlotte’s Housing Trust Fund to be paid in two installments of \$500,000 each; the first installment to be paid prior to the issuance of the first building permit for the first building on the redeveloped Site and the second installment to be paid within two years of the issuance of such building permit.
  4. Good Faith Efforts to Support MBE/WBE/SBE Contracting. Our general contractor will use diligent good faith efforts in recruiting and using minority/women/small business enterprise firms in the award of its subcontracts for construction of the redevelopment, with a target goal of 15% or more of the cost of work of the primary redevelopment project components. These efforts will include engaging well-regarded community resources to garner assistance in



these recruitment efforts and making full reporting of the final MBE/WBE/SBE award percentage achieved publicly available.

5. Apprenticeship/Job Training & Awareness Commitments. Petitioner is committed to supporting apprenticeships and job training awareness for minority and underserved communities. With this in mind, Petitioner will ensure its general contractor of primary redevelopment components to:
  - a. Make formal outreach & collaborate with The ROC Charlotte (Rebuilding Opportunities in Construction) and She Built This City and/or similar programs in connection with apprenticeship and job training opportunities/programming before and during construction.
  - b. Commit to hold a "Contractor's College" or similar education/awareness/"bid package job fair" event prior to construction commencement as a combination information, outreach, and resource event targeting specifically MBE/WBE/SBE contractors.
  - c. Explore other workforce/construction talent development opportunities with organizations like CPCC, Charlotte Works & JCSU to support opportunity for youth in Charlotte community.
6. Support Empowerment Efforts in Partnership with Area Schools in Underserved Areas. To encourage and empower young people in their life vision, Petitioner will ensure that its general contractor will use diligent good faith efforts to partner with two CMS schools within underserved areas of Charlotte to increase awareness among and educate a select number of students regarding development, construction, project management, environmental/water quality protection and similar disciplines involved in a development/construction project of this kind. These efforts would include a minimum of two project site visits supervised by project engineer(s) and/or general contractor(s) in coordination with school officials to demonstrate the types of jobs and work streams associated with development/construction projects. General contractor may seek assistance in these efforts of organizations such as ROC Charlotte (Rebuilding Opportunities in Construction).

**David Pettine, Planning, Design & Development** said alright. So, we'll cover these. They're on a couple different slides, but as the Mayor mentioned, you have a printout of the changes that's a front and back copy. Keep in mind some of these commitments were built into the petition prior to these changes. These changes just modify the contributions to public benefits, but most of the benefits were already listed in. These were just changes to those. Again, staff believes these changes are minor. They do not change the outcome of the project. Again, a lot of these components were already built in. These have just been modified or enhanced as a result of these changes. They would not warrant additional review by the Zoning Committee.

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

Motion was made by Councilmember Bokhari, and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) for Area C and inconsistent for Area A and B based on the information from the final staff analysis and the public hearing, and because: The map recommends Neighborhood 2 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Historically recognized as part of the South Park Activity Center, this site serves as an edge of the Regional Activity Center and existing single-family neighborhoods north of South Park. The site is located adjacent to the Regional Activity Center (RAC) place type to the south and west, and to the north by the Neighborhood 1 (N1) place type. The Neighborhood 2 (N2) and Community Activity Center (CAC) place types that would result should this petition be approved would provide appropriate transition from the

more intense RAC along Rexford Rd. and Roxborough Rd. to the intersection with Colony Rd., and to the N1 to the north. Given the contextual sensitivities in the area around the site, this petition commits to height step downs, and transitions the proposed land use intensities by focusing the tallest portions of buildings and most intense uses away from the abutting single family and towards the Regional Activity Center. More specifically: Locates commercial uses along Rexford, Roxborough and the proposed woonerf (pedestrian focused street), multi-family use is focused in the center of the site and townhome styled units are proposed between the new east/west street and the northern property line abutting single family zoning. The site transitions the proposed building heights in Development Area A from a maximum of 85 feet at 92 feet along Colony Road and with at least 1 step to 128 ft along Roxborough Road to a maximum of 164 ft at the corner of Rexford Road and Roxborough Road. In Area B the maximum building height is 119 100 feet, the maximum for N2 place type. and steps down to a maximum of 60 ft at the northwest corner of the building towards the existing residential uses. Development Area C, adjacent to single family residential, is limited to a maximum of 48 feet, consistent with N2 place type. Preserves existing vegetation within the stream buffer along the northern property line adjacent to single family zoning and commits to providing supplemental plantings based on Urban Forestry review during permitting. Provides a mix of uses designed in walkable, pedestrian friendly form consistent with development found in activity centers including a central woonerf with ground floor uses, outdoor dining, and open space amenities. Provides a number of public benefits including contributions to the South Park Loop project, provision of at least 3 public art installations and a contribution of \$500,000 to the Housing Trust Fund. The site is adjacent to bus Route 20 and 1/3 mile walk to Routes 19, 28, 30 and 57 at the Southpark Community Transit Center. There are parcels abutting single family residential in South Park recommended for Regional Activity Center (RAC), a more intense place type than the CAC place type that a portion of the site would change to if the rezoning is approved. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 2 to Community Activity Center for Development Areas A and B as modified.

**Councilmember Bokhari** said so let me just kind of lay out where we are today and what's happened. For the better part of two years, a lot of people have been working very hard in this on multiple fronts. The green shirts you see in here are one important angle among many that had to be weighed in. As we sat down in the beginning, I laid out much like I do in all controversial rezonings that we face, that you can tell that's what it's going to be, some pretty simple parameters which are you guys all come together and work in good faith to try to bring forth the same ask of us on voting night. That's really what the expectation and need is. They worked very hard on all sides to try to do that and while a lot of progress was made and I believe that the site plan and the ultimate product is better because of that work, they were unable to ultimately come to a singular conclusion with the body that I had asked to be appointed within the Barclay Downs Homeowners Association. It really just boiled down to the height and density was too much for them to be onboard with.

So, that brings us to the other part that I mentioned to them upfront. If we can't find agreement, then I will sit down and do my best to kind of look at the scale so to speak of where we are. The scale is pretty simple. On one side, what is the petitioner asking for, what they should be able to do that I can deduce with whatever documents I have by-right, versus what is the community benefit that they're trying to level set to ask for that above and beyond. I won't relive all the macro pieces of this, but the punchline is all the work that barely had an ink dry on it with our UDO (Unified Development Ordinance) and Comp Plan stated that this was R-17 translated to N-2. N-2B from that case put the scale way up here on what they are asking and way down here on the community benefits at that point.

So, where we entered into as of last Thursday was the current proposal on the table, \$250,000 they were committing to the loop and \$500,000 to the Housing Trust. So, we

sat down, I laid out two options for them that instead of coming with a no how I could toss the ball back in that court and say, "You guys work towards this ultimate solution." One was 50 units of affordable housing; the other was \$8 million in contributions to the loop. Ultimately through a lot of work, again as you saw what Pettine just laid out there is a lot of fine print, we reached an agreement of \$8 million of community benefits. There's \$5 million in there what I could qualify as hard investments into the loop even though the timing kind of works within their parameters. There's \$3 million in best effort grants and best effort work they're going to do in addition to the total of \$1 million to the Housing Trust and a bunch of factors that you'll see there that we just read through that are indeed community benefits.

The asterisks I'll put next to all that is I'm not used to in my professional dealings in the real world to so many contractual best efforts, but they went really far. They pushed it as hard as they could and I'm taking them at their word in our conversations to date that they want to be a big part of this community. They value it. They're entering this community in a big way. So, these best efforts and the handshake that we've done I think go a long way to making sure that we hold them accountable to that ultimately. The SouthPark Municipal Services District is another control element we put in here to make sure we've got some ongoing governance there.

I will make a quick side note to staff and Zoning Committee that while we didn't get to where I wanted to ultimately in this process of laying out the precedent of the next two years of rezonings and where we're going to head. When we see R-17 that automatically translates June 1<sup>st</sup> to N-2 and these scenarios are like it. The expectation I'm going to have going forward is consistency. N-2 is a placeholder and we're heading to activity center or greater density. Because that's what we had here in their justifications and ultimately that's not what I was told as the policy of why that transition happened. It was supposed to support the preservation of naturally occurring affordable housing. So, I'll make that note for my colleagues that we're going to have a lot of these coming up and that is important consistency.

I will just close by in addition to asking you all to support this great proposition we have in front of us. I just want to thank Related, the petitioner Jeff and Bridget. I'm sure you had a wonderful time through all of this, but a particular shout out to Charlie Humphries. That was some really masterful work over the weekend my friend and it won't be forgotten. I want to thank SPAN (SouthPark Association of Neighborhoods) and Hilary Greenburg for consistently being a resource and someone working to problem solve with us. The whole Barclay Downs Neighborhood Association and the other neighbors, particularly the guy who sat in this seat, Kenny Smith for working hard. I want to especially thank our own staff who jumped up to the occasion here and helped us make this work. Finally, and last but certainly not least, all Trianon folks. This was not easy. It was complicated especially given the situation you're in to try navigating all of this, but there is no one that deserves greater credit in any situation on this front than Brian Zapata. Brian, we appreciate you so much. You did a great job. So, with that, it's my somewhat pleasure but I'm glad we got to a point to ask you all to join me in supporting this petition for a very important parcel and part of our community.

**Councilmember Winston** said I have been supportive of this project for a while. I think it's a good project especially for the way SouthPark is changing and particularly right around the mall area. The opinions that we necessarily have here, while they might be based in policy and they might be based in vision, it's the folks out here that have to live with the decisions that we make. So, I always encourage developers and neighbors to figure out what is the best path forward to be good neighbors to one another. I think Mr. Bokhari laid out the long process that was embarked on to get here. While everybody might not agree with every single detail, I think there have certainly been good neighborly efforts that were put down to get us to this point.

One thing I will say though. I think us on Council and staff, I know colleagues have said this over the past couple of years. We really need to work on some policy guidance around how to assess community benefits. I think Council members, particularly district reps need tools in fairness for folks that are doing the building and developing our City

as well as neighbors. How can we objectively consider how much a benefit is worth and what is the right ask to make? I think Mr. Bokhari did some incredible work here. I heard Ms. Mayfield ask a similar question for an earlier decision. I think some of these considerations are going to be coming forward on some hearings that we'll have tonight.

So, I hope whether it's part of this Community Area Planning Process as a kind of breakout of that or whatever it may be once the UDO is in place, I think we really need to dive into what kind of tools can we make to really guide what the community benefit is of these community benefits and how do we really inject them into these rezonings and overall development of our City processes. Thank you.

**Councilmember Driggs** said I wanted to add my thanks to Related for your willfulness to invest in Charlotte. We appreciate you and for your willfulness to hang in there while we navigate these unsettled ordinances that we're working through that you've heard about a couple of times tonight. It was a bumpy ride. Finally, for your willingness to modify your plan as a result of feedback that came in from neighbors and from my colleague so that we could get to this point tonight. I think this is a good outcome. I look forward to voting it forward.

I do also want to commend my colleague Mr. Bokhari for one, for spotlighting this as a wonderful illustration of the difficult place where we are right now and a couple of you have mentioned it. We need to try to get through this. We need to work on it to sort it out. We can't find ourselves back in this position. I think Mr. Bokhari spelled out for us in much greater detail maybe than we'd heard before exactly how unworkable this is. We cannot half of our petitions coming with staff recommendations and inconsistency findings.

So, I hope we'll continue to work on that, but also Mr. Bokhari, you're a hell of a negotiator. Reminds me of my professional life. A tough guy. I think you got a good deal for your constituents even though we didn't reach a point where they were completely happy. The outcome could've been very different except for your persistence. So, I commend you for that and I look forward to voting for this. Thank you.

**Councilmember Johnson** said I just want to commend Councilmember Bokhari as well. It's kind of across the aisle. I think this is major. I think this is historical. I think \$8 million in concessions is something all district reps should take a look at in getting benefits for our constituents. So, great job Councilmember Bokhari.

**Councilmember Watlington** said great job Councilmember Bokhari. I just wanted to say this. First of all this was a great project and it was a great effort on all sides. What I think we can take from this is as we think about the culture of this community going forward considering everything that my colleagues have already mentioned. It shouldn't necessarily take a contentious rezoning to come to the table with some of the community benefit, right? So, I hope that the bar is raised in terms of what the offerings initially are when we talk about rezonings because we want to think about how we want this City to look going forward. For some of the discussions around the table and some of the initial hesitation, but for the work of my colleague and others, this would not certainly have shown up this way. So, I would just offer that as we move forward, perhaps our starting point can be a little closer to where we end it for the next time. Thanks.

Mr. Bokhari said yes. I'll say this very quickly Mayor. It's one thing I want to really emphasize before we vote. Particularly for the neighbors in Barclay Downs, the ones who may still be a little frustrated by this, I know this may not be exactly everything you were hoping for, but I hope that you'll look at the outcome of this as the potential. Aside from all the soft factors and things there, at the end of this \$8 million of community benefits going in in a checked manner into the surrounding area, into the loop into all of those amenities, walkability, all of those things, that is something that I think will ultimately pay dividends for the neighborhood and for what's going on there. It's also going to be sitting right next to 55 nearly full affordable units across the street at Colony, 5 percent affordable units across the street from there at Apex.

So, these are the kinds of things that when we can kill four of five birds with one stone are really important. I know you all won't be overjoyed at the end of the day of the outcome, but I definitely had to navigate a lot of different angles and I believe in the end it'll be something you all can be proud of.

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

Mayor Lyles said congratulations Mr. Bokhari! Thank you for the team that worked on this so hard. You've all been great partners in building this community in a way that we can all respect. So, thank you again.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 480-481.

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**ITEM NO. 17: ORDINANCE NO. 500-Z, PETITION NO. 2022-117 BY MUNGO HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.16 ACRES LOCATED ON THE NORTHEAST SIDE OF OLD PLANK ROAD, EAST OF BROOKSHIRE BOULEVARD, AND WEST OF HARLAND STREET FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.**

The Zoning Committee voted 5-0 (motion by Rhodes, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Located along the northeast side of Old Plank Road, just east of state-maintained Brookshire Boulevard, this site is suitable for an infill development project that is considerate of the single family character in the area but that also allows for greater utilization of the land. The petition proposes up to 54 townhome units on a 9.13-acre site, equating to a little under 6 dwelling units per acre. The petition would allow for a moderate increase in density and flexibility in building forms over the existing zoning in a development style comparable to the subdivision under construction adjacent to the site along the southwest side of Old Plank Road. A Class C buffer is proposed along all boundaries of the rezoning area that are against existing single-family homes. The buffer is 50 feet in width but may be reduced by 25% to 37.5 feet in width with the installation of a fence. The application of the Neighborhood 2 Place Type is appropriate for this site given the adjacent Neighborhood 1 and Neighborhood Center Place Types and the general infill development trends in the immediate area to slightly denser residential neighborhoods that are compatible with the existing single-family developments. The petition would improve the current vehicular and pedestrian infrastructure with the construction of sidewalks and planting strips along all public streets, the installation of a 5-foot bike lane along Old Plank Road, and the completion and connection of Sidell Lane to the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

Motion was made by Councilmember Graham and seconded by Councilmember Mitchell to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Located along the northeast side of Old Plank Road, just east of state-maintained Brookshire Boulevard, this site is suitable for an infill development project that is considerate of the single family character in the area but that also allows for greater utilization of the land. The petition proposes up to 54 townhome units on a 9.13-acre site, equating to a little under 6 dwelling units per acre. The petition would allow for a moderate increase in density and flexibility in building forms over the existing zoning in a development style comparable to the subdivision under construction adjacent to the site along the southwest side of Old Plank Road. A Class C buffer is proposed along all boundaries of the rezoning area that are against existing single-family homes. The buffer is 50 feet in width but may be reduced by 25% to 37.5 feet in width with the installation of a fence. The application of the Neighborhood 2 Place Type is appropriate for this site given the adjacent Neighborhood 1 and Neighborhood Center Place Types and the general infill development trends in the immediate area to slightly denser residential neighborhoods that are compatible with the existing single-family developments. The petition would improve the current vehicular and pedestrian infrastructure with the construction of sidewalks and planting strips along all public streets, the installation of a 5-foot bike lane along Old Plank Road, and the completion and connection of Sidell Lane to the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

**Councilmember Mayfield** said again, some of the same challenges but as we look at Old Plank Road off of Brookshire and we look at the fact that Brookshire Boulevard is a highway where we're seeing a lot of traffic, this is the path that I take most of the time throughout the day. Again, looking at how we have a petition that is inconsistent. Even though my colleague spoke to it, it still goes back to the fact that as we work on this 2040 Plan, we need to be looking at the petitions that are coming before us, the petitions that have been approved and making sure that that language is inclusive enough so that anyone that's looking to do business in the City has a much clearer idea of what the expectation is.

This Comprehensive Plan goal, this 10-minute neighborhood, you are not getting to nothing off of Old Plank Road in 10 minutes. The closest grocery store is closer to Mount Holly where there's a Harris Teeter as well as a Wal-Mart. You're not walking there. There is no sidewalk, there is no safe way to leave from this development to get down to the grocery store, and if you were to walk that's a minimum of 30 plus minutes. So, making the assumption that everyone has transportation or has the ability to have an app to pay for Uber or some other type of Lyft service or transportation service, this is inaccurate. To say that the petition could facilitate the following, a 10-minute neighborhood, diversity and inclusion, safe and equitable mobility, Council as well as Planning staff, as we go out and ride through these areas, this is in direct contradiction. You are not getting any of these things if you are trying to maneuver.

You are playing the game of frogger and putting your life in your hands if you trying to maneuver Brookshire Boulevard without a vehicle. You're putting your life in your hands in a vehicle because it goes from 45 to 55 and most people are traveling over 65 because it's a straight of way. So, if we're going to say a healthy, safe, and active community, I would love for us to get to a place where we have honesty in these conversations because there is no way that this particular project off of this location and other projects are hitting these goals. Unless we're going to say the hope is within the next two decades, the next 20 years this is what we expect to happen versus saying

that it could facilitate the following, that is very misleading because you are not doing any of these one, two, five, or six at this current location.

It is sad that we have representation that is not showing up and looking at the impact of what this looks like throughout certain parts of the City. The decisions we are making on these roads and these side roads are impacting a generation plus. Thank you.

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

YEAS: Councilmembers Anderson, Bokhari, Driggs, Graham, Johnson, Mitchell, Molina, Watlington, and Winston

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 482-483.

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**ITEM NO. 18: ORDINANCE NO. 501-Z, PETITION NO. 2022-150 BY LE’KISHA STEVENSON AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.88 ACRES LOCATED ON THE SOUTH SIDE OF HICKORY GROVE ROAD, EAST OF EAST W.T. HARRIS BOULEVARD, AND SOUTH OF ROBINSON CHURCH ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8 (SINGLE FAMILY RESIDENTIAL).**

The Zoning Committee voted 5-0 (motion by Harvey, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The range of uses with a R-8 zoning are consistent with the 2040 Policy Map recommendation for Neighborhood 1 on Hickory Grove Road throughfare. The Neighborhood 1 Place Type may consist of smaller lot single family detached developments, small townhome buildings, and small multi-family buildings. The petition is compatible with neighboring residential uses. This petition proposes to add to the variety of housing options such as dwellings, duplex, triplex, or quadraplex in the area along Hickory Grove Rd. The proposed site is well served by transit via the existing bus transit access along Hickory Grove Road with a stop within a ¼ mile of the site. The R-8 zoning is consistent with the townhome development across the street from this site and the surrounding neighborhood area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion.

Motion was made by Councilmember Molina, seconded by Councilmember Mitchell, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The range of uses with a R-8 zoning are consistent with the 2040 Policy Map recommendation for Neighborhood 1 on Hickory Grove Road throughfare. The Neighborhood 1 Place Type may consist of smaller lot single family detached developments, small townhome buildings, and small multi-family buildings. The petition is compatible with neighboring residential uses. This petition proposes to add to the variety of housing options such as dwellings, duplex, triplex, or quadraplex in the area along Hickory Grove Rd. The proposed site is well served by transit via the existing bus transit access along Hickory Grove Road with a stop within a ¼ mile of the site. The R-8 zoning is consistent with the townhome development across the street from this site and the surrounding neighborhood area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 484-485.

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**ITEM NO. 18B: ORDINANCE NO. 502-Z, PETITION NO. 2022-075 BY MORTEB, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.75 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF EAST WESTINGHOUSE BOULEVARD, WEST OF SOUTH BOULEVARD FROM I-1 (LIGHT INDUSTRIAL) AND I-2 (GENERAL INDUSTRIAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD CENTER) AND TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

The Zoning Committee voted 5-1 (motion by Rhodes, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The Policy Map recommends Manufacturing and Logistics (ML) place type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: There are areas rezoned inconsistent with the 2040 Policy Map in close proximity to the site. The site meets the requirements for proximity to a transit station. The site is within the walk distance criteria to the Sharon Rd W. and I-485 South transit station. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing and Logistics to Community Activity Center for the TOD-CC portions and Neighborhood Center for the TOD-NC portions for the site.

Motion was made by Councilmember Watlington and seconded by Councilmember Bokhari 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 Policy Map recommends Manufacturing and Logistics (ML) 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: There are areas rezoned inconsistent with the 2040 Policy Map in close proximity to the site. The site meets the requirements for proximity to a transit station. The site is within the walk distance criteria to the Sharon Rd W. and I-485 South transit station. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing and Logistics to Community Activity Center for the TOD-CC portions and Neighborhood Center for the TOD-NC portions for the site.



**Councilmember Watlington** said I have a question for Ms. Bridget Grant. I just wanted to get a little clarity on this one in particular. I know that we've had some discussion about what's there on the ground, what's been rezoned by Council at the request of staff in this area. We know that in particular that we've got manufacturing and logistics that we'd like to make sure that we protect within the City. We also want to make sure that along the Blue Line, not only do we have housing, but we have jobs. This is a conventional petition. So, we don't have a site plan, but I did get an opportunity to speak with you a little bit about what the expectation is here for this site. So, I'd like for you to share a little bit about what the vision is for that. Not specific to the site plan itself, but just to give some color as to how these fits into the overall vision of this area.

**Bridget Grant, Moore & Van Allen** said so, it's a conventional zoning and we at one point had additional acreage included. We removed it so that it could remain I-2 which would allow IT (Information Technology) uses. A portion of the site is already zoned TOD-CC (Transit Oriented Development-Community Center) which allows residential and non-residential uses. They are attempting to add in the back portion of their site to allow that same mix of uses. Given the overall size of this site, it is not out of the question that the site could be developed with a full range of uses not just limited to one type of use. I'm being careful with my words as Ms. Hagler-Gray knows because it is a conventional zoning.

Mr. Winston said thank you.

Ms. Grant said thank you.

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

The ordinance is recorded in full in Ordinance Book 65, at Page(s) 486-487.

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## HEARINGS

**ITEM NO. 30: HEARING ON PETITION NO. 2021-198 BY NEST HOME COMMUNITIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.82 ACRES LOCATED ON THE WEST SIDE OF PROVIDENCE ROAD, SOUTH OF FAIRVIEW ROAD, AND NORTH OF EAST BARDEN ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**John Kinley, Rezoning Planner** said alright, thank you Mayor. This is 1.82 acres on the west side of Providence Road south of Fairview Road and north of East Barden Road. The parcel is across from the Jewish Center Shalom Park. It is currently zoned to R-3, single family, residential and proposed zoning is UR-2 (CD), urban residential, conditional.

The Policy Map recommends Neighborhood 1 for the site. The proposal would allow up to 17 single family attached townhome dwelling units. A maximum of six units per building. They provide architectural standards related to exterior building materials, pitched roofs, stoops, porches and limits on blank walls. The units along Providence Road would have a usable stoop that forms the predominant feature of the building fronting Providence. Access is via a right in-right out driveway on Providence Road to an internal alley that serves the units along Providence and the rest of the units would be alley loaded.

They're installing a 12-foot multi-use path along Providence and they're limiting their freestanding lighting to 21 feet in height and notes that the lighting will be shielded and downwardly directly so that it does not illuminate the adjacent properties.

Staff recommends approval of the petition upon resolution of outstanding issues related to site and building and design, transportation, technical revisions related to building and design and environment. It is inconsistent with the 2040 Policy Map recommendation for the Neighborhood 1 Place Type. The proposal though is for an infill site that fronts on Providence which is a major thoroughfare. Other similar situated sized parcels along Providence have been rezoned to allow townhomes. The site is proposed for N-2 Place Type, which provides a transition from the institutional uses to the north and east of the site to the single-family development to the south and west.

The previous rezoning from 2007, it was indefinitely deferred due to concerns from NCDOT (North Carolina Department of Transportation), Temple Israel and the Jewish Center regarding the proposed driveway location at the traffic signal. Those three zonings would resolve that concern by locating the driveway as a right in-right out at the northern edge of the site. There's also bus service and a bus stop for route 14 adjacent to the site along Providence Road. They are installing a 12-foot multi-use path along Providence limiting the building height to 40 feet, which is the same as single family zoning and provides a 10-foot-wide buffer around the perimeter of the site. Between the use and the neighborhood uses.

The petition would revise the recommended Place Type as specified by the 2040 Policy Map from N-1 to N2. I'll take any questions.

**Dennis Terry, 2329 South Tryon Street** said thank you. I'm Dennis Terry. I'm a landscape architect with V3 Southeast. We are serving as the landscape architects and civil engineers, and the technical consultant to the petitioner for this project. I'm going to be brief. I'm not going to take my entire time unless you have some questions. I want to follow up on staff's presentation and also point out that we are providing the required 15 percent undisturbed tree save requirement which is equal to 12,000 square feet and a quarter of an acre.

One thing staff did not discuss was stormwater. The stormwater will be handled on this site to meet City of Charlotte and NCDEQ (North Carolina Department of Environmental Quality) requirements. We'll either meet or exceed those requirements. We will meet all of the City of Charlotte Stormwater Manual specifications. The stormwater detention and water quality will all be underground, and the outlet will be located over 30 feet from the existing property line. No existing drainage patterns will be modified. The stormwater runoff of the site will be maintained as it is existing or reduced. If you have any further questions, I can answer questions now or later.

**Gray Stout, 447 Merwick Circle** said good evening, Mayor, fellow Council members. I appreciate the opportunity to speak to you about this project. My name is Gray Stout. I've been working with Nest Homes for about 20 years mainly in Salisbury and Mooresville areas. We are a small outfit doing boutique small infill projects and are excited to be working in Charlotte. We recently had a project come before you in NoDa (North Davidson) for five units that was approved. I just wanted to mention that the buildings are three story in the middle and then the end units are two story which helps to break down the massing and scale of the buildings on the site. Also wanted to just mention that the front elevations that face Providence Road will be articulated in a way that I feel will enhance the experience of the pedestrian as well as the drivers going by this site, in that they will not look like just the back of a typical townhouse project, but will read more as fronts with entrances to each unit and front doors. So, that's all I have. Thank you very much.

**Jennifer Gossett, 1201 Hollow Tree Court** said thank you Madam Mayor and Council.

Mayor Lyles said thank you for your service as a medical nurse here. I don't know where you are but you're valued in this community. So, thank you.

Ms. Gossett said I appreciate that a lot. Thank you so much. My name is Jennifer Gossett. I am a nurse here in town. I grew up in Charlotte. I went to Independence High School. I was in here and met Sue Myrick once, last time I think I was here. So, I get it

about development in Charlotte. So, I live right behind this property on Hollow Tree Court. I'm here with Ms. Pratt who's also going to speak. I have a PowerPoint that I sent to Mr. Kinley if that's available. Our biggest issue with this. Well, we haven't had a benefit of talking to anyone. We're not going to have an \$8 million settlement for this but, our issue is water runoff primarily. You'll see some pictures in a minute. This is a street view from the sidewalk of Providence Road looking up at the current house, just to give you an idea of the elevation. Our biggest issue is that we've been told by the engineers Mr. Terry, that it's not cost effective to grade the land. So, that's our biggest ask tonight.

This is behind that area. This is Ms. Pratt's house. What happens on a very rainy day. If we have a couple rainy days in a row, the water comes down. This is from the property backyard. I parked at the church and just went to the side yard and took a picture looking down at her house just to give you some real ideas of what we're dealing with. I'm not an engineer and I don't know what blueprints look like flat, but there's a serious elevation here. That's another one. This is a short clip of across the street from the Pratts. This was an extreme example. This was last year, for the Carrolls that are directly downstream or across the street from the Pratts. You can see the amount of water going through their backyard. The next slide will just show their garage, but you get the idea that that's a lot of water which normally we would not have. Again, this is what happens sometimes. Maybe once a year, not every day but a consideration.

This is from Amy's backyard looking up right now from her literal patio. Sitting on her patio is what it looks like to see that property. Where you see sort of a fence with ivy, it's going to be an 8-foot cement fence. What I understand is the 15 percent tree save is minimal requirement, is what they're recommending. This is just from the driveway of the current house. Just one other view. So, obviously that's a concern. We have the similar concerns to what we've already heard tonight with things being inconsistent and what's proven. I can tell you as a cardiac nurse, that got my attention when, I think it was Ms. Johnson that mentioned about all those minutes added up to 911 response. If you have a cardiac arrest, you have a 10 percent chance of recovery basically if you have a cardiac arrest at home and every minute you lose 10 percent. So, that's something to think about. This is just a copy of what the gentleman showed I think before.

So, just wanted to bring that to your attention. Amy, if you want to come up. A more minor concern but something to consider is that Mr. Ghazi is the owner of this property. He does not have the best track record in Charlotte of the people he works with. I think a small concern we have is that we don't know about Nest Properties. I was glad to hear they've had possibly a positive thing but what would be our recourse if this were to not go through or if something were to fail.

Lastly, we did have this petition that I almost forgot to tell you of the neighbors. We're a small neighborhood. There's about 80 of us homes and then we have a petition of about 56 other neighbors signed just to state their opinions. Robert and Neil said, "With recent additions of stacked living near Providence Road and Fairview, traffic and congestion is unbearable. Additional condensed living on Providence Road will exacerbate this." Another neighbor mentioned how the grading and infrastructure needs to be addressed with stormwater drainage. That was another one of our issues where the storm drain is on the plan. We're not engineers, but it doesn't appear to be in the area where the flow of water is already coming down.

Paul Holmes lives at East Barden and Providence Road right now and he already is having issues. He's lived there 40 years. He's had issues with water coming down his front yard. That's another issue because it's a state road and he has to deal with North Carolina. I just want to please ask for your help in opposing and/or helping us find some considerations like you found with your other larger homes. What can we do to make this more livable and more reasonable and not have three story townhomes over us in our backyard. Thank you.

**Amy Pratt, 1206 Hollow Tree Court** said hi. You can actually use the same slide deck as Jennifer. I'm Amy and that's my house that you're looking up at the one story house. First of all congratulations to the City Council. You guys are approving some really awesome things and progress is really super important. We are by no means opposed to progress. Being raised in a trailer park in Monroe, I've progressed, so I'm happy about that. So, I feel like when we look at these zonings and like Councilmember Mayfield said, and a lot of the Council persons that spoke today, we're just here as the representation of the neighbors. We are who these projects affect. Our day-to-day life is affected by this construction. Not to mention the infrastructure, the, "Are you going to expand Providence Road?" They are also building an over 55 community at the Jewish Community Center across the street.

So, that's additional people and has the DOT (Department of Transportation) actually gone through and measured that impact? We have one stop light there. We have school buses that make a left on that out of our neighborhood. What's going to happen when that is only a one way out and a one way in? I think that's something else that you guys mentioned as well during these other zoning building proposals. I think Winston, you said it as well. We need to start from a good neighborly situation. We need to figure out how we can be good neighbors to this progress and actually how the progress can be good neighbors to us. We haven't spoken to them, they haven't knocked on our door to see the runoff or ask us how it affects us. That's my backyard and that's a huge thing. That picture that you saw, the drainage of the Carrolls and the drainage on the front yard or the side, that's what our house looks like in the backyard every time it rains. Every time.

So, that whole area, I've brought tons of dirt back there. I have brought tons of rock to try and help. I even dug, with my hands, a dry creek bed to help that water runoff. They just stated that there is no effort in the plans to address the runoff. It was already preexisting. So, they said that they're not going to look at any other conditions, they're just going to keep it as is. So, we oppose this as it is planned and stated right now. They said it wasn't cost effective when we asked them why they couldn't grade it. They said it was not cost effective. Really? So, for the next 25 years that's my cost effective? I'm going to be the burden of that cost? My anxiety and my family and our neighborhood? That doesn't seem very cost effective to me. So, anyway, just inconsistencies guys. Planners, building, we want the best for everyone. Just think about that because that's my backyard and it's water. That's what we look at. With anxiety that I have, mental health, I've created that as like a nice sanctuary and that's really going to affect my health. Anyway.

Mr. Stout said thank you. I just wanted to speak to the neighbor's concerns because my thought listening to what they said about the water runoff was that if we do not build the project, there will continue to be a runoff problem. I think that our design as Mr. Terry mentioned takes into consideration the fact that we're creating a large area of buildings and parking and driveway that are not pervious. So, we are charged to hold the water that we're creating and properly take it off the site. So, we have underground storage and other devices to maintain that. So, I think that actually the project can improve the flooding that we all saw in the video that was so dramatic.

If our project doesn't get built as I said at the beginning, it will continue to runoff and there will be no change. So, I would hope that we could work with the neighbors to show that or demonstrate that it could be an improvement in that aspect. Thank you.

Mayor Lyles said alright, thank you. You may want to stay close so if there are other questions. So, they're questions from the Council.

**Councilmember Bokhari** said I'll just make a comment to staff. Aside from both the speakers, appreciate you coming out and making us aware of these specific points. I think what I'll be looking for from you guys over the next month is we've experienced a lot of these issues over the last five or six years and I'm painfully familiar with the stormwater issues that a lot of people face right now. I think the point of what is the current situation, as we saw some real examples, how much of this rezoning adding to

that, staying neutral of making it better overall. I think ultimately, we had \$1 billion backlog in stormwater problems of which we decided to change the definition of where we held the bar because it was untenable.

So, that isn't to make you feel any better but just to say there's a lot of people that are struggling and suffering just like you guys are and it's just such a hard problem for us to deal with here, but we can transactionally look at things like this and make sure certainly at a minimum we're not making it worse. Hopefully we're able to do some things to even make it better. If there's a scenario where they are neutral, that's one thing, but if there's also a scenario we can get creative with some of the stormwater funds we have for matching in scenarios like that, I'd love you guys to take a look at that. Otherwise, we're going to have the same issues. We have just gone about making all of our rules say on average we're going to get more debts. Now we've got Providence that is the nightmare scenario every time a rezoning comes up around transportation and trips per day.

This relatively looks small but your points of everything else across the street and everything happening, that's on us unfortunately and we have to figure out a way to solve this with our investments in roads and in transportation. Again, I think the big thing I'm going to look for from you guys is where does this sit along the lines of what the petition is doing post a situation where it comes to fruition to that stormwater, and then what can we do creatively to solve for it. So, I'll work offline with you on that.

**Councilmember Winston** said I have a question about vehicles. When they exit, I know it's right near a light. A strange little intersection with an entrance to the JCC. Is the intent to allow vehicles exiting the development to be able to pull to the light to make a U-turn if they need to travel north on Providence Road?

Mayor Lyles said going to have our transportation person who reviewed this, address that.

**Jack Hartman, Charlotte Department of Transportation** said good evening. Jack Hartman with C-DOT (Charlotte Department of Transportation). So, this is an NCDOT facility. When this petition came through, we worked with them to look at the options for access to this location. The two options were full access at a signal, which is not preferred for a driveway, an alley type of this nature or to shift the driveway as far away from the signal as possible. So, technically they would be able to pull across to the left turn lane. There's a very short distance and it's not the preferred scenario, but options are limited for this parcel for access. That was the preferred option in talking with NCDOT.

Mayor Lyles said how do we resolve it?

Mr. Winston said yes. Is there a way to resolve that? While they might be able to, it doesn't seem like that's preferred by NCDOT. What I'm hearing from you, and I would assume that we don't prefer it either. Is there a way to resolve making that traffic go to a preferred route?

Mr. Hartman said well out of the two options, this was the preferred alternative rather than the full access at the traffic signal.

Mr. Winston said I hear that, the two options, but it sounded like you said there is a short distance that vehicles can exit and get to that left turning lane, but that is not preferred. I took from that, that there's a different way that would be more preferred for vehicles to travel north to get to a northwest route.

Mr. Hartman said I think the intent of my statement was more that we wish there was a longer frontage to have a different option than that option. We could explore a split driveway scenario, but it would be very tough at this location with the access options that we have.

Mr. Winston said well I think another option could be not allowing U-turns there and making them go a different route to travel north and west, is kind of more what I was getting at. If that's possible I would like to explore that because I feel like there could be some bad outcomes with that quick access to the left lane and then a U-turn. That's not an optimal situation that I would like to see. Maybe I'll talk to Mr. Bokhari about that as well later.

Ms. Pratt said can I say one thing?

Mayor Lyles said no. We have these rules that we have to follow.

Ms. Pratt said okay.

Mayor Lyles said you certainly can work with Mr. Bokhari. He's going to give you some information on how to contact him and you'll have plenty of opportunities over the next 30 days to work this out. He's going to work with you to do that.

Unknown said he's doing great work.

Mayor Lyles said I want to commend him for that.

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

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**ITEM NO. 31: HEARING ON PETITION NO. 2022-070 BY CARTER ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 31.41 ACRES LOCATED ON THE WEST SIDE OF OLD STATESVILLE ROAD, SOUTH OF VANCE DAVIS DRIVE, AND NORTH OF REAMES ROAD FROM BP (BUSINESS PARK) TO MUDD(CD) (MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said thank you Madam Mayor. 2022-070 is 31.4 acres on Old Statesville Road. It's currently zoned to BP, which is a business park zoning designation. Proposed zoning is for MUDD (Mixed-use development)-Optional, which would be a conditional district. Adopted Place Type on the Policy Map does recommend a Community Activity Center with this area. The proposal is for up to 30 single family attached townhome style units and 360 multi-family apartments. Then a maximum of 25,200 square feet of nonresidential uses and a maximum of 20,000 square feet of office uses.

The request also has an optional provision related to the north side of the proposed public road, Liberty Crossing Drive Extension. That would allow some vehicular parking and circulation between the public right of way and the proposed buildings. It does provide a 12-foot multi-use path and 8-foot planting strip along Old Statesville. Constructs a number of traffic improvements as a result of the Traffic Impact Analysis which would include signal phasing and turn lane modifications as well as a new traffic signal and new turn lanes. It does commit to providing Mecklenburg County Park and Rec a 35-foot-wide easement for the construction and maintenance of a county greenway.

Also has walkways being provided to connect all residential entrances to sidewalks along public streets. Commits to 15,000 square feet amenity area on the site which could include things including but not limited to a club house, community pool, pocket park, patio areas, grills, fire pit, etc., Also commits to architectural standards including building materials. Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. It is consistent with the 2040 Policy Map

recommendation for a Community Activity Center. We will be happy to take any questions you may have following the petitioner's presentation. Thank you.

**Paul Pennell, 1213 West Morehead Street, Suite 450** said thank you. I'm Paul Pennell with Urban Design Partners representing the petitioner, Carter Acquisitions on Zoning Petition 2022-070 along Old Statesville Road. This is a picture of the existing condition onsite. This site is directly south of 485 and just north of the Mecklenburg County park location where presumably the MeckDec was signed many years ago.

The site, again, just south of 485. One item of note here that's not shown in this aerial is, it's directly north of a new Amazon distribution facility that is directly south of the site that is currently in operation today. Just to provide a little bit of context here with the 2040 Policy Place Type Map. The site is slated for Community Activity Center and then just going back in time a little bit. While this is not necessarily prudent to discuss today, it was originally thought within the Northlake Area Plan to be a Red Line Transit District. So, this area is presumably intended to be a more intense dense area with a mix of uses, which this particular petition is providing onsite.

The site includes multiple onsite new public roads providing connectivity to adjacent parcels, including uses that are up to 30 townhomes, 360 multi-family units, a mix of nonresidential uses including commercial retail and office, potentially medical office as well. Most notably, what we need to address in this is the extent of offsite road improvements that are included within this petition. We can go into detail on this, but it includes off ramp extensions at 485 and Old Statesville. It includes turn lane extensions on Old Statesville, a new signal along Old Statesville. This is all in relation to a fairly large and substantial state improvement project that is slated to begin within the next 10 years. However, there's no plans in the making right now for right of way to be acquired. So, during the TIA (Traffic Impact Analysis) process they're a lot of road improvements that were associated with this particular petition.

In addition, within the current petition which would be revised prior to this petition going to Zoning Committee, all of these improvements will be installed prior to the first CO onsite. So, there's quite a lot of public infrastructure that will be going in prior to the first building opening up.

I believe I might have just a few more minutes, but again, this is just the wire diagram for the TIA. We can delve into that with any questions that you all may have. We have precedent images for Carter Acquisitions and previous projects that they have done. It's a very elevated type of multi-family project. We're very happy to be working with them on this site. I'll open it up to any questions that you may have.

**Councilmember Watlington** said I've just got a question for staff as it relates to the rezonings nearby. What is the radius on these?

Mr. Pettine said I don't know if we have necessarily a fixed radius for the ones that we capture in those staff analysis. It says what's gone on around there over the last five years. I'll have to ask our GIS (Geographic Information System) folks if they used a specific radius or if they just tried to kind of zoom out enough to capture at least a mile probably around the site. I'll try to see if I could get a clear answer from them, if they actually used a specific measurement.

Ms. Watlington said okay. Thank you.

**Councilmember Mayfield** said quick question. As I look on here, you identified potentially up to 360 multi-family residential units. Is this going to be a combination of workforce units or is this all going to be market rate?

Mr. Pennell said this is all market rate housing.

Ms. Mayfield said thank you.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2022-084 BY MISSION PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.85 ACRES LOCATED ALONG THE SOUTH SIDE OF RIDGE ROAD AND NORTH SIDE OF THE INTERSTATE 485 INTERCHANGE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-17MR (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright. Thank you. 2022-084. It's just under 21 acres on Ridge Road, just north of the I485/I85 interchange. It's currently zoned to R-3 and it is being proposed for R-17, multi-family, conditional. Adopted Place Type calls for a Neighborhood 1 in this location. The proposal is for up to 213 single family attached townhome dwellings. It does limit maximum building height to 48 feet and commits to constructing turn lanes along the site's public street frontage on Ridge Road. It does commit to a 12-foot multi-use path along the site's frontage as well. Provides a 50-foot Class C buffer abutting single family homes. You can see that in green on the plan.

Also provides just under a half-acre of open space which would include things like a club house, a combination of hardscape and softscape pool, benches, fountains, etc., and also provides architectural standards including things like building materials. Staff does not recommend approval of this petition in its current form. We'd like to continue to work on a potential reduction in unit count, a change in the form to something that's more in line with the Neighborhood 1 Place Type. We will continue to evaluate our recommendations based on any potential changes that are made. It is inconsistent with the 2040 Policy Map recommendation for Neighborhood 1. We'll take any questions following the petitioner's presentation. Thank you.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said yes. Madam Mayor, Council members and Zoning Committee members especially on this petition. It's pretty interesting and I think the conversation from decisions tonight really highlights a couple of things I want to talk about where we've heard Ms. Mayfield talking about the concerns of the inconsistencies and Mr. Winston pointing out that the 2040 Plan is a little bit of a work in progress.

So, I have a couple of points. This is a perfect case for that discussion. So, property location. It is a long way from where we sit tonight in Charlotte in the ETJ on the edge of the City, but it is really in the backyard of Concord Mills. So, that's a little far from us. It is certainly in an area where there are a lot of amenities, a lot of opportunities for employment. So, here we are. It really sits in the elbow of 485 and 85. It's about a little over a half a mile to Concord Mills.

This is an area last year you approved a significant development in the area. I believe the developer was Childress Klein. I think it may have been called King's Grant. So, it's an area that is changing significantly. As Dave mentioned, 21 acres. Again, you're sided by two interstates and what will be a large development. That brings me to the big concern. As staff indicated, staff is not in support because we're inconsistent with the plan. The point I want to make to y'all tonight is there's a lot of nuances in the plan. This is a look at what's coming along. So, here's our parcel up against 485 and 85. Here is the King's Grant development I mentioned by Childress Klein, which is about 2.5 million square feet of industrial development, also with some multi-family. Directly across the street here is the zoning for some CC (Commercial Center), some commercial zoning. So, the challenge for us and the place that staff's in when they're evaluating this, is the 2040 Plan calls for this to be a Neighborhood 1 Place Type, which is the lowest intensity development we have in our new Zoning Ordinance.



I think the case is when we did that original map, generally the map picked up what your current zoning was. So, the current zoning on the site was R-3 and therefore I think the recommendation is N-1. Why do I think that? Because we looked back at the older plans and this is a little bit outside the Prosperity Area Plan. If you look down the old Northeast District Plan, here's the area. So, for 20 years, from the late 90s our plan called for this to be fairly intense residential, up to 12 dwelling units per acre. So, we have a property owner for 20 years said, "Okay, well I'm going to get this density housing," and then we approved major commercial developments right across the street, millions of square feet and our current 2040 Plan put us in the Neighborhood 1 Place Type.

So, we've got staff between a rock and a hard place who's dealing with us and saying, "Well it says N-1 and you're not N-1." So, that is some of the nuance. I think as we go back and look at these Place Types on a closer level, I think someone probably looks at this and says, "Well gosh. It is up against two interstates, and it had a higher intensity recommendation for years and we've got a lot that's changing in the area. So, something higher." We are where we are. We're with N-1 now and staff knows that. So, that's what we're haggling over. That gets us to our zoning proposal. Again, you've got a property owner who went under contract probably with his developer when the old plan was in place that was supporting higher intensity, now it's lower intensity. We started at 288 apartments and 66 townhomes. So, kind of mid 300s on units. Staff has said, "Hey, we've got N-1 now. You've got to do better." The development team has worked very hard to get as close to N-1 as possible. So, that was the original plan. They've dialed that back. So, now we've gone from apartments to a townhome model with 213 units. So, dramatically reducing the number of units. The problem we had is you can't do a typical townhome in N-1. Staff is saying that's not consistent. So, that's where we are now. A bit between a rock and a hard place.

I appreciate Dave's comments about us being in current form. We're 150 units down from where we started. We're going to continue working with staff. We've got a new unit type which is more consistent with the N-1. We're still a little frustrated that we're dealing with N-1 but that is where it is. So, we'll continue working. Happy to take any questions you have. We had a community meeting. Had some adjacent owners that said, "Well, we kind of expected this." I think they had seen the land use plan. So, they expect the intensity is coming. So, happy to not have opposition from the public and we will continue to work with staff to see if we can get this into a place that you're more comfortable. We will probably be back to you and no matter what, it will say inconsistent. Whether it should be inconsistent, I don't think so. I hope if we take a look at this, we'd have a different recommendation for again this property that abuts to interstates and has a major development coming across the street. Thank you.

**Councilmember Winston** said thank you. So, first Mr. Brown, are you saying that what we have in our packet is probably not what it's going to be? The final recommendation? I was kind of confused there.

Mr. Brown said well, this is our current plan. This is what we'd love to have. Staff is not currently supportive. Staff has said, "Hey, we're not supportive in its current form," and they've laid out some suggestions. A reduction in density, some different product types. So, we've got to look at that. I expect that we'll also have conversations with the Zoning Committee members because they get pretty focused on these with our consistency and how we're doing those. So, Mr. Winston, I don't think this should be a single-family neighborhood. We could not do it as a single-family duplex, triplex. It needs a little more density and we're struggling. Dave, expound on this, whether we're consistent with the design. So, we're going to continue working. It will not be dramatically different, but maybe we can make some changes to get us closer.

Mr. Winston said my second question is for staff, it's for Dave. Kind of going back to what we were talking about, their decisions. To add to the weirdness of the time. Each Place Type has a level of intensity whether you're dealing with low intensity Neighborhood 1 to high intensity Neighborhood 1 and Neighborhood 2, the next one up is low intensity Neighborhood 2 and all the way up. My assumption looking at this and

hearing is that you think that this is too high of an intensity of a Neighborhood 2. You might not be opposed to a lower density Neighborhood 2. Because we have the King's Grant that's going on, your assumption is that this area is going to change. Have you kind of thought about that in your assumption?

Mr. Pettine said yes, we've thought through quite a bit. I think the previous rezoning that was King's Grant before it became the industrial King's Grant actually was a little bit more of a mixed-use project that maybe we could've looked at as an activity type center which is one of the things we start to consider when we're looking at Neighborhood 1 to Neighborhood 2. We also look at access to transportation which it's really not a bus service of any kind here until you get over really to Mallard Creek. So, some of the things that we look at considering those transitions from Neighborhood 1 to Neighborhood 2 just kind of weren't in place for this petition. They are in some others. This one's a challenging one as well just given the location of that major employment opportunity which hopefully will be coming online sooner than later in King's Grant, the location against the interstates.

There's some things that I think we all need to roll our sleeves up as Mr. Brown mentioned to kind of continue to work through to get an outcome that makes sense for the Place Type, but also makes sense for the place where this is located. It's a little bit challenging too when we have something like Concord Mills, but we don't necessarily fold those into some of our land use recommendations. We dealt with that even in our old plans and policies where we've got folks wanting to build a development that would have some synergy with that use, but we don't necessarily capture that across county lines and our own land use recommendations.

So, I think there's some things we can continue to work with the petitioner on, but we're just trying to reconcile some of the policy things that we consider in those situations and where it is. I think there probably could still be some changes to some building form where we go with some more two- and three-unit building types versus all four and five and six townhome units. So, I think there's some opportunity for some change, but I know it's going to come with some limitations on what the petitioner can provide, and then what the policy will continue to be supportive of.

Mr. Winston said would it be fair to say that you guys are considering the future development in the area when you consider the appropriateness of your recommendation?

Mr. Pettine said yes. I think one of the things that was a challenge like I said in this one, is that King's Grant is looked at as a manufacturing Place Type, but it's really a job creation Place Type and in some ways not a campus per se, but it's going to have a significant employment component to it. So, I think that's part of what we considered, but again, when we have some things, we look at, a lot of it is Activity Center based, transit based and where some of those projects fall near some of those other Place Types. Manufacturing logistics isn't one that necessarily gets captured in Neighborhood 1 to Neighborhood 2. I think that's also when you get into the specifics of what King's Grant is which is more job creation and employment based and distribution. It's not the heavy industry that we might see somewhere else. So, I think that's a factor we'll continue to look at as we work with the petitioner.

Mr. Winston said thank you.

**Councilmember Mayfield** said Mr. Brown, I'm concerned, and staff can help me with this as well. So, I have two questions for you. Our Historic Landmarks Committee has a note on here. So, I want to make sure that I'm understanding. I'm concerned that if this note, which I will read, is accurate. The concerns that staff has why this isn't also part of the conversation. "The approval of Rezoning Petition 2022-084 would result in the demolition of a century old farmhouse of local historical architectural significance due in part to the scarcity of such craftsman bungalow style rural residences from the early 20<sup>th</sup> century. Any approved rezoning to accommodate the proposed development should include a proactive plan for the preservation of this historic house. Accordingly, it is

recommended,” and they note a parcel ID number for 1429 Ridge Road, “not be rezoned, and instead retained as current R-3 zoning classification and that the applicant consult with the Historic Landmarks Commission on an appropriate preservation solution for the property.” Have you had a conversation?

Mr. Brown said we have. That was interesting. So, the property is not currently designated as historic. We received this letter as part of the process. The property owner, whose family has owned this for many years is working directly with Historic Landmarks. The property owner has their own attorney. As it turns out, the house was rebuilt in 1936. So, there is an ongoing conversation with the property owner and Historic Landmarks. The property owner has much more familiarity with the property and is directly engaged with Landmarks. We expect we’ll continue working with that issue as well, as we move forward.

Ms. Mayfield said so, even though it was noted on this paperwork that’s in front of us that they’re requesting for a continued conversation with you, you’re saying that the owner of the property is who is communicating with the Historic Landmark Committee?

Mr. Brown said that’s correct. The reason is it affects her regardless of if we decided not to move forward with this rezoning. You’ve got a property owner who again, she had a plan that said this was for higher density housing, now it’s for low. So, I think her concern is she’s got to deal with that either way. So, if we were to say, “Hey, we’ll go away,” she’s going to resolve that. So, she’s working directly with them.

Ms. Mayfield said okay. Staff had also noted in one of their concerns the fact of the proximity to both 485 and I-85, yet there’s not connectivity. So, looking at the current proposal that has the buffer and I would assume the sound wall, but I didn’t see that written in the language. Maybe I missed it when I attempted to zoom in. Since you’re going to be that close to the highway, there’s definitely going to be a sound impact, but I’m trying to get an idea of why there’s not connectivity.

Mr. Brown said well, staff’s right. It’s funny. When I first looked at this, I was like, “Try it by the interstate.” There’s not an access ramp. So, you can’t hop on right here. You do have to drive down and pick up Mallard Creek. So, two turns, but it is true. You cannot get directly onto 85 here, 485 here. So, you would go down, take Mallard and this is how you would get to Concord Mills currently. Now recall King’s Grant, when that is developed, that will provide connectivity more directly. So, we expect when that comes along, then you’ll be able to use the streets involved in that development and really have a back door into Concord Mills.

Ms. Mayfield said the other part of my question. Maybe I’m missing it. For the buffer that is going to be between the highway and where the residential is going to start for the townhomes. Is that also going to include a sound wall like what we have along parts of 77 where the highway was build right up on residential neighborhoods?

Mr. Brown said I will have to check. I don’t believe that is currently the case. What’s behind us is actually fortunately more of the on-ramp and not the high-speed travel lanes, but I will check with the design team on that.

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

Mr. Brown said I did get a note from my client that says you can access 85. So, I’ll check into that.

Ms. Mayfield said so, can you point out? I believe you have a chance to step up. If you could show me where the access would be.

Mr. Brown said does anyone at CDOT know?

Ms. Mayfield said let’s follow up.

Mr. Brown said I'll be happy to set a meeting. Yes.

Ms. Mayfield said let's see if we can get a meeting on the schedule so we can go over it.

Mr. Brown said happy to do it.

Ms. Mayfield said thank you.

**Councilmember Watlington** said firstly as everyone here has said so far, I think this is an obvious opportunity to start taking a look at the area plan from a larger perspective. I know that we've said it again and again, but there has got to be a way that we can prioritize certain areas and go in and take a look because when we start to look at things like nearby rezonings, again, back to my previous question. It does not capture in this map the context that was shared during the presentation. So, as we're considering these rezonings, we've got to have a better understanding of the broader context. I think that happens through the area plans and I know that is a process, but to the extent that when we bring these particular zonings before Council, that we've done some sense of this is what we think is going to happen here. That's got to be addressed as part of the particular rezoning because we don't have any other way to understand what the broader impact is to the community.

The next thing I did want to understand is just from a Comp goal standpoint, I noticed that I'm not seeing the summary sheets in this book anymore. Is there a reason for that?

Mr. Pettine said it's built into the rationale now.

Ms. Watlington said okay. So?

Mr. Pettine said the last bullet talks about what goals could be facilitated by the petitioner.

Ms. Watlington said yes, I saw the bullet, but wasn't sure about the sheet. I asked that question just because as we're assessing the goals to the Comp 2040 Plan, every single parcel may meet the goals, but it's really about the sum of the parcels together. So, again, back to the area planning point. We've got to figure out how to marry that up as we're looking at the sooner rather than later.

Then lastly, specific to this petition, as far as it relates to tree save, where is staff on the sustainability piece in regards to tree save specifically? I didn't see any bullet points in the rationale for the recommendation there. So, I just wanted to hear it because I see a ton of trees on this lot and given the broader development that's going to happen around this area, I would expect that we would lose a good bit of our tree canopy. So, I wanted to understand how we're thinking about that at this moment.

Mr. Pettine said so, when we get comments for our forestry staff about tree save, it's mainly ensuring that the project can meet the Tree Save Ordinance requirements in permitting. So, there's not a lot of conversation on what trees should be saved, what areas should be saved. It's more identifying the areas that the petitioner has laid out as tree save and making sure that those would meet the ordinance requirements or ensuring that the petitioner's aware that they have tree save requirements they would need to meet in permitting. So, we don't get into a lot of the details at this level of it because some of those details haven't been fully fleshed out. I think their forestry team is mainly just making sure that the petitioner is aware of tree save requirements and that the petition as it's laid out, generally meets the tree requirements in the ordinance.

Ms. Watlington said okay. Then my last question to that is I know at one time there was a discussion around the specific tree save requirements for these rezonings versus our overall sustainability goals. Have we confirmed that those two marry up?

Mr. Pettine said I'd have to get back to you on a follow up report and talk to the folks that have been working more closely on that.

Ms. Watlington said okay. Awesome. Thank you.

**Councilmember Johnson** said I just want to raise up again all of the 20 pending rezonings in this area. I want to ask a question today about the school impact. This states that it will increase Mallard Creek Elementary from 76 to 79 percent. Is that correct?

Mr. Pettine said yes. So, those projections are increase in school utilization over existing conditions, and that again is without any mobile classroom units. So, if they have mobile classroom units, then that helps to offset some of those percentages but that's just assuming no mobile classroom units are used onsite.

Ms. Johnson said so, this is a point that I keep bringing up, and I have list of all the approved petitions. In December of 2021, the King's Grant Petition with 274 acres and 2,750,000 square feet of warehousing and other things. It said that it was going to increase the percentage from Mallard Creek Elementary in December of 2021 from 75 to 78 percent. That was December of 2021 prior to the approval of about 19 or 20 more petitions. So, I just wonder again, the cumulative impact. When are we counting the approved petitions in these numbers?

Mr. Pettine said yes. So, we work with the numbers that CMS provides to us and they're based off of their population calculations they have for each year. The numbers we got from them are based on whatever numbers they're using for their capital planning and other planning and efforts. I think they do get updated at some point either during each year or at another point maybe twice a year. I'm not 100 percent sure how often they update those, but we work with the numbers that they provide us. So, I'm not sure when they start to capture, you know, if it's true population accounts or if they're taking into account some of those possible developments that get approved but maybe don't get built for two or three years down the pipeline. We're working with the numbers from that.

Ms. Johnson said I understand that, thank you. It just speaks to what we as the Council, the information that we are given. We know mathematically that's impossible. So, how are we claiming that we're making informed decisions for our district and for our residents? So, that's what I've been saying. That's what we're talking about when we talk about infrastructure. That's what Council's saying. So, I've said it. We need some help. I've got 20 pending rezonings and I know that I don't have valid information in making the decision. So, how do I face my voters and my residents in saying, "I'm taking these things into account?"

We're not counting the traffic, the tree save, the police and fire. We don't know the cost of growth and I know your position, but this is from my colleagues. It's up to us. We're the ones that make the decisions. So, I just keep bringing this up to Council. How do we tell our voters based on these school numbers alone. I know schools aren't under our purview, but this is an example of the information that we are considering when we're making decisions. It's not just about the schools, it's about how are we strategically making decisions.

So, I know with Mallard Creek, I've sent these maps to all of the Council members and to the Mayor. I need some additional help or I don't know if we can make considerations until we have this actual information. If we could maybe stop taking applications for petitions in the Mallard Creek area. So, I would like accurate information in order to be able to consider these petitions so that we are responsible and accountable to our voters. Thank you.

**Councilmember Driggs** said looking at this, Mr. Pettine, would it be fair to say that the petitioner and staff are pretty far apart on this one?

Mr. Pettine said I think in the plan iteration, we're making some progress. I think we still have a little bit of a gap that we need to work through, but based on where we started with mainly multi-family apartments to where we are now, I think we're making some good progress.

Mr. Driggs said I'm just wondering if this hearing is a little premature. The objections that staff are raising are on technical objections. They're not saying this is what Neighborhood 1 is or so and so. They're saying there are reasons why they don't think this works at that location. So, I would like to see on a similar substantive level more convergence in terms of what is actually suitable there. You know, we've got a problem with the interpretation, maybe it's not an N-1, but from our R-3 to R-17, it's a big step and it looks to me like they're presenting a pretty good case if that's not appropriate at that location.

So, I need to learn more about this and I will look into it. I'm just concerned. It looks to me like it's going to be necessary to make changes that will probably send it back to the Zoning Committee when we see it again. Thank you.

**Councilmember Bokhari** said yes. Just to piggyback even on some points the District Rep made there at a macro level again, I think this is another great case of which I would love to hear from you guys. I mean, after this there's only two months in the old pre-UDO world. So, just like the Trianon one this is a great case made that it was R-3. You could look back and see that R-12 plus was ultimately where the promise of this was. A mapping exercise occurred that made it N-1 and now you've got a proposition that's R-10 basically when you do the math on it. So, it seems logical to me, but again what I want to overlay into all this is when we make these decisions across the entire City, we just set a precedent tonight, right? When you see an old R-17 that became an N-2 in an edge, the expectation is that's going to be an Activity Center or something similar.

So, what is the precedent that we're going to set here for all these types of cases? Is indeed that N-1 a place holder spot where in the two years of alignment we're going to be moving forward to something more similar to R-17 or an N-2 somewhere classification or not? I think that is literally the crux of everything we should be doing over this and the next two months. Which essentially is setting the precedent for now that we've got all this stuff here, what the expectation the Community Area Planning Process is going to have.

Then finally, I cannot agree more as I've been a broken record for five years on what Renee said about the infrastructure investments. The Community Area Planning is the time by which all those things that we defined as the subcategories of infrastructure, schools being one of them, roads, everything like that. All that detail data policy mapping back to what we have and what we require, all should be had to the community to be able to sit down alongside that alignment look and say here's where we're deficient.

So, I think we have a big opportunity. The problem is, I understand the magnitude of this work. It's a lot of work, everything I just said. So, we've got to figure out how we're going to parse this out or you're going to get in a spot where more and more colleagues are just unwilling to pass transactional things that come through which would be a travesty. A lot of this work is on us. Not the community who's coming out to build. So, just points for you to consider.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to close the hearing.
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**ITEM NO. 33: HEARING ON PETITION NO. 2022-113 BY PARAMOUNT DEVELOPMENT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.4 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF NORTHLAKE MALL DRIVE, WEST OF INTERSTATE 77, AND EAST OF NORTHLAKE CENTRE PARKWAY FROM CC (COMMUNITY CENTER) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL).**

**Mayor Lyles** declared the hearing open.

Before we go into the specifics of the rezoning with a staff presentation, earlier today Mr. Winston as Mayor Pro Tem and I talked with Ms. Craig about Northlake Mall. I'm sure many of you have gotten emails like I have to say, "What are we doing with Northlake Mall? How do we make sure that that mall is working well." This petition will have some impact on what's going to be asked to be done around this. So, what I've asked Ms. Craig to do is to develop staff options for the Council and I would hope that we would get those options, distribute them among all the Council members and refer it into the Transportation and Planning Committee for some feedback at our next joint meeting on committee assignments.

Now I say this because we all know that there is a difference as COVID has it. Not to say that it's primarily COVID, but there are issues around how retail is going to be managed and acted upon. So, I think that this is a time that we'll combine both our planning processes around malls, much as you've seen with the work that Mr. Bokhari did around the SouthPark area. Perhaps it's something that we ought to be thinking about in more of a general context for all of our malls and retail and getting some advice around that item and what can go on. So, with that, we'll hear a little bit more from the staff, if they create some opportunities. It can be just as well you don't need to do anything. We should always have the do nothing option, but I would like to see what we're doing that's consistent. I think Ms. Craig acknowledged that we have had ULI (Urban Land Institute) already do some of this work around some of the shopping centers, and is that something that would add value at Northlake? Or one idea is that. So, I expect that we would be able to have some opportunities there.

**Councilmember Graham** said what type of work are we asking them to do?

Mayor Lyles said well actually we're looking at land use and retail.

Mr. Graham said okay.

Mayor Lyles said basically around that. I think when you hear about this petition and why staff does not recommend approval, you'll see some that integration of planning and use.

**Councilmember Johnson** said I want to thank you for that conversation. I've also reached out to CMPD (Charlotte Mecklenburg Police Department) and County Commissioner Hal and I talked to Senator Marcus about this area yesterday. So, I appreciate that. This is something I think that all elected officials need to be an all hands on deck approach. You know, you hear people say this is the next Eastland Mall. Well it doesn't have to be. We can be very intentional and deliberate about resources for that area. So, I appreciate that conversation. I've also reached out to our ED (Economic Development) Department if there's any assistance for that mall. So, I look forward to some intentionality around Northlake Mall because I don't believe that it's the next Eastland Mall. I'm happy to see development. We know there's a Porsche or Maserati dealership that was approved last year and there's some higher end apartments. So, just so the public knows, Northlake is on mind of the district representatives, and you heard the Mayor and the Mayor Pro Tem talk about it. So, I look forward to that discussion. Thank you.

Mayor Lyles said I think Ms. Johnson there's a lot of short term as well as long term and I think more, as we can get that list of what that might be. We may be able to take some actions around it. I really agree that every mall in this town has a different identity and a

different way it works. We're going to have to work with owners as well as people that understand what a mall is going to be. Not this year, but what it's going to be in the next 5 or 10 years. I think Ms. Molina said that when we were talking about Eastland. She was saying, "Let's not be back here in 10 years." So, we want to figure these things out in a long-term kind of way and I think that the planning staff will help us get a start on that. I think welcoming some of those short-term reactions will really be very helpful. So, with that, I'm going to turn it over to the staff for their presentation.

**David Pettine, Planning, Design & Development** said alright, thank you. 2022-133. It's about 18.5 acres as mentioned located both on the southside and northside of Northlake Mall. You can see some vacant undeveloped parcels there outlined in yellow where the petition is requesting development in both of those areas. It is currently zoned CC which is a commercial center zoning designation. The proposed zoning is for MUDD, optional. The Adopted Place Type is for a Regional Activity Center. Around the mall, you can see most of that area identified in blue.

The proposal is for as mentioned, two development areas. Development Area A and B and that would total out up to 630 multi-family dwelling units. Development Area A would contain up to 292. Development Area B would allow up to 311 dwelling units. It does request an optional provision to allow a limited amount of surface parking areas and maneuvering for parking to be located between the proposed structures in Northlake Mall within Development Area A. Also commits to restripe northbound through left turn lane to a terminating left turn lane since the north leg of that intersection is removed as part of the rezoning. It does provide an 8-foot planting strip and 8-foot sidewalk along Northlake Mall Drive.

Also provides an internal network of sidewalks within each development area connecting to the proposed buildings out to the Northlake Mall Drive. It does provide a pedestrian connection from Development Area B across Northlake Mall Drive to the future Dixon Branch Greenway. That's located to the north of Development Area B. You can see the area just kind of outlined in green. Also provides multiple publicly accessible pocket parks along the boundary of Development Area A as generally depicted on the rezoning plan.

Each pocket park will be improved with seating, lighting, hardscape, landscaping. A minimum of 9,000 square feet of publicly accessible pocket parts will be provided. Also architectural standards have been incorporated into the project. Staff does not recommend approval of this petition in its current form. It is consistent with a Regional Activity Center Place Type, however staff does have some significant concerns about the overall design of the project and how it interacts with the mall around it as well as how it sets itself up to be part of a larger ongoing development of an Activity Center.

Staff's concerned that either development area really doesn't create its own general place through its own development and design, and really doesn't interact in an appropriate way for an Activity Center with all the places around it such as the mall and some of those shops to the south. So, that is why we're not supportive of it in current form. We'll continue to work with the petitioner as we can to get some continued changes made and reevaluate our recommendation once those are completed and resubmitted to us. So, with that, we'll turn it over to the petitioner and take any questions from there. Thank you.

**Keith MacVean, 100 North Tryon Street, Suite 4700** said good evening, Mayor, Mayor Pro Tem, members of City Council, members of the Zoning Committee. Keith MacVean with Moore and Van Allen. We're assisting Paramount Development, LLC with this petition as Dave has outlined at Northlake Mall. With me tonight is Tom Settle with Paramount Development as well as Randy Goddard with Design Resource Group. He's our Traffic Engineer. Paul Pennell with Urban Design Partners who's our Land Planner.



I'm going to let Tom speak shortly for a few minutes before I go through the rest of the presentation to give you a little bit of background on Paramount Development and the kind of work they do. Tom?

**Thomas Settle, 2N. Tamiami Trail, Suite 800, Sarasota, Florida** said thank you. Hi everybody. My name is Tom Settle. I'm a partner with Paramount Development. We're based in Sarasota, Florida. About five years ago, it's been a long road. We've seen the demise of America's malls. Seeing mall owners reposition those malls and reimagine those malls. There's an overabundance of retail space. We're all familiar with the E-sales market and of course COVID probably exacerbated that problem. We made it a conscious decision to foster relationships with many of the major mall owners around the country and have evaluated sites really in all four corners of the country.

We are actively in about the same place on two other malls. One is Madison, Wisconsin and one in Albany, New York, MSA. (Metropolitan Statistical Area). Many of these places, the efforts are welcomed with open arms because many smaller communities where you have regional malls, it's oftentimes the largest property taxpayer. In the case of Northlake Mall, it's good real estate. It's well positioned to hopefully make a recovery. We're not the answer. Apartments aren't the answer, but it's proven to be part of the answer in many of these malls. We think we can make a big difference in the success of the Northlake Mall.

Mr. MacVean said thank you Tom. I'll quickly run through our presentation. As Dave mentioned, two parcels, part of Northlake Mall. One on the southside, one on the northside. Currently zoned commercial center, we're part envisioned just Place Type map wise, we are consistent with the Regional Activity Center designation for the mall. This is the approved plan for this site originally envisioned for a fourth anchor store at the rear of this site and additional retail, hotel and potential residential at the front parcel. There's the square footages that were a part of that.

The proposal as Dave mentioned is to develop the front parcel with up to 312 multi-family units and then up 292 multi-family units at the rear. We are aware of the staff's concerns regarding the form of the development, and we are working on the form of the proposed plan for Development Area B to bring this building up toward this circulation road to create more of an edge. There was specific planning done here to bring buildings up to the edges of the ring road as you see, as well as to the edges of the main circulation aisles of the parking areas. Here's a blow up of that area. As Dave mentioned, we do have sidewalk connections that will connect some multi-family piece to the mall and to the outer ring retail in both locations and enhance pedestrian environment around that.

We did work with, or we did try, one of the comments of the staff was to try extend Center Lake Drive through the multi-family to connect to the mall. One of the things that Tom and his company has to work with are the existing tenants at the mall themselves. They're part of the mall, they're part of the continued success of the mall. They're excited and they're comfortable, they're willing to allow these portions of the mall that are now not utilized at all to be redeveloped with multi-family communities. They have concerns or ways they want to see that done. For Development Area A, one of the main parameters was a view shed. From this anchor tenant, they still want visibility of their store as you enter the mall from W.T. Harris.

So, one of their requirements to Paramount was, "Keep a view shed here." That keeps that and other planning requirements and having enough parking for the residents in convenient location to the residential buildings. Keeps the developer from organizing these buildings along a central spine road. We're not able to do that and get approval of the mall anchor tenants to allow the development of this site. We will work to address the staff's concern in the Development Area B. As I mentioned, we were conscious and we did a concentrated effort to really locate the buildings along the ring roads so they form an edge, and then these main circulation aisles then bolster with pedestrian environment or sidewalks and street trees, and we can add lighting to make these connections between the elements in the mall possible.

In terms of the rear parcel as I mentioned, we originally did not have buildings up on the ring road. That was a staff concern. We redesigned. Paramount went back to the drawing board and redesigned to bring these buildings up to the ring road and we are now looking to move this building up to this main circulation aisle.

We have also worked with County Parks and Rec. There is a future greenway behind us, Dixon Branch Greenway, which the County is currently building a portion of it. The actual greenway is already under construction here and this way it's actually part of the Long Creek Greenway which will actually have greenway access from the mall all the way to Oakdale Road. That's currently under construction by the County. So, one of the commitments the petitioner made was to work with the mall owner to see if they could secure some property here that they could donate to the County as an easement to make that last connection between the mall itself and the Dixon Branch Greenway that then provides future access all the way to Oakdale, eventually when the Long Creek Greenway is fully built by the County all the way to Whitewater Center.

So, we are making changes to address some of the staff's comments. The other comments were regarding gates on the driveways. Because we are part of a mall and there are retail tenants here, there is a need for Paramount to be able to gate their access points in the evening to make sure that the parking for the residents is available for the residents and is not used by the retail shoppers. So, having gates on the driveways are important for that fact. They actually will remain open during the day. The gates actually close in the evening when the property manager is no longer there, and the residents are back home, the gate's closed. During the day they will remain open.

There is a request to allow fencing around the site. There's a perception of security issues at Northlake Mall. So, there's an option to have fencing around the perimeter of these multi-family communities, again, to help the developer address questions of security. When this gets ready to be developed, that's something that the developer can evaluate at that time. We do want to have the right to have the gates. Even the gates and the fencing around the site would remain open during the daytime hours and again, really would close at the end of the day. So, trying to address those issues. Paramount did try to lay this site out in a way that the staff liked, but between the mall's requirement for a view shed and the other site restraints in terms of proximity of buildings to parking and layout, this was really what we could do and had to design the site to do. Again, being mindful of how we located the buildings to create that pedestrian environment. We're happy to answer questions.

**Councilmember Mayfield** said question for the petitioner. Is the proposal for this development mixed income workforce? Will the workers of the mall be able to live at this development?

Mr. MacVean said these will be market rate apartments.

Unknown said all market rates?

Mr. MacVean said so, they'll be affordable to folks in the area. Market rate for this area of Mecklenburg County, City of Charlotte. There is not a specific workforce housing commitment beyond. There's not a specific commitment at this time.

Ms. Mayfield said so, I hope the petitioners are hearing the conversation that we are having around this dais, that we are having regarding the type of City. Creating another product that only a limited number of people, one it's not good business because you're going to have vacancies. So, trying to create something better on the front end, but I'm more concerned with the fact that our Charlotte Water has already identified that Charlotte Water currently does not have sanitary sewer system accessible for the rezoning boundary and it's under review. The closest gravity sewer main is approximately 135 feet west of the rezoning boundary at Northlake Center. Staff, help me understand, outside of the concerns that you have, why this is not a leading concern if we know that in this area and near this area, we are having sanitation capacity issues?

pti:mt

Mr. Pettine said they didn't make a comment on the capacity being an issue. They made a comment on the accessibility of it, meaning where it's located. So, there's not a line directly on this site. So, the closest place they could tie in to the existing sanitary sewer system is 135 feet away and they'll have to provide their own connection at their own expense to the Charlotte Water system. So, there's not a capacity concern that they raised. It's just an issue that there's not an actual line at this site and they'd have to bring it in from 135 feet away.

Ms. Mayfield said so, you're absolutely right. What this is stating is the fact that the sewer is not accessible. In separate conversations, we are having conversations where we do not have capacity. That is a broader conversation which is connected in my opinion when we are approving multiple projects. Because again, having access to it, whether they pay for it or not, what is that potentially going to do on the strain that we are already experiencing when we have projects that were approved back in 2017, '18, and '19 that haven't moved forward because they don't have access or capacity?

So, that is where it would be helpful when these are coming before us knowing that staff isn't necessarily saying, "Yes, Council you need to approve this." You share when you have specific concerns, which you did, and I appreciate, but it would be helpful to have additional information regarding capacity level along with sewer accessibility. Just saying we can throw a little money at it to connect it, if that's going to cause a back up a half mile down or a mile and a half down in a residential neighborhood because of how we allow them to tap in to the sewer system, that's a major challenge.

So, it would be helpful to try to get that information. Again, for the petitioners, I am concerned with any project, especially in today's market that is coming before us, that clearly on the front end because some of your developer counterparts have figured out how to do it without having to have a Council member encourage you to make sure that your workers can afford to live in a certain product. Because again, if our workers cannot live in our City, we are going to have a challenge and we don't need to be that city where we're seeing mass exodus because our workers cannot afford to live here. You have an option on the front end to figure out what type of project you want to develop. Council has an option to figure out how it's going to vote. Thank you.

**Terrie Hagler-Gray, Senior Assistant City Attorney** said I just want to make sure that we are not at the public hearing asking the petitioner something that we should limiting our request in, by law.

Ms. Mayfield said that wasn't a request. That was a statement.

Ms. Hagler-Gray said okay.

Ms. Mayfield said it was a very clear distinction.

Ms. Hagler-Gray said we just have to be very careful with the request that we make at the dais.

Ms. Mayfield said that was not a request. Get that in the minutes. That was a statement, not a request.

**Councilmember Johnson** said thank you Madam Mayor. Thank you, Councilmember Mayfield. That was going to be my question about the Charlotte Water comment. Again, it just speaks to the theme of the night about the infrastructure and capacity in the City, if there is any way. First of all, the infrastructure meeting that we have, do we have an update of when we'll get some information Madam Mayor? Do you know?

Mayor Lyles said I don't have any information about it.

Ms. Johnson said okay. If we could get that from the City Manager, an update on our concerns regarding the infrastructure. I also want to know from Mr. Pettine. Councilmember Mayfield mentioned petitions that have been approved that aren't

completed yet. They may have some impact or burden on our current water or current infrastructure. Is there a program that you can give to Council or put the numbers in or something that we can capture all of the approved petitions and what the City would look like today if everything was built that we've approved? What would that impact look like on our stormwater, per se. Let's take it one thing at a time on the stormwater. One of the things that I want to avoid in my term on Council is that term unintended consequences.

So, because some things are foreseeable. So, if we could have information on the impact of our decisions thus far, then I think that would help to inform us for making future decisions. So, is there a program where we could measure all of the current approvals and maybe the pending petitions through a certain date? Then we would know if we truly have the capacity for water or stormwater or if there's an alert or something that we should be considering in certain areas.

Mr. Pettine said not that I'm aware of. Charlotte Water does evaluate rezoning petitions and we do get comments from them. They do typically comment if there is a capacity concern, even if there's both a capacity concern and there's lack of accessibility. So, they didn't comment on capacity in this regard. The project won't get permits whether it's by-right or through rezoning without adequate capacity from Charlotte Water. So, even if a by-right project that doesn't come through this legislative process doesn't have capacity to be served, they won't get a permit to construct a by-right project. Same as it would be for a rezoning that then becomes by-right later. So, in that sense, they are looking at that from a capacity standpoint and they are aware of those pending petitions and they are aware of rezoning petitions, but is there an output that could be created to capture every development project in the City? Not that I'm aware of. No.

Ms. Johnson said so, are we subtracting the approved units every month from the growth projections? That's my question. So, I sent that to Angela Charles a couple of weeks ago. That's my question for the record. Are we, in this Water Department, subtracting the approved units that we approve every month from the growth projections? Are we considering the cumulative impact of this development throughout the City on our stormwater and sewer if necessary?

Mayor Lyles said that went to Ms. Charles for a response?

Ms. Johnson said yes. I think we as a Council need that answer.

Ms. Mayfield said from staff.

Ms. Johnson said from staff.

Mr. Pettine said yes. Sounds like you reached out to the right individual and the follow up would have to come from them.

Ms. Johnson said okay. Thank you.

**Councilmember Winston** said Mr. MacVean, a word that you mentioned, the form, the development. Mr. Pettine, you can correct me if I'm wrong. It seems like the gap that we're trying to bridge right here, my understanding Mr. Pettine is that the function of multi-family housing is something that we think could work here but currently the way this development is drawn up, particularly the walls, gates and the disposition of parking as it relates to the larger area, doesn't provide the type of form that we want to see there. Is that kind of correct?

Mr. Pettine said I think that's a good overall statement. I think generally our focus has been how do we get the project to integrate itself more to what's going to be the Activity Center, not just the mall today, but what's going to be there 5, 10, 15 years from now. A project like this, we thought could benefit from. I know they talked about not being able to bring that road through in some shape or form. I think there are some opportunities for us to consider other outcomes for the project that aren't residential but maybe have

a mixed-use component to those as well. You could create a little bit better street network that starts to build out what could be a future Activity Center around the mall. Similar to like what we have around some of our other Activity Centers in SouthPark and others. It just really feels like we're taking an apartment project and just kind of dropping it in the parcels around the mall rather than working it and integrating it fully into what could be there today and then what could continue to happen around the mall over the next 10 or 15, 20 years.

So, I think that's our challenge. I know they have constraints working with the mall as a stakeholder in all of this, but I think our desire would be to see more of a street network built in, maybe there's ground floor retail and residential above. There could be some other opportunities to create a pretty useable urban space here versus more of just kind of a general apartment layout that doesn't interact much with the uses around it other than some sidewalk connections that are going to be fenced and potentially gated off at certain times of the day and night. So, that's what I think is our biggest concern with it.

Mr. Winston said yes. I think we talked about it. As the Mayor said, we were talking about this earlier in our agenda review, which is why we kind of got to the point of, "Hey, well this might be a bigger policy kind of consideration," as we're thinking about the future of how certain parts of the City, small areas within small areas kind of develop. Mr. MacVean and Mr. Settle, I think that's something that we should really consider here. You know, I understand I'm no architect, I'm no builder or anything, but I know you look at things in forms and functions. As Mr. Settle said, apartments and housing as we're dealing with this very disruptive time in retail, I think there's definitely an economic function of putting housing close to retail. These are some of the goals that we have in terms of quality of life. How can the form of how we build neighborhoods? The ability for residents to get to things really quickly, this could be a mutual benefit. I think specifically at this mall, we'd be remiss if we didn't talk about the feeling of public safety, but the actual public safety concerns that are happening there, and some of the solutions. Some are common sense and some are, when you listen the experts, part of the function of the form of multi-family housing is actually more people around so that you create more of a crowded environment. More congestion if you might say of life. More eyes on the streets, more eyes on stores, more eyes on cars.

So, what I heard from staff is that there's a certain concern in the way this is formed. That might right now, these are my words not theirs, might not do enough to take away from the public safety concerns when you envelop more seas of parking within larger seas of parking. That's kind of what we're trying to alleviate at a place like this. If you look at some of the incidents that have happened, yes, some have happened in the mall but a lot of them happen in these parking lots. So, what you need is kind of more people walking around, not more segregating of uses.

So, I understand what you said as well. There might be other designs out there, but you have the concerns of the mall. So, as we were dealing with Trianon actually, I think Mr. Bokhari did a really good job of dealing with our staff, developer, and also the two sets of neighbors actually that were there already.

So, I guess is there something that we can do with the form here to get better functional outcomes? Also, to anybody involved, it really feels like the mall owners need to be part of these conversations and part of these negotiations so that we are really working with all hands on deck to get to the right functions.

Mr. MacVean said I think we're happy to go back and look. I know Tom and his designers have worked hard at that, especially in terms of Development Area A. I would say that we have, like I mentioned earlier, the ring road of the mall is one of the main organizing elements of the mall and we've done a lot to get these buildings up on the ring road. They're facing the ring road. They're part of that. The sidewalk that goes around the perimeter of this site is not a gated sidewalk. That sidewalk is open to the public at all times. The public will not be able to go through the site at the end of the day. Maybe during working hours, yes, but not at the end of the day when the gates are closed.

Mr. Winston said I think that's the problem. I think that's part of the issue. It creates an island that segregates the use of this space. That it would be better form of function, even for the folks that are living there, you've got these restaurants on the other side. All these other uses. How are people going to walk there if these places are cut off?

Mr. MacVean said for the residents, they're in the middle. So, it's a short distance either way for them. There's plenty pedestrian infrastructure to make that connection. Dragging a street through the middle of the site and adding nonresidential uses in an area that has too many retail uses and we're trying to add other uses to let the area evolve, let the mall evolve, take advantage of the infrastructure and improvements that have already been made in this area, both in roadways, which the mall made a lot of improvements. The City and the State made a lot of improvements.

These are two puzzle pieces of a large piece of property. Like I mentioned earlier, we looked at and Paramount looked at ways to arranging this differently, but between what's being asked of them by other parties and what they have to provide to make sure they can rent apartments, this is what we can do here. We can do more here. Again, these are isolated pieces. Other than the ring road, what does it orient to? It orients to the mall, and we are providing connections to the mall entrances from this site. This building will be brought up to the street. So, we'll bring this building up to the street. So, we'll have hard edges on the main circulation areas. This is a service drive to the back of the mall. No access here. This site is actually at a higher elevation than this site.

So, the connectivity of the mall is here. The connectivity to the ring road is here. Connectivity to the greenway is being provided here. We've done as much as you can do with this site. I think the issues for the staff are more on this site, but the other factors, the view shed, the requirement to have parking that's in close proximity to the residents of the community leads us here. We do try to create this edge and then that lets future redevelopment also address this edge, and then this becomes the main circulation aisle for the elements of this site as it develops over time.

As these parking lots go away and become something more, the ring road is the organizing element. We're trying to address it. Could we do more? Other things? Yes, but at this point in time, this is what we can do to continue to let the mall evolve, invest in the area, bring more residents. To your point, more eyes to the facility, more eyes to the parking lot. That's good for the long-term benefit of the mall. As Tom said, it's part of the solution, not the only solution. We'll continue to work on it. Tom, I don't know what else you can add.

Mayor Lyles said can I put a word in for moms that have toddlers that might want to go over for coffee in the mall and they'd have to cross all that asphalt. Sometimes we forget about families and it's 312 units. Families need more opportunities to circulate with their children and to be able to actually just congregate. We're trying to create this gathering space and you want a safe mall because the more people that sit out in the mall and have restaurants and hospitality opportunities, that's going to be better, but I think it still looks like a lot of asphalt and little connectivity with the apartment complex that could perhaps actually really engage and create something. There's no gathering space that I can see except the pool maybe and the mall. I'm not asking you to really explain it again. I understand it. I just think that any place we build ought to take into account families with kids.

Mr. MacVean said yes ma'am.

Mayor Lyles said thank you Mr. Settle. You remember when SouthPark came up and the whole sidewalk circulating so that we could connect. So, there's some chances here, some opportunities.

Mr. MacVean said we'll look again.

Mr. Winston said I would say that I think there's more that we can do. I think you've mentioned that you've done all you can already, and I think that there's more that we

can do. I think that's what staff is saying as well. So, again I think the function is what I would like to see. Again, understanding that this particular place has significant community interests and community challenges right now, we want to deal with that in a way that is thoughtful and provides a forum to deal with the issues at hand. We do think that this is part of the solution. I think that this is part of the solution. I'll speak for myself, but we've got to get it right. Just listening to staff and the concerns, I don't disagree with their concerns. I'd like to work to get to a place that really does provide solutions.

Mr. MacVean said yes sir.

**Councilmember Bokhari** said I think you've heard a lot of good feedback Dave and staff. I think that the only thing I would leave you with over the next month and as it comes back to us, two things. One, I think it's important that we separate our macro responsibility of public safety and infrastructure which is definite and material and big from the transactional moments where someone's coming to do something.

Then two, I think all the points are valid, but at the same time I think we need to recognize at a point in time where people in the private sector are closing their doors there because of the aforementioned issues, we have someone willing to come in and invest. I think we have to contemplate that.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2022-152 BY VINROY REID FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.87 ACRES LOCATED ON THE SOUTHEAST SIDE OF CHAR-MECK LANE, NORTH OF MONROE ROAD, AND EAST OF NORTH WENDOVER ROAD FROM R-5 (SINGLE FAMILY RESIDENTIAL) AND O-2 (OFFICE) TO B-2 (GENERAL BUSINESS).**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-152 0.87 acres just at the end of Char-Meck Lane which is off of Monroe Road just right near the intersection there with North Wendover Road. Current zoning is O-2 and R-5. You can see R-5 is that smaller yellow portion on the back of the properties. Proposed zoning is for B-2 conventional. The Adopted Place Type from the Policy Map does call for this to be a Neighborhood Center. As mentioned, staff does not recommend approval of this petition in its current form. Some of the things we would consider would be a potential B-2 conditional district which would limit some auto oriented uses such as gas stations and others as well as maybe some design commitments for building location, orientation, etc.

Another alternative would be for a conventional request to the Neighborhood Center District which would be a UDO District. We could work through that in June if that would be something the petitioner would consider as well. That would be something we could take forward once the UDO comes into effect in June, but based on either of those outcomes, that would be preferred from staff, just a B-2 conventional. Something we do struggle a bit with particularly given the Neighborhood Center Place Type. Generally, policy is to not encourage new areas of just standard commercial or Commercial Place Type which this would translate to as a B-2 District, but again with some potential conditions or conversions to just a Neighborhood Center Zoning District. We may be able to work through some of those, but certainly respect the petitioner's request this time for just a B-2 conventional. We'll take any questions you guys may have after presentations by the petitioner and the community. Thank you.

**Vinroy Reid, 626 Char Meck Lane** said hello ladies and gentlemen. Thank you for the good work you're doing. Well as you know, Mama's Caribbean Grill, we are trying to open a second location that really highlights community and culture. I have this piece of property, was approached a lot of times to turn it into apartments, townhomes, but I want to make certain that this property without any changes from its current density, be something to serve the community in a cultural and uplifting way. So, I am petitioning to get a B-2 with some condition to deal with the service station or the mechanic shops. Anything that would create any issues with the neighbors.

I went to a neighborhood meeting last week, Tuesday, brought some good food. The neighbors came out, they enjoyed themselves. Any questions or concerns they had then, they asked me. They were very pleased with my proposal to really invest in the community and to keep a piece of property that's been there for over 100 years that I'm going to preserve that building and the surrounding areas of that building to really serve my community in a very uplifting capacity.

**Stuart Fligel, 4229 Monroe Road** said thank you for giving me the opportunity to talk to the Council and the staff. I really do appreciate that. My wife and I have owned the property at 4229 Monroe Road since 1978 and we are about 40 yards from Char-Meck Lane where you're proposing to make the changes there. I also have my business which is Fligel Uniform and Image Apparel that is in the back part of our property there. I understand wanting to change the zoning from O-2 to B-2 and to downgrade like that because I basically did that on our property over 30 years ago.

The Planning Commission in their infinite wisdom said that we always want to have a buffer between business and residential and multi-family. I needed to increase the size of our building and they said, "We want to support you in that, but we want to have a buffer. If you'll be able to fit into the property, if we give you 100 feet and to have a buffer of 100 feet, then we can help support that." Part of that agreement was going to be that we put in a privacy fence and to put in full landscaping across the back of that privacy fence that included maple trees, cedar trees, shrubbery, etc., because one day 30 years from now, the multi-family may be developed. Well, lo and behold that's exactly what's happening. We are hopeful that Monroe Road is going to be the next Southend of Charlotte. As we go to multi-story buildings and people are looking out over the back there, we want them to see the green scape that Charlotte is famous for and the Planning Commission was absolutely right in having us put in those privacy features and the landscaping. I don't see anything in the proposal that really addresses that.

More importantly, the City just took 20 feet of our property across the front for the widening of Monroe Road, and I asked them at the time, "Is there going to be an upgraded intersection where Char-Meck Lane and McAlway come together. They told me that that is not in the plans, but it could be done in the future. Now if we're going to increase the traffic on Monroe Road by 50 percent because now there's two lanes of traffic and now we're proposing to go to three lanes of traffic, that's a concern because two of my employees have been injured pulling out of our property into Monroe Road and being hit accordingly.

If we increase the traffic flow by 50 percent without doing anything else, how can we possibly consider adding more traffic on a nondedicated street like Char-Meck Lane? I've been in this neighborhood for over 40 years and Char-Meck Lane, I encourage you to go down and take a look at it. It's basically a one lane road and there's a house back there. I understand that the petitioner wants to put in a restaurant, and I absolutely would be all in favor of more restaurants on Monroe Road, but it needs to be in an area where there's enough infrastructure that will support it. When you watch people trying to get across Char-Meck Lane to the other side where McAlway is and if you go back out there you'll see what I'm talking about. They have to time their scooting across between two traffic lights and it's an accident waiting to happen.

So, in addition to my employees that have gotten injured, I'm doubly concerned about safety. One of my tenants in the front of the building has about 100 students doing sports training there. They're ages 8 to 18 and I understand that about 25 of them got a



college scholarship last year. So, we've got more of these students coming in at the worst possible time because it's after school from 4 to 7. We've got all these people coming, and 40 yards away, how are we going to have the increase of maybe as much as 500 percent more traffic? This is residential and one little office.

So, I'm not sure how that's going to work and more importantly I don't think it's safe at all. I think it's a major concern. In addition to that, when the attorney did the title search on our property he said, "I can't find any problems, but I want to keep digging." He went back further and found attached to a deed on page 12 or wherever it was, there was a right of way where the City had, in its wisdom just like they were wise in having me put in privacy and landscaping, had put in a right of way so that if that land was developed for multi-family that they could have an outlet to be able to get onto Monroe Road. This right of way as I understand it runs behind my building, and guess what, it dead ends into Char-Meck Lane.

So, my concern is I understand that we want Monroe Road to be the next Southend and I'm all in favor of that, believe me, but make it safe. Make it pretty and make people want to invest in multi-story buildings. When they were rezoning the land in back of me, Collin I don't know whether you remember this or not, but you spoke at the Common Market and you said that The future of Monroe Road is going to be more multi-story buildings. Maybe retail on the bottom and offices on top, and if so, I want them to have something nice to look at, but more importantly, I want Monroe Road to be safe until we get to the point that you can justify putting in a full traffic light there and you can justify making Char-Meck Lane a dedicated street. Right now, there's no sidewalk, there's no curb and gutter. Why not have pedestrian friendly sidewalks that go all the way back to the multi-family and give them access to hopefully more restaurants and more shopping along Monroe Road.

I hope that you'll keep in mind about the right-of-way that's there because if this change is made and the City wants to implement the right-of-way, I don't know how all that works. That's over my head. These guys can probably tell you, but it's a potential for more wrecks and I don't want any of those children injured. I really appreciate your consideration keeping Monroe Road safe and let's make it the next Southend. That would be fantastic. Thank you for listening.

Mr. Reid said I've been owning this property going on 10 years and one thing I always do is to know my neighbors. So, going to that neighborhood meeting was a way to really make certain if I miss anyone and if anyone have any questions or concern, they would actually make that known then. It's my first time seeing you, sir, and I would definitely like to come and really talk with you about what I'm trying to do with my piece of property. Like I said, I'm from a country with great aspiration to share my culture. My restaurant's been sitting on Central in the Plaza Midwood going on 20 years.

So, the things that I'm trying to do with who I am and what I own is to really benefit my community in which I live. So, I would love the opportunity to do the things that I do. For six years I've had my Jerk Festival in that location. There has not been any incident. I don't think my restaurant would become a threat to the neighborhood. I do think that Char-Meck wouldn't even be known if I did not plan to have a restaurant there. It's a road that is isolated from Monroe Road. It looks like a driveway.

So, I don't understand these stoplights before you get to Monroe Road. There's like a four-way stoplight. S&H Lumber's been sitting there empty. I am trying to bring safety and awareness to the east side that we are a mixed culture district and I'm just trying to add my flavor to it. So, again, I'm asking you for your consideration to let me help my community grow. Thank you.

**Councilmember Watlington** said a couple of questions for Mr. Reid. How are you doing?

Mr. Reid said good.

Ms. Watlington said I see here in the notes that the petition proposes uses that are permitted both by right and with the B-2 general business zoning district. I may have missed it, but can you help me understand why you're pursuing a rezoning if what you'd like to use it for is already permitted?

Mr. Reid said because in the new zoning district it really limits outdoor activities. So, I'm trying to do stuff that really showcases what my vision is for. What our vision for this space is. Just talking with David, we talk about putting in some provisions to really deal with some of the concerns like gas station and having garages and all that. So, that's something that we could add into that provision because my intention is whatever I do in that community is to really help that community better.

Ms. Watlington said so, point of clarification. Because I see here the petition proposes uses that are both permitted by right or under prescribed conditions.

Mr. Pettine said so, what's being proposed would be by right or under prescribed conditions under B-2. So, what he's proposing is to use the property for anything under the B-2 zoning district and that's why it says it in that way.

Ms. Watlington said I see. Okay. So, it's not permitted in O-2.

Mr. Pettine said right.

Ms. Watlington said got you.

Mr. Pettine said yes. So, the petition's proposing all those uses in B-2.

Ms. Watlington said I got you. Okay, then as a follow up, are you open to the conditional B-2?

Mr. Reid said sure.

Ms. Watlington said okay. Those are my questions. It sounds like there's still an opportunity to get aligned on where you could potentially go with this. Okay. Thanks.

Motion was made by Councilmember Mayfield, seconded by Councilmember Bokhari, and carried unanimously to close the hearing.
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**ITEM NO. 35: HEARING ON PETITION NO. 2022-091 BY TIM PRATT – COPPER BUILDERS LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.53 ACRES LOCATED ON THE SOUTH SIDE OF LYNNWOOD DRIVE, WEST OF STERLING ROAD, AND NORTH OF RIDGEWOOD AVENUE FROM R-17MF (MULTI-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

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

**David Pettine, Planning, Design & Development** said alright, 2022-091, 1.5 acres on Lynnwood Drive. It is currently zoned to R-17 and is proposed to be rezoned to UR-2 conditional. Adopted Place Type does call for a Neighborhood 2 in this area so the petition would be considered consistent with that Place Type. The proposal is for up to 21 single family attached townhome units. Building height would be 40 feet and then up to a maximum of 45 as measured to the peak of the roof. It does commit to 400 square feet of private open space for each individual unit. Two car garage is also for each unit and then units with direct frontage along Lynnwood Drive would be rear loaded and all other units would be front loaded.

Access would come from two ingress and egress driveways off Lynnwood. You can see those with the red arrows along Lynnwood Drive. Petitioner would also provide eight reserve angle visitor parking spaces. The petitioner will coordinate with C-DOT on all appropriate signage for the reverse angle parking. It does commit to installing 8-foot sidewalk and 8-foot planting strip along the site's frontage. Then also along adjacent property boundaries petitioner will provide evergreen landscape screening with a 6-foot wooden privacy fence. Lighting fixtures would be full cutoff with a maximum height of 20 feet.

Architectural details for primary building materials, blank wall provisions, raised residential entrances, individual walkways for units fronting Lynnwood Drive have all been incorporated as well. Also dedicates a minimum of 15 percent of the site to tree save along with some other potential locations of individual trees being potentially preserved throughout the site. As mentioned, staff does recommend approval of this petition. We do have some outstanding issues for transportation, site and building design and environment to work through. As mentioned, it is consistent the Policy Map recommendation for Neighborhood 2. We will take any questions following the presentations by both parties. Thank you.

**Paul Pennell, 1213 West Morehead Street, Suite 450** said Paul Pennell with Urban Design Partners representing Copper Builders, the petitioner on this site. Dave thank you for your presentation, your always thorough presentation on these. Again, Paul Pennell with Urban Design Partners representing the petitioner Copper Builders for Lynnwood Townhomes. Rezoning Petition 2022-091 along Lynnwood Avenue, approximately 1.58 acres for 21 residential townhome units. Again, this site is just south of Lynnwood Drive. It's just to the east of Little Sugar Creek Greenway in the Myers Park Community here in Charlotte.

Currently today the community has 18 townhomes onsite including 18 public parking spaces that are oriented at a 90-degree fashion along Lynnwood Avenue. Also there's approximately 12 surface parking spaces onsite as well. As you can see there is a tree canopy on site, and we are looking to preserve the majority of the trees onsite. We can get into a little bit more detail on that as we progress through our presentation.

The site today is zoned R-17MF. Within the 2040 Plan, the proposed land use is N-2. The petitioner Copper Builders would like to proceed with a petition for townhomes onsite. The townhomes would include three story units with two car garages in each unit. The 90-degree parking that's directly adjacent the site which has been a concern of the public since we've began working with them back in August would need to be reconfigured. So, today there's eighteen 90-degree parking spaces. Current policy with C-DOT does not support 90-degree parking within a public right of way. So, we originally were requested to provide parallel parking along Lynnwood Drive and working with the community to maximize the total number of parking spaces onsite for public use and to arrive at a creative solution with C-DOT, we were able to work with C-DOT in arriving at a reverse angle parking condition. Much like what you see in the Plaza Midwood Community here in Charlotte.

We have oriented all of our tree save in pockets where existing trees are onsite. There are a lot of trees onsite as well. We have gone through multiple iterations of site planning, working with the community and staff to orient the townhomes that are being proposed in a way that protect and maintain those trees onsite as well. There are some pines, there are some sweet gums onsite. Those are preferably going away. We are looking to protect the majority of the larger oaks and crepe myrtles onsite, as well as the existing crepe myrtles that are found along Lynnwood Drive. The trees that you see, core of the site, have actually been surveyed and they are representative of the actual size of what they are today.

Within out development conditions, we go beyond just the 15 percent tree save that's required for all petitions in the City of Charlotte. We go in and describe some additional commitments that we're making to protect the existing trees onsite during construction, including working with an arborist, including some root pruning that could potentially

occur onsite. Some mycorrhizae treatments which is basically a fungal treatment to help the tree roots as they get stressed during construction to help maintain the health of those trees. So, there's definitely some things that we're going above and beyond.

In addition, for all trees that we're stating within the Zoning Petition that we are keeping, if we were to lose any of those trees, those trees would be replaced at a rate of 1 caliper inch per every 2 inches of existing tree that's lost. So, there's some real commitment here to make sure that we maintain that tree canopy coverage that's there today. So, if something does get lost, hopefully in the future we can potentially create some additional canopy coverage as well.

Also there has been a lot of concern around stormwater runoff from this site. It has been in the forefront of every single community meeting that we have had here. This particular site, if it were to be redeveloped, would follow a stormwater ordinance from 1980. Essentially it would be required to detain all new impervious area in addition to the existing impervious area that's onsite today. The petitioner has agreed to detain all impervious area onsite, the existing and the proposed for the 2- and 10-year peak. So, stormwater is a concern at this location, and they are willing to go above and beyond to assist in those concerns of the neighbors. This is a pretty substantial development condition and something that they're wanting to provide within this petition.

FMK Architects which is a local architect has been working with Copper Builders. I think we're all familiar with Copper Builders, a very well-known builder here in town working on a modern Tudor-style townhome. These are some aspirational images of the types of architectural design that they would like to proceed with here and we do have a conceptual architectural elevation of the three-story unit types that we would like to pursue here. I think it's a very modern classic timeless look. I'm not an architect. I wish FMK was here to discuss these elevations here today, but we do think that the design of the townhomes will fit into the community quite nicely.

With that, I would like to open it up to any questions after opposition has had an opportunity to speak their concerns.

**Daryl McCollum, 2328 Providence Road** said first of all, thanks for having us all here tonight to discuss this. I know you guys are doing a lot and probably not getting thanked for it. So, thank you. I have some pictures that I only made four copies. I apologize. So, I'm hoping you all can pass those around while I'm talking. I also would like to go back to the schematic that showed the layout of the units and I would just like that to be up there for a moment.

My name is Daryl McCollum and I own 1956 Lynnwood which is down the hill from the current property. I bought the building when it was first renovated. So, I'm not a short-term investor, I'm a long term investor. I'm opposed to this infill development for three main reasons. Parking. In 2022, Experian Automotive and the U.S. Census Bureau said the average family owns 2.28 vehicles and 35 percent of American households own 3 cars or more. What is the impact? This means that for the 21 units that are proposed for this area, there will be an extra seven cars that will have to park outside this development. 21 times 1.35, you get 7.35 cars.

I'm also assuming that the garages are side by side and that they're 20 feet wide, 20 feet deep which will allow for the cars to come in. If you look at this area, you notice that the garages back up straight to the sidewalk which backs up straight to the street. As they said, 85 percent of this infill area is hardscapes. Why is that important? I'll get to it. Current street parking is congested in this area and additional parking for nannies, people visiting, things of that nature, will impact Lynnwood's and Jameston's residences who don't have off-street parking. You might say why is that? In the 50s and the 60s when this neighborhood was built, and if you were to do a bigger scope, there may 50 to 75 similar residences.

So, in the 50s and 60s the average number of people who had a car, 57 percent had 1 car. So, the need for off-street parking was not as important. Car ownership has

changed in the last 60 years which now this is a big impact in this area. So, adding more cars will be detrimental to the current residents that live there.

My next concern. Runoff. Although it was said that the guidelines would comply I think with the 1980 guidelines, we all know that once the builder has finished driving that nail and has left the site, any runoff issues relate to the existing owner and the new owner. It then becomes their problem. My concern, if you look at the pictures, we already have known issues. The developer knows it, I know, now y'all know it. Flooded crawl spaces, water standing in the front yard, water covering sidewalks is really not beneficial to your neighborhood. So, the potential, and again, I've owned this building for over 25 years, this has worsened as continued development, as continued tree removal has happened. It has gotten worse. My fear, it will even become even more worse, which is a bad term.

Water from the downspouts and the patios and sidewalks are going to be angled and elevated to divert the water from foundations to do it to the ground. If that then proceeds on, and I want to highlight. If you look at these units, one through four, in order to put in some additional tree scaping along the side between Scotland Colony and this proposed infill, they squished if you will, the patios of these units. So, if you noticed the lines don't match up with the physical line of the property. It means that all they did was just elongated the patio. So, if you look, there's almost a continuous hardscape of concrete that is going to be angled away from the units down to Scotland Colony to go down through the field.

Again, once construction ends, what is being done to ensure and prevent runoff from worsening and what contingencies are in place to ensure that the development prevents runoff as they have promised?

My third concern. The number of units. Why 21? It's to maximize the profits of the investors and the developers. It's not a concern for us to improve our neighborhood, it is a detriment to our neighborhood. Again, we pointed out the patios and I think Councilwoman Mitchell said unintended consequences. This is what we can see with patios not matching up to the property of that building. The question is, what other unintended consequences from this over developed area are not known right now? If you notice, again, garage door, sidewalk, what is the potential for someone walking down that sidewalk not hearing the garage door opening, running into the back of a car? It seems awfully close. I would not want to live in that neighborhood. I would not want to build that neighborhood, and I don't know if y'all want to live in that type of neighborhood.

My request. The number of units to be mandated to reduced to a more manageable and well thought out development. Maybe 17. They indicated that there were 18 existing units and all the discussions that I have had with them, it's been 17, going from 17 to 21. Seventeen 800 square foot units that are now going to two levels possibly three with height concerns that have been voiced by the City. So, I question is 21 really necessary? Maybe if they eliminated these four, they then could put some parking within that development and maybe they could put more trees. When they were saying all of the treescape, I see this area here and I saw a tree there and over there, but I don't see any ground that that tree actually has to grow even though they said they would maintain them. So, I have to believe with them.

Again, going back, if they eliminated this area they could actually put in some berms and swells and maybe higher plantings that could actually divert the rainwater off of this down to the street to where it would go into a stormwater. Again, I don't understand conceptually how they can prevent the rainwater if it's under a patio that directs it downhill. While these 21 units will benefit the developer and the investors, it will negatively impact existing homeowners in the long term for issues that I have discussed. This high dollar project, and again I would speculate that each one of these 21-unit places will be selling for \$1 million. So, you're taking away something that currently \$250,000/\$300,000, none of them have been condemned, I do not think, but yet you're tearing them down which are affordable to a certain part of our population.

I've heard repeatedly affordability. Rents for a \$300,000 property are a lot less than rent for a \$1 million property.

So, I would question by tearing down units and replacing them with units that are three times more valuable, who does that benefit? The investor, the builder and probably the tax base that would be coming off of this. Before you're making your decision, please think about how this type of development does not fit into the existing neighborhood of 800 square foot structures with grassy front yards, grassy side yards and grassy backyards. Again, if I had the picture that the developer showed, you saw sidewalks going down grass. Grass on each side, grass in the front, grass going back. That's all gone with concrete and sidewalks and garages. So, even though it may be a pretty neighborhood, I would question its viability in fitting in with the current neighborhood. Thank you.

**Mayor Pro Tem Winston** said thank you Mr. McCollum. If you have additional comments, you can email them to the Clerk and they'll be distributed to Council members.

Mr. Pennell said thank you Mayor Pro Tem. I'll try to address all of Daryl's concerns. We may need to get them in the question portion. Regarding parking, there are 18 parking spaces along Lynnwood Avenue and approximately 12 surface parking spaces onsite. Now each townhome will have a two-car garage in addition to one surface parking space for the mail kiosk and then the eight public parking spaces. So, when you compare the number of parking spaces that are there today, there's a net increase of parking of an additional 20 parking spaces from the current condition today. So, we feel that this is an improvement.

Also, as you know, Charlotte does not want to be a car centric city. We are always trying to balance what is necessary and what is needed in all of our petitions. So, we don't think it's prudent to have three parking spaces per unit. We just don't think that's necessary.

Runoff. Yes, today the majority of the stormwater runoff from the site today does run downhill to the adjacent community. That will be resolved with redevelopment of this site whether it's this conditional rezoning or if it's done through a by-right into option. Stormwater will not runoff, it will be collected with drains prior to leaving the site. There is no intention of using swales to run it off to Lynnwood Avenue. It will be collected onsite. There are development conditions within the petition to detain all stormwater onsite. So, the ongoing stormwater conditions that they've had problems with for so many years will be resolved.

Trees. We can talk a little bit more about trees during the question-and-answer portion of this. There are commitments to protect and save the trees that are onsite. There are conditions for screening fencing, evergreen screening around the entire site. Thank you.

**Councilmember Johnson** said I have a question that might be for Mr. Pettine or perhaps the petitioner can answer it. So, you mentioned that there would be improvements for stormwater drainage. You also mentioned at the beginning of the presentation that the petitioner commits to providing 2 in 10-year peak control.

Mr. Pennell said that is correct.

Ms. Johnson said can I get some explanation on that from either zoning or the petitioner please?

Mr. Pennell said so, what that means is today there is no stormwater detention onsite. There's no way to collect any of the stormwater. Typically, what you see in new redevelopment petitions and new land development projects that are introducing a lot of new impervious area, you detain stormwater and there's also a quality component where you clean the stormwater, detain it and then release it. In this particular instance, because it's an existing site and it's redevelopment, you basically take a calculation of

the existing impervious area that's there today, the new impervious area and then the difference between the two is what you're required to detain onsite. In this particular instance, it's approximately 10,000 square feet, the difference between the impervious area that's there today versus the new impervious area that's being proposed. That's what would be required.

The petitioner has agreed to detain all impervious area onsite within this petition and those commitments have been made within the development conditions to basically detain a 2-year storm event and a 10-year storm event. I'm not a civil engineer so I can't go into detail about that, but I'm more than happy to provide some additional detail offline if you would like.

Ms. Johnson said thank you. I'd like to hear more from our staff offline to learn more about that Mr. Pettine.

Mr. Pettine said yes. We'll pass that on to Stormwater and get some information from them.

Ms. Johnson said right. Well, this is from my colleagues again, with all the concerns that we're talking about regarding stormwater, perhaps that's a change to a policy. We can talk about that, or we can get more information, but if that's above and beyond, I know I had a petition today where the neighbors had asked the developer to guarantee if there was a problem after the completion, what could be done and the developer said, "Well we'll commit to doing what's required by permitting." This sounds like that is above and beyond and what our residents would like to see more of. So, thank you.

Mr. Pennell said Councilmember Johnson, there's one additional component I'd like to share here. With stormwater, there's options for that stormwater to be detained and sheet-flow off. In this particular instance, it will be detained underground and then piped to existing jurisdictional stormwater infrastructure that's in Lynnwood. So, all of that stormwater would be collected in drains and then it won't be seen again.

Ms. Johnson said thank you.

Mr. Pennell said thank you.

Motion was made by Councilmember Johnson, seconded by Councilmember Bokhari, and carried unanimously to close the hearing.
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**ITEM NO. 37: HEARING ON PETITION NO. 2022-123 BY MUNGO HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 39.02 ACRES LOCATED ALONG THE SOUTHWEST SIDE OF GIBBON ROAD, EAST OF STATESVILLE ROAD, AND SOUTH OF OLD STATESVILLE ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) WITH 5-YEAR VESTED RIGHTS.**

**Mayor Lyles** declared the hearing open.

**David Pettine, Planning, Design & Development** said alright, 2022-123. 38.18 acres as mentioned on Gibbon Road just off of Old Statesville Road. Also has some frontage on Oak Drive. The properties are currently zoned to R-3. The proposed zoning is R-8MF, conditional. You see we've got some mixed zoning in the area being R-12, R-17, B-2 along Old Statesville and then this proposal as I mentioned is R-8.

Adopted Place Type is Neighborhood 1. You can see part of the parcel does have some Commercial Place Type recommended. There is some Neighborhood 2 that was recently approved just at the corner of Old Statesville and Gibbon Road. That was

approved within the last three or four months. This proposal is in two separate development areas. That would come out to 287 single family attached townhomes. Access would be both from Gibbon Road, Oak Drive as well as Easy Street which is just at the bottom kind of right-hand side of the image. Upgrades would occur to Easy Street to meet the Land Development Standard Manual for a U-02 street. That does dedicate 41 feet of right of way from the center line of given road as well as provides a 12-foot multi-use path and 8-foot planting strip along that frontage as well, and an 8-foot planting strip and 6-foot sidewalk along the internal street network. A 50-foot Class C buffer would be provided between the site and the adjacent single-family neighborhood, as you can see that in the green line around both site areas.

It does dedicate and convey a minimum of 60-foot easement along and adjacent to the Duke Power Company easement. That would go to Mecklenburg County for a future seam trail. Detached lighting would be limited to 21 feet in height. Architectural standards have been incorporated into the proposal and open space would include things like specialty landscaping, dog parks, seating and/or gazebos. Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation. It is inconsistent with the Neighborhood 1 and Commercial Place Types. This would go to a Neighborhood 2. Also, one of the things that we don't get and may be shared by the petitioner is the network of new streets that would be continually built between this project and one that we alluded to that was recently approved along Gibbon Road and Old Statesville that would essentially create an entire new network of streets through this general area and improve circulation and access. So, again, staff does recommend approval of this petition upon resolution of outstanding issues. We will take any questions following the petitioner's presentation. Thank you.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. I am pleased to be here this evening with Matt Kearns with Mungo Homes and Eddie Moore with McAdams assisting on the design side.

As Dave mentioned, this is a plan for a townhome community. When we originally started this rezoning, the Adopted Land Use Policy at the time recommended an R-8 density and we are actually proposing something that's just under eight dwelling units to the acre. I do want to start to show where this site is in relation to existing bike routes, suggested bike routes, greenways and future greenways. We talk a lot about a 10-minute walkable neighborhood and this is really trying to tie us in to that alternative street network.

We have identified that the goals that we're meeting is the possibility of the 10-minute neighborhood, neighborhood diversity and inclusion, safe and equitable mobility and Goal 6, the health and safety active community. Dave mentioned this is wrapping around another site that was recently approved for affordable housing. There is extensive street network that's going to give residents the opportunity in the existing single-family community through the proposed recently approved multi-family and townhome community with these new townhomes. So, the street network is extensive in tying you into options on both Gibbon and Old Statesville Road.

You can see when you look at the plan, we've put our stormwater features to the perimeter of this on the periphery. We've also done a good job with extensive open space throughout the community. In orange, you can see where we've highlighted those access points and connections that are going to go to the existing community as well as the proposed community. We have tree save in both the northern and southern portions of the site, and you can see where we are proposing to set aside land for the park and rec proposed seam trail. With that, I'm happy to answer any questions.

**Mayor Pro Tem Winston** said thank you. I have one question for staff. I know we usually only have vested rights for large tracts of development.



Mr. Pettine said I believe that may be a carryover from the original request. I think it's been dropped, and the petitioner can confirm that, but yes, it's something that we would ask to be typically removed for a project like this. I do think it's already been dropped. It may have just been a carryover into the agenda materials.

Mayor Pro Tem Winston said Ms. Grant is shaking her head yes.

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

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**ITEM NO. 38: HEARING ON PETITION NO. 2022-125 BY BLUE HEEL DEVELOPMENT FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.7 ACRES LOCATED ON THE SOUTHEAST SIDE OF TENNYSON DRIVE AND INTERSTATE 85, WEST OF GLENWOOD DRIVE, AND EAST OF FREEDOM DRIVE FROM R-5 AIR (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY), B-2 AIR (GENERAL BUSINESS, AIRPORT NOISE OVERLAY) TO UR-2(CD) AIR (URBAN RESIDENTIAL, CONDITIONAL, AIRPORT NOISE OVERLAY).**

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

**David Pettine, Planning, Design & Development** said alright, 2022-125, 7.7 acres really at the end of Plainview Road and along Tennyson Drive right along the Interstate I-85. As mentioned, it's currently zoned to R-5 and B-2. Both have an airport noise overlay. The proposed zoning is UR-2, conditional. That would also maintain the airport noise overlay as well. Adopted Place Type is for Neighborhood 1 and the proposal itself is for up to 38 single family attached residences. That comes in at about five dwelling units per acre. We'll get back to some of the importance of that when we get into the rationale on the last slide.

It does preserve a sizable portion. As you can see, essentially everything north of the extension of Plainview Road is tree save area and wetlands. That would be all undisturbed. It does connect two streets with public streets. That would be Plainview and then the other street that would be connected to Garringer Place. Then the other road that would be connected to Crestmere, that's only being proposed to have a pedestrian connection of multi-use path connection. So, continue to build out that network of streets from Plainview, but then again just provide that pedestrian connection to one of the other existing street stubs.

It does also provide an 8-foot planting strip and 6-foot sidewalk along the new street extension. That would also then again be the 10-foot multi-use path on one side of the culvert street section over the creek. It does propose primarily front-loaded units. Also commits to enhanced entry doors and stoops as well as side elevations for corner and end units that face public streets. Commits to recessing garage doors 12 to 24 inches from the front wall plan and also preserves 50 percent of the site as open space with 10 percent being used for usable common open space.

As mentioned, staff does recommend approval. We do have some outstanding issues related to land use and transportation to be resolved. It is inconsistent with the Neighborhood 1 Place Type. A couple of things that we looked at with this petition. The B-2 portion of the project would allow for multi-family units; I think upwards of 22 dwelling units per acre. Then the R-5 piece would allow development at about 5 units per acre single family. So, this petition did kind of blend a bit of some of the allowed uses in B-2 but maintain the density of the R-5. It did provide, again, some of that street network connectivity, connecting two of those unconnected streets. Again, came in at a moderate density that staff didn't generally have significant concerns with. Again we are recommending approval of the petition upon resolution of some issues. We'll be happy to take questions following any presentations by the petitioners.

**Matt Gallagher, 9606 Bailey Road, Suite 265 Cornelius** said hi, my name is Matt Gallagher with Blue Heel Development. Dave did a great job summarizing. He stole a little bit of my thunder talking about the B-2 and the R-5 but then maintaining density just under five units. You probably know Mr. James Scruggs, he's done a fantastic job with some infill development along Plainview with building some beautiful homes. So, we hope to just continue that effort connecting new construction on Plainview and new construction on Tennyson with existing established neighborhoods on our two streets to the south.

It is a mix of two story and three-story units. Three story are rear loaded. We believe in private garages and two car private driveways to eliminate some of the parking concerns. So, open to questions, but it's pretty straightforward and Dave covered all the bases. So, thanks so much. Jay Banks is my Engineer.

**Councilmember Johnson** said I just wanted to say I've had the pleasure of working with Mr. Gallagher in the past and also James Scruggs. So, thank you.

Mayor Pro Tem Winston said thank you.

**Lang Reynolds, 705 Tennyson Dr** said I'm a neighbor. I'm not with the developers, but I did want to spend a quick minute. It's late, so I'll keep it short. I am in support of the project. I think it's good to have more infill development. It's good to have a large tree save area. I just want to make sure that is maintained in the final plans. Then the other thing that I wanted to call to the attention of Council is in our neighborhood, we don't have any sidewalks. So, it's a little bit dangerous with some of the drivers that cut through here. So, they're putting in new sidewalks for the new development, which is great, but wanted to encourage Council as we go into the budget planning process here to devote some more funding to sidewalks and look at that expansion in neighborhoods like ours that have no sidewalks. That's it. Thank you.

Mayor Pro Tem Winston said thank you. You said Jay?

Mr. Gallagher said he's our Land Engineer. So, the tough question's for him.

**Councilmember Mayfield** said for the petitioner. So, I want to make sure that I'm looking at this correctly. For this particular proposed project, outside of sidewalk improvements, does this have any amenities?

Mr. Gallagher said yes. We usually will like to understand our resident profile before designing and figuring out where they're going to go and what people want. What we've seen in our resident profile has been that dog parks are about as popular as it comes. So, we have a lot of tree save area but we also have an area to the north on Tennyson that's outside the tree save that a dog park or a pavilion or some community amenity might be placed.

Ms. Mayfield said so, it is in your proposal, you just haven't identified it yet?

Mr. Gallagher said correct.

Ms. Mayfield said thank you.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to close the hearing.
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**ITEM NO. 39: HEARING ON PETITION NO. 2022-130 BY THOMAS ELROD FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.04 ACRES LOCATED AT THE NORTHWEST INTERSECTION OF CARMEL ROAD AND LITTLE AVENUE, NORTH**

**OF PINEVILLE-MATTHEWS ROAD, AND EAST OF JOHNSTON ROAD FROM B-1 (CD) (GENERAL BUSINESS, CONDITIONAL) TO O-1 (CD) (OFFICE, CONDITIONAL).**

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

**David Pettine, Planning, Design & Development** I was notified by staff that it was this next item that we've got on our agenda which is Item 39, Petition 2022-130 should've been included in our deferral motion and vote earlier this evening.

Motion was made by Councilmember Winston, seconded by Councilmember Mayfield, and carried unanimously to defer a public hearing on Item No. 39 until April 17, 2023.

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**ITEM NO. 40: HEARING ON PETITION NO. 2022-134 BY MUHSIN MUHAMMAD II FOR A CHANGE IN ZONING FOR APPROXIMATELY 15.48 ACRES LOCATED ALONG THE NORTHEAST SIDE OF TROJAN DRIVE AND EAST SIDE OF OUTLETS BOULEVARD, WEST OF STEELE CREEK ROAD FROM O-2(CD) LLWPA (OFFICE, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA), NS LLWPA (NEIGHBORHOOD SERVICES, LOWER LAKE WYLIE PROTECTED AREA) TO O-2 (CD) SPA LLWPA (OFFICE, CONDITIONAL, SITE PLAN AMENDMENT, LOWER LAKE WYLIE PROTECTED AREA), NS SPA LLWPA (NEIGHBORHOOD SERVICES, SITE PLAN AMENDMENT, LOWER LAKE WYLIE PROTECTED AREA).**

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

**John Kinley, Rezoning Planner** said this is approximately 15.48 acres on Steele Creek Road between Interstate 485 and Outlets Boulevard. You can see there it's just south of the Outlet Mall. It's currently zoned as Mayor Pro Tem stated, O-2 (CD) and they're asking for an O-2 (CD) and NS. The current Policy Map recommendation is for commercial. Basically, the proposal is creating a new development area which is number seven you see on the screen and it shifts some building envelopes within that area and it seeks to rezone a small area in the southern corner of the site from O-2 (CD) to NS.

It also corrects an encroachment issue with the public right of way in that southern corner of the property and allows an additional accessory drive through use for a financial institution or a business service use. Staff recommends approval of the petition upon the resolution of the outstanding issues related to transportation, environment and land use. It is consistent with the 2040 Policy Map recommendation for a Commercial Place Type. I will take any questions after the petitioner's presentation.

**Muhsin Muhammad II, 6100 Fairview Road, Suite 1156** said Mayor Pro Tem and City Council members and Planning Committee, thank you for having me this evening. This plan is basically a continuation of Petition 2017-019. It's already been approved. We've basically built this development to the City's standards and Council standards. So, we put a short presentation together. This is just a picture of the site. We've got an Olive Garden onsite; we've got a Longhorn Steakhouse. We've got two of our shop buildings that have been built already to standards. The road has already been built to DOT (Department of Transportation) standards. Our site has been approved for nine buildings. There's six buildings on our site plan. We're asking for the seventh additional pad in this rezoning. So, what we're asking for in this rezoning is our seventh building. It'll be a 12,000 square foot building. It'll be built and adhere to all of the standards. We're approved for 85,000 square feet of commercial space, 35,000 of EDEE (eating/drinking/ entertainment establishment) and 50,000 in an O-2 zoning for commercial uses.

So, that building will fall within the 50,000 square feet of the commercial side. So, on this corner right here, that's the Longhorn Steakhouse there are some encroachment issues that we're working with staff right now on resolutions on that. So, we're just working to resolve those issues right there on this corner of Outlets Boulevard and Highway 160. So, we should have a resolution for that. If not, we'll table it but it's not a material part of the rezoning petition here. The rezoning petition is basically for that additional out parcel and then we also have an EDEE non-cooktop ability on this. So, we have the ability to build an EDEE non-cooktop drive through on one of our parcels. So, this rezoning also requests that we're able to expand that drive through capability.

Mayor Pro Tem Winston said if you have additional comments, somebody might ask it or you can send it to the clerk and she'll send it to us.

Mr. Muhammad said okay.

Ms. Watlington said Mr. Muhammad, were you going to say something else?

Mr. Muhammad said yes. Let me finish that real quick. The other part of this is just that we're asking for additional drive through capabilities maintaining the restrictions on the fast food which I think is a sensitive topic out there. We don't want to do fast food, but we will do financial services and some other business services that's in the rezoning application.

Motion was made by Councilmember Mayfield, seconded by Councilmember Winston, and carried unanimously to close the hearing.
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**ITEM NO. 41: HEARING ON PETITION NO. 2022-137 BY THE MAINTENANCE TEAM, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.26 ACRES LOCATED ON THE NORTH SIDE OF SHOPTON ROAD, WEST OF PINECREST DRIVE, AND EAST OF STEELE CREEK ROAD FROM R-3 AIR (SINGLE FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY), I-2 (CD) AIR (GENERAL INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY) TO I-2 (CD) AIR (GENERAL INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY, I-2 (CD) SPA AIR (GENERAL INDUSTRIAL, CONDITIONAL, SITE PLAN AMENDMENT, AIRPORT NOISE OVERLAY).**

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

**John Kinley, Rezoning Planner** said this is approximately 10.26 acres on the north side of Shopton Road between Steve Chapman Drive and Pinecrest Drive. The site is currently zoned R-3 in the airport noise overlay. There's just a little portion of the site there on Shopton that's R-3 and then I-2 (CD) also in the airport noise overlay. The proposed zoning would take the R-3 portion to I-2 (CD) and do an amendment to the site plan for the I-2 (CD) for the remainder of the parcel.

The 2040 Policy Map recommends manufacturing and logistics uses for this site. It would ask basically 0.46 acres to the parcel to the previously approve rezoning plan area, and that would be the R-3 portion. It increases the maximum building square footage to 120,000 square feet, expands the list prohibited uses on the site. I won't read all of those out, but basically it has to do with heavier and more noxious uses. Allows for phased construction of the principle building with a minimum of 10,000 square feet in the first building phase. Maintains construction of a 5-foot bicycle lane, 3-foot buffer with curb and gutter, 8-foot planting strips, 6-foot sidewalk along Shopton Road frontage and maintains a 100-foot Class A buffer reduced to 75 feet with a berm, where adjacent to any R-3 zoning.

Staff recommends approval of the petition upon the resolution of outstanding issues related to transportation and site and building design. It is consistent with the 2040 Policy Map recommendation for Manufacturing and Logistics Place Type. I'll take any questions after the petitioner's presentation.

**John Carmichael, 101 North Tryon Street, Suite 1900** said thank you Mr. Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael. With me tonight is David Kreutzer with the petitioner. Mr. Kinley did a really good job. So, I'll be brief. The site's about 10.26 acres located on the north side of Shopton Road between Sandy Porter Road and Sirona Drive. This is an aerial photo of the site, a zoomed in aerial photo. The 9.7 acres of the site is currently zoned to I-2 (CD) having been rezoned to that designation pursuant to Rezoning Petition 2020-119. About a half-acre portion of the site is currently zoned R-3 as you can see here. It's the little portion next to Shopton Road.

This is the currently approved rezoning plan for the I-2 (CD) portion of the site. It allows for 100,000 square foot building. The purpose of the request is to rezone the half-acre portion of this site to I-2 (CD) and to request a site plan amendment to the 9.7 acre portion of the site that's zoned I-2 (CD) to accommodate a 20,000 square foot expansion of the currently approved 100,000 square foot building on the 9.7 acre portion of the site. It would eliminate the buffer between the I-2 portion of the site and the R-3 portion site.

The building would be devoted to office warehouse and distribution uses. The 2040 Policy Map recommends manufacturing and logistics as Mr. Kinley stated. This is our proposed rezoning plan. The building's flipped to the top of the site which is actually to the western boundary, and this is 120,000 square feet as opposed to 100,000 square feet. We're happy to answer any questions that you may have. Thanks for your consideration.

Motion was made by Councilmember Bokhari, seconded by Councilmember Graham, and carried unanimously to close the hearing.
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**ITEM NO. 42: HEARING ON PETITION NO. 2022-139 BY CANVAS RESIDENTIAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.94 ACRES LOCATED ON THE NORTH SIDE OF WILLIAM FICKLEN DRIVE, WEST OF MALLARD CREEK ROAD, AND EAST OF WEST W.T. HARRIS BOULEVARD FROM RE-1 (RESEARCH) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).**

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

**John Kinley, Rezoning Planner** said alright. This is 6.94 acres on the northwest corner of William Ficklen Drive and Ben Craig Drive, west of Mallard Creek Road and east of W.T. Harris Road. That site is currently vacant. It's currently zoned to RE-1, research district and the proposed zoning is UR-2, urban residential, conditional. The 2040 Policy Map recommends Campus Place Type for this site.

The proposal would permit the development of up to 82 single family attached townhomes that are 8 of 12 units to the acre. Limited to no greater than six units per building. Vehicular access would be from William Ficklen Drive via a private street extension to Ben Craig Drive as generally depicted on the plan. Provides architectural standards related to the building materials, pitched roofs, predominant stoops and porches, blank wall limitations, sidewalk connections and public and private street orientation and architectural enhancements to garage doors fronting those public and private streets.

It describes site and pedestrian scaled lighting to standards and constructs a 6-foot sidewalk and an 8-foot-wide planting strip along William Ficklen Drive and limits the

building height to 55 feet. Staff recommends approval of the petition upon the resolution of outstanding issues related to transportation and site and building design. It is consistent with the 2040 Policy Map recommendation for that Campus Place Type. I'll take any questions after the petitioner's presentation.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here with Creighton Call and Land Design on this rezoning. Staff did a great job. I know we're getting to the final hour. So, I'm going to jump ahead to the site plan, and just again call out that this is a single family attached product type. We've got ample open space throughout the community and provide connections, stormwater management. We have provided for guest parking on this site which we know is sometimes an issue and we're going to address all outstanding issues. If you have any questions, I'm happy to answer them.

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

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**ITEM NO. 43: HEARING ON PETITION NO. 2022-140 BY THE F.A. BARTLETT TREE EXPERT COMPANY FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.07 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF ZOAR ROAD AND THOMAS ROAD, SOUTH OF YOUNGBLOOD ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO O-1 (CD) (OFFICE, CONDITIONAL).**

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

**John Kinley, Rezoning Planner** said this is approximately 7.07 acres at the intersection of Zoar Road and Thomas Road, south of Youngblood Road. It's currently zoned to R-3, single family residential, and the proposed zoning is O-1 (CD), office conditional. The 2040 Policy Map recommends Neighborhood 1 for the site. It would permit the following uses: Laboratories, office, educational uses, dormitory as well as any accessory uses permitted in an O-1 district. The cemetery that's on the site would remain in place and continue to operate. The existing cellphone tower and wireless communications tower and supporting structures would also continue as a legal nonconforming use. It proposes that the existing structures on the site are to remain in place and be converted to specified uses but may not expand in size.

Exterior and interior improvements may be made to those buildings and the existing pavilion may be enclosed and converted to finished gross floor area and house the specified permitted uses excluding residential. Commits that no new structures may be constructed on this site and access will be as depicted from one driveway off of Zoar Road and two driveways off of Thomas Road. Provides buffers along all adjacent residential property boundaries planted to a Class C standard and the buffer may be reduced by 25 percent in width by the installation of a fence. An alternative buffer has been approved by the Zoning Administrator for a portion of this site and it will remain.

The petition is inconsistent with the 2040 Policy Map recommendation for the Neighborhood 1 Place Type. Staff is recommending approval of the petition upon the resolutions of the outstanding issues related to transportation and requested technical revisions. The petition is located outside of the city limits near the South Carolina border along the west side of Zoar Road just along the east side of Zoar and bound by Youngblood and Hamilton Road. Is the expansive F.A. Bartlett Research Laboratories and Arboretum. Aside from the open space and research uses, this area is largely populated with single family residential development and the site itself has been operating as an institutional and residential use.

The petition would allow for the reuse of those existing structures to support F.A. Bartlett's research, educational and dormitory and office uses. No new structures would

be on the site, maintaining the current contextual sensitivity to the adjacent residential neighborhoods. The single family detached home on the site would operate as a dormitory for visiting professors, interns and other guests as specified in the conditional notes. Subsequently the portion of the site would continue with uses that are compatible with the abutting single family homes.

The proposal includes a buffer along the site's southern and western property boundaries against the residential development and the current recommended Neighborhood 1 Place Type is reflective of R-3 zoning, although the majority of the site has been historically hosted as institutional uses. The application of the Campus Place Type here is appropriate given the uses outlined in the proposal itself as well as in the neighboring uses at F.A. Bartlett Research Laboratories and Arboretum. I'll take any questions after the petitioner's presentation.

**John Carmichael, 101 North Tryon Street, Suite 1900** said Mr. Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael. As Mayor Pro Tem said, Dave Marren of Bartlett is with me and Jennifer Greeson with Design Resource Group is with me as well, and they're happy to answer any questions.

As Mr. Kinley said the site contains just over 7 acres located at the intersection of Zoar Road and Thomas Road. This is a really zoomed out aerial that shows the site. The purpose of this is just to show you all the land that Bartlett owns around the site or near the site. They own over 400 acres and they're over 25,000 trees on those 400 acres. They operate an arboretum and a tree research facility. So, this is the site a little closer in. This is the 7-acre site. It's the former home of the Good Shepherd Church. So, Bartlett needs some additional office space, space for a library, maybe some additional lab space and rather than cutting down trees on its property, they ran across this site that was for sale and thought it'd be perfect for their needs.

This site is currently zoned to R-3 as Mr. Kinley stated and the request is to rezone the site to O-1 (CD) to allow the repurposing of the existing buildings on the site by Bartlett for office uses, laboratories, educational uses and a residential unit which is an existing single family detached home that would be used by visiting professors and interns. The existing cemetery would remain in place. Existing buildings could not be expanded other than the possible enclosure of an existing pavilion, but the buildings could be renovated approved. No new or additional buildings could be located on the site. This is the rezoning plan and essentially the existing site plan and you can see all the greenspace. This is the pavilion that could enclosed in the future by Bartlett. This is the existing cemetery that would remain in place. All the greenspaces would remain. We're happy to answer any questions. Bartlett's excited about the possibility of utilizing this former religious institution for its purposes.

Motion was made by Councilmember Bokhari, seconded by Councilmember Anderson, and carried unanimously to close the hearing.
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**ITEM NO. 44: HEARING ON PETITION NO. 2022-153 BY CATALYST INVESTMENT PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.5 ACRES LOCATED ON THE NORTH SIDE OF OLD HEBRON ROAD, WEST OF ENGLAND STREET, AND EAST OF NATIONS FORD ROAD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (GENERAL INDUSTRIAL).**

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

**David Pettine, Planning, Design & Development** said 2022-153. It's just approximately 0.5 acre as mentioned on Old Hebron Road. It is currently zoned I believe I-1. Yes, a portion of it zoned to I-1. You can see that just in the back area that's a little bit of a lighter shade. That's the only area that we're looking at for the rezoning. The entirety of the property outside of that is zoned to I-2. So, essentially, they're

looking to take that back portion where that zoning boundary is for I-1 and also make that I-2 to just match up zoning across the property and make it all consistent. The Adopted Place Type for this is manufacturing and logistics on the Policy Map. So, this petition would be consistent. Again, this is a conventional petition. So, there's no conditions, no outstanding issue or site plan to consider. It is consistent with the Policy Map recommendation for M and L (Manufacturing and Logistics). Staff does recommend approval and be happy to take any questions following the petitioner's presentation. Thank you.

**Walter Fields, 4667 Webbs Chapel Church Road, Denver** said Mayor Pro Tem and Council and members of the Zoning Committee, good evening. I'm Walter Fields representing the petitioner Catalyst Investment Partners. This is a very simple rezoning. It's consistent with your Adopted Policy Map. The only thing about it that I would call your attention to is on page 3 in your Staff Analysis is an aerial photo. The only piece of property anywhere close by that is zoned residential is actually the site of the WBTV towers, and they aren't going anywhere. So, this entire area is industrial. Old Hebron Street is a dead-end street. All those uses are non-residential, and we would appreciate your consideration. Thank you.

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

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**ITEM NO. 45: HEARING ON PETITION NO. 2022-155 BY MUNGO HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.2 ACRES LOCATED ON THE SOUTH SIDE OF LAKEVIEW ROAD, WEST OF REAMES ROAD, AND EAST OF BEATTIES FORD ROAD FROM R-4 (SINGLE FAMILY RESIDENTIAL) TO R-12MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL)**

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

**David Pettine, Planning, Design & Development** 2022-155. It's just over 4 acres on Lakeview just to the west of Trinity Road currently zoned to R-4. You can see some R-22 (MF) zoning right behind this site. The proposed zoning is R-12 (MF) conditional. The Policy Map does recommend Neighborhood 1. You can see Neighborhood 2 there just to the south.

The proposal would propose up to 41 single family attached townhomes. Access would be from Lakeview. You can see that there with a red arrow. It does dedicate a fee simple right of way along Lakeview to the City. It does propose a future street connection to the south of this site. Commits to streetscape improvements along Lakeview which would include an 8-foot planting strip and 12-foot multi-use path as well as providing a 28-foot buffer on the west side of the site that's adjacent to single family homes. Also architectural standards have been incorporated into the petition. That road that punches through there would set up a potential future road network should the property to the south redevelop. So, that's certainly something that we are considering in some of this petition just an opportunity to potentially build out future network should we get some redevelopment to the south. That does set us up for that moving forward.

Staff does recommend approval of this petition. We do have some outstanding issues related to transportation. It is inconsistent with the Policy Map. Staff does feel that it is an appropriate project in this location. We'll be happy to take any questions following the petitioner's presentation. Thank you.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here again tonight with Matt Kearns of Mungo Homes and Eddie Moore with McAdams. Dave did a great job on the presentation, and I know we're getting to the end of the night. So, I'm just going to pull



up the rendered site plan. I think these are always a little easier to read. You can see how the townhomes align with the adjacent multi-family development. We believe this is a great transition between the multi-family up on to Lakeview. We are happy to answer any questions.

**Councilmember Johnson** said these are 41 single family attached homes?

Ms. Grant said they're an attached product type, yes.

Ms. Johnson said okay, and is that sale or rent?

Ms. Grant said I don't believe that's been determined yet as a final decision.

Ms. Johnson said okay, these are the same type of structures as the 2022-123, right? That was Mungo Homes. Is that the same product?

Ms. Grant said it is, yes.

Ms. Johnson said where can we see an image of what these are projected to look like?

Ms. Grant said I can follow up and provide some precedent images for the types of homes that they built with a similar product type.

Ms. Johnson said it's probably on their website also, right?

Ms. Grant said it's a new product type. So, it's not on their website yet.

Ms. Johnson said okay. Yes, if you can send that to me. I don't know if the rest of Council wants to see it, but I certainly would like to. Thank you.

Ms. Grant said you're welcome.

Motion was made by Councilmember Bokhari, seconded by Councilmember Winston, and carried unanimously to close the hearing.
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**ITEM NO. 46: HEARING ON PETITION NO. 46 BY FALL INVESTMENTS LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.04 ACRES LOCATED ON THE SOUTH SIDE OF WEST W.T. HARRIS BOULEVARD, EAST OF UNIVERSITY EXECUTIVE PARK DRIVE, AND WEST OF NORTH TRYON STREET FROM O-15 (CD) (OFFICE, CONDITIONAL) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT – COMMUNITY CENTER).**

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

**John Kinley, Rezoning Planner** said this is 2.04 acres on the south side of West W.T. Harris Boulevard, east of University Executive Park Drive and west of North Tryon Street. As you said it's currently zoned to O-15 (CD). That is an old district. Predates our current zoning districts that we have now. So, it's a legacy district. An old zoning district, not in use anymore. The proposed zoning is TOD-CC, transit-oriented development, community center.

The 2040 Policy Map recommendation calls for Community Activity Center. Staff recommends approval of the petition. It is consistent with the 2040 Policy Map recommendation for the Community Activity Center Place Type. I'll take any questions after the petitioner's presentation.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said Mayor Pro Tem, Council members, Collin Brown on behalf of the petitioner. Allen Tate's flight was delayed. Paisley Gordon

is here on behalf of the petitioner. Great overview. Probably don't need much as this is a conventional petition, but this is kind of the main and main of the University City area. This is the old Allen Tate real estate office building, and just with things changing in the market, essentially, it's just a functionally obsolete building. The property owners are entitling it to be consistent with what's going on in the area so they can be nimble as the market comes to it. There are no immediate development plans. Though a community meeting is not required, we did host one. We had attendees from University City Partners whose office is directly across the street. They advised they think this is a good plan as well as the owners of an adjacent property. All positive feedback.

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

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**ITEM NO 47: HEARING ON PETITION NO. 2022-215 BY SHOREWOOD DEVELOPMENT GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.65 ACRES LOCATED ON THE WEST SIDE OF TWIN LAKES PARKWAY, EAST SIDE OF STATESVILLE ROAD, AND NORTH SIDE OF INTERSTATE 485, SOUTH OF ALEXANDRIANA ROAD FROM BP (BUSINESS PARK) TO I-1 (CD) (LIGHT INDUSTRIAL, CONDITIONAL).**

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

**John Kinley, Rezoning Planner** said this is 8.65 acres on the west side of Twin Lakes Parkway, east of Statesville Road, north of Interstate 485, south of Alexandriana Road. The site is currently developed with an existing structure. It is currently zoned to BP, business park and the proposed zoning is I1 (CD), light industrial, conditional. The 2040 Policy Map recommendation is for manufacturing and logistics use. The development would allow up to 65,000 square feet of auto sales, auto repair and office uses. Limits the total number of principle buildings to a maximum of three. Allows the existing building on this site to remain and be expanded and/or new buildings may be constructed on the site. Provides an 8-foot-wide planting strip and a 6-foot wide sidewalk along the site's frontage of Twin Lakes Parkway.

The staff recommend approval of the petition. There's no outstanding issues. It is consistent with the 2040 Policy Map recommendation for Manufacturing and Logistics Place Type. I'll take any questions if there are any after the petitioner's presentation.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said happy to close it out. Yet again, Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be supporting Shorewood Development on this rezoning. The BP rezoning that's in place has some limitations on it in terms of uses. So, Shorewood Development is seeking to rezone this site to allow a broader range of uses to bring in a regional facility for a dealership that can also provide service. With that I am happy to answer any questions.

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


**Councilmember Mayfield** said just want to make sure that my colleagues and those in the community know that my Town Hall will be happening this Thursday. It will be starting at 6 p.m. So, the Town Hall will be from 6 to 8. It will be at Harold's Chicken and Ice Bar. Thank you for being a co-sponsor. That is located at 440 East McCullough Drive, joining my colleague over in her district. Please RSVP to Ms. Latoya White. That would be latoyawhite@charlottenc.gov. The information is on the City's website, Facebook page as well as my own. Would love to have you come out. We will be having some very interesting and timely conversations from preparing for insurance, to conversations around housing in this interesting market as well as hearing from [INAUDIBLE] and some of our other partners.

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### ADJOURNMENT

Motion was made by Councilmember Bokhari, seconded by Councilmember Anderson, and carried unanimously to adjourn.

The meeting was adjourned at 9:23 p.m.

  
Billie Tynes, Deputy City Clerk

Length of Meeting: 4 Hours, 20 Minutes  
Minutes Completed: May 15, 2024