

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, December 18, 2023, at 5:06 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Council members present were Dimple Ajmera, Danté Anderson, Tariq Bokhari, Tiawana Brown, Ed Driggs, Lawana Mayfield, James Mitchell, and Victoria Watlington.

ABSENT: Councilmember Malcolm Graham.

ABSENT UNTIL NOTED: Councilmembers Renee Johnson and Marjorie Molina.

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Mayor Lyles said Charlotte's December 18, 2023, our last Zoning Hearing, and decision-making meetings for 2023, so I hope all of you are enjoying the holiday season. I want to welcome you, and those that are watching us on the City's various channels, as well as those of you who have taken the time to come down to be a part of this meeting tonight.

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INVOCATION AND PLEDGE

Councilmember Ajmera 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

Douglas Welton, Chairman of the Zoning Committee said thank you, Madam Mayor. My name is Douglas A. Welton. I serve as the Chairman of the Zoning Committee for the Planning Commission. Allow me to introduce my fellow members who are here with us tonight. Will Russell, Shana Neeley, Rick Winiker, Terry Lansdell, Rebekah Whilden, and Clayton Sealey. The Zoning Committee will meet on Thursday, January 4, 2024, at 5:30 p.m. here at the Government Center. At that meeting, the Zoning Committee will discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome to that meeting, but please note, it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you are welcome to contact us and provide your input. You can find contact information for each of the petitions on the City's website at charlotteplanning.org.

Mayor Lyles said thank you to the commission.

Councilmember Johnson arrived at 5:10 p.m.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Mitchell, and seconded by Councilmember Driggs to defer: a decision on Item No. 5, Petition No. 2022-161 by Pulte Group to January 16, 2024; a decision on Item No. 7, Petition No. 2023-032 by The Keith Corporation to January 16, 2024; a decision on Item No. 20, Petition No. 2021-209 by Coastal Acquisition Entity, LLC to January 16, 2024; a decision on Item No. 21, Petition No. 2023-091 by Mecklenburg County to January 16, 2024; a decision on Item No. 22,

Petition No. 2022-099 by Levine Properties to January 16, 2024; a decision on Item No. 23, Petition No. 2022-134 by Muhsin Muhammad II to January 16, 2024; a decision on Item No. 25b, Petition No. 2023-013 by Toll Brothers Apartment Living to January 16, 2024; a hearing on Item No. 26, Petition No. 2022-121 by RK investments Charlotte, LLC to January 16, 2024; a hearing on Item No. 27, Petition No. 2023-033 by CRD Elizabeth, LLC to January 16, 2024; a hearing on Item No. 28, Petition No. 2023-053 by 400 Clement, LLC to January 15, 2024; a hearing on Item No. 29, Petition No. 2022-107 by PARKMIMO, LLC to January 16, 2024; a hearing on Item No. 30, Petition No. 2023-047 by Gustafson Partners Commercial Real Estate to January 16, 2024; a hearing on Item No. 48, Petition 2023-103 by RangeWater Development, LLC to January 16, 2024; a hearing on Item No. 50, Petition No. 2023-107 by Penmith Holdings, LLC to January 16, 2024; and a withdrawal of Item No. 19, Petition No. 2022-071 by MTB Holdings, LLC.

Councilmember Mayfield said Mr. Pettine, back to the consent items, what were the two deferrals after Item 5?

David Pettine, Planning, Design & Development said yes. Thank you, Councilmember Mayfield. I was going to call those out as well. Item 5 and Item 7 would then drop off of our Consent Agenda. So, it would be Items 3 through 18, with the exception of those two items that are being deferred through this motion.

Ms. Mayfield said so, it's only Item 5 and Item 7 that are deferrals?

Mr. Pettine said yes.

Ms. Mayfield said thank you.

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

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CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 18 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 alright. Thank you, Ms. Mayfield. Are there any consent items that Council would like to pull for a question, comment or a separate vote?

Councilmember Watlington said 17, please.

Mayor Lyles said Item 17, Petition 2023-096, by Conformity Corporation, and you would like to have that pulled for a separate vote.

Councilmember Mayfield said Item No. 11, 15 and 18 for a separate vote.

Mayor Lyles said Item 11, 15 and 18, a separate vote. Alright, any other requests for the consent?

Councilmember Johnson said Item 8, please.

Mayor Lyles said Item 8 as well. Okay.

Motion was made by Councilmember Driggs, seconded by Councilmember Anderson, and carried unanimously to approve the consent agenda as presented with the exception of Item No. 8, Item No. 11, Item No. 15, Item No. 17 and Item No. 18 which were all pulled for a separate vote.

The following items were approved:

Item No. 3: Ordinance No. 679-Z, Petition No. 2019-109 by Miriam E. Franco amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 8.15 acres located on the south side of Park Drive, west of Remount Road and north of Watson Drive from N2-B (Neighborhood 2-B Zoning District) to I-2 (CD) (General Industrial, Conditional).

The Zoning Committee voted 7-0 (motion by Winiker, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: The petition is inconsistent with the Neighborhood 2 place type recommendation of the 2040 Policy Map. 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 the petition is inconsistent with the Neighborhood 2 Place Type for this parcel and the adjacent parcels to the east, west, and south, the parcels to the north are developed with industrial uses and are recommended for the Manufacturing & Logistics Place Type. The majority of the properties on the north side of Parker Drive are zoned industrial and developed with industrial uses. The conditions proposed would maintain only those uses that are existing on the property and bring them into compliance with the ordinance. No other uses would be permitted without additional rezonings. One parcel to the west of this site is developed with residential uses, which will be buffered from industrial development on this site in accordance with zoning ordinance requirements. The petitioner has limited the proposed uses on the site to an automobile repair garage and contractor offices with accessory storage as permitted in the I-2 district. The petition could facilitate the following 2040 Comprehensive Plan Goal: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map (2022), from Neighborhood 2 to Manufacturing & Logistics for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 480-481.

Item No. 4: Ordinance No. 680-Z, Petition No. 2022-096 by Kairoi Residential amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 33.03 acres located along the west side of John Adams Road, south side of Galloway Road, north of West Mallard Creek Church Road, and east of Interstate 85 from N1-A (Neighborhood 1-A), RE-3(CD) (Research, Conditional), OFC (Office), CG (General Commercial), B-1(CD) (Neighborhood Business, Conditional) to UR-2(CD) (Urban Residential, Conditional).

The Zoning Committee voted 6-0 (motion by Winiker, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1, Campus, and Commercial place types at this location. 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 increase housing inventory and add to the variety of housing options in the area. Though inconsistent with the Policy Map the proposed uses would be better aligned with the residential sites in the surrounding area. The proposed residential uses would be well supported by the Commercial and Community Activity Center Place Types in the area. The petitioner proposes to commit 1.5 acres of the site to Mecklenburg County Parks and Recreation for use as a future park. This petition proposes amenity areas that may include a clubhouse, fitness center, pickleball court, or swimming pool. The petition is proposing streetscape improvements on its frontage along John Adams Rd and Galloway Rd, including an eight-foot sidewalk and eight-foot planting strip. This petition proposes an internal street network to include minimum eight-foot sidewalks and eight-foot planting strips, as well as walkways to provide pedestrian connections from all residential entrances to sidewalks along internal private streets, drives or alleys. The petition could facilitate the following 2040

Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1, Campus, and Commercial Place Types to the Neighborhood 2 Place Type.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 482-483.

Item No. 6: Ordinance No. 681-Z, Petition No. 2023-001 by Kairoi Residential amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 6.075 acres located on the north side of State Street, east of Ambassador Street, and west of Turner Avenue from I-2 (General Industrial) to MUDD(CD) (Mixed-Use Development District, Conditional).

The Zoning Committee voted 7-0 (motion by Neeley, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Innovation MixedUse place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for Innovation Mixed-Use place type. The proposed multifamily residential use would complement the range of non-residential uses that have located in the Lower Tuckaseegee Road corridor in recent years. The petition would improve pedestrian mobility and safety along State Street by installing eight-foot planting strip and eight-foot sidewalk as well as connecting to Stewart Creek Greenway. The petition follows several others in the vicinity in seeking to rezone from manufacturing and logistics districts to districts allowing for residential and/or commercial and office uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 484-485.

Item No. 9: Ordinance No. 683-Z, Petition No. 2023-064 by Southend Walk, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 9.072 acres located on the west side of South Tryon Street and south side of Orchard Circle, east of Interstate 77 from N1-D (Neighborhood 1-D), CG (General Commercial), and I-1(CD) (Light Industrial, Conditional) to TOD-NC (Transit-Oriented Development-Neighborhood Center).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1, Commercial, Innovation Mixed-Use, and Manufacturing Logistics Place Types. 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 within a one-mile walk of the Scaleybark Station. The TOD-NC district may be applied to parcels within a one-mile walking distance of an existing rapid transit station or within a one-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. Immediately adjacent to the site are a number of parcels zoned TOD-NC, representing an ongoing shift in this area to more transit-supportive redevelopment projects. Though the rezoning site is inconsistent with the recommended place types, the parcels are adjacent to areas under the Neighborhood Center and Community Activity Center Place Types on two sides and the area is near the major transit corridors in lower South End. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and

screening. The site is served by the number 16 CATS local bus along South Tryon Street. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from current Neighborhood 1, Commercial, Innovation Mixed-Use, and Manufacturing Logistics Place Types to the Neighborhood Center Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 488-489.

Item No. 10: Ordinance No. 684-Z, Petition No. 2023-077 by BPR Properties, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 2.782 acres located along the east side of Sanctuary Place, the north side of Twitter Lane, and the south side of University City Boulevard from TOD-TR (Transit-Oriented Development - Transition) to CAC-1 (Community Activity Center-1).

The Zoning Committee voted 7-0 (motion by Russell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Community Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This site is slightly under one mile to the University City Boulevard Blue Line Station. This rezoning would support the Community Activity Center Place Type by achieving the goals of transitioning from a more automobile-centric orientation toward a more walkable, well-connected, moderate intensity mix of retail, restaurant, entertainment, office, and personal service uses, including some residential uses. The development standards of the CAC-1 district allow for greater flexibility in design and site elements, such as parking amount and location, while accommodating multiple modes of transportation including walking, bicycling, and automobile. The Community Activity Center place type is considered appropriate for this site given that the surrounding parcels are designated for the Community Activity Center place type and this rezoning would help further align the place type recommendation toward the intersection of Tryon Street and University City Blvd. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 7: Integrated Natural & Built Environments, 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 490-491.

Item No. 12: Ordinance No. 686-Z, Petition No. 2023-081 by M Industrial Property - Charlotte II, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 8.869 acres located along the east side of Yorkmont Road, south of Byrum Drive, and north of Oak Lake Boulevard from ML-1 ANDO (Manufacturing and Logistics 1, Airport Noise Disclosure Overlay) to ML-2 ANDO (Manufacturing and Logistics 2, Airport Noise Disclosure Overlay).

The Zoning Committee voted 7-0 (motion by Neeley, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Manufacturing and Logistics Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is currently zoned for and developed as a facility for light industrial uses. The site is within an area designated by the 2040 Policy Map for the Manufacturing and Logistics Place Type. Abutting properties are zoned ML-1 and ML-2. The site does not abut single family neighborhoods, therefore a change to ML-2 will not pose negative impacts on residents.

The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 494-495.

Item No. 13: Ordinance No. 687-Z, Petition No. 2023-082 by Metrolina Storage, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 8.6 acres located along the east side of Statesville Road, northwest of Old Statesville Road from I-2(CD) (General Industrial, Conditional) to ML-1 (Manufacturing and Logistics 1).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing and Logistics Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is currently zoned for general industrial uses and surrounded by other properties zoned for and developed as manufacturing and logistics uses. The site is within an area designated by the 2040 Policy Map for the Manufacturing and Logistics Place Type. The site is located along an existing major throughfare. The site has access to I-77 within one mile and I-85 within three miles along existing major throughfares. The site is located along the route of the CATS number 7 local bus providing service to the Charlotte Transportation Center and the Rosa Parks Community Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 496-497.

Item No. 14: Ordinance No. 688-Z, Petition No. 2023-085 by Rhyno Partners Coffee, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.241 acres located along the west side of The Plaza, north of Commonwealth Avenue, and south of Central Avenue from B-2(CD) PED-O (General Business, Conditional, Pedestrian - Overlay) to NC (Neighborhood Center).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is located within the Plaza Midwood business district. This zoning supports a pedestrian-friendly, mixed-use neighborhood environment, allowing access to daily shopping needs and services within walking distance of nearby residential neighborhoods. The NC Zoning District provides for a mix of commercial and service uses, closely integrated within the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. Vertical and horizontal mixed-use development is encouraged. The site is less than a half mile from Central Ave & Nandina Street bus stop. The Gold Line streetcar is proposed to run along Central Avenue, north of this site, which will provide an alternative mode of transportation. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 498-499.

Item No. 16: Ordinance No. 690-Z, Petition No. 2023-094 by Josh Jolley, Rosegate Holdings, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.52 acres located along the north side Johnston Oehler Road and south of Barrow Road from N1-A (Neighborhood 1-A) to N2-A (CD) (Neighborhood 2-A, Conditional).

The Zoning Committee voted 6-1 (motion by Russell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 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 proposed moderate density residential uses would help to align this site with the surrounding entitlements and Place Type recommendations for the area. The proposed site would be well served by the Community Activity Center and Campus Place Types within a half mile of the site contributing to the Comprehensive Plan goal of 10-minute neighborhoods. The petition proposes to provide an eight-foot-wide planting strip and eight-foot-wide multi-use path along the site's frontage on Johnston Oehler Road as well as proposed internal pedestrian infrastructure. The proposed residential community of 45 units would be well served by the existing bus line that runs along Johnston Oehler Road with a stop directly adjacent to the site. This petition proposes a future private street connection from the site to the adjacent property East of the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 502-503.

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ITEM NO. 8: ORDINANCE NO. 682-Z, PETITION NO. 2023-036 BY LEON & JENNIFER CHISOLM AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR, APPROXIMATELY 9.23 ACRES LOCATED ON THE EAST SIDE OF MALLARD CREEK ROAD, NORTH OF GALLOWAY ROAD, AND WEST OF TAVERNAY PARKWAY FROM N1-A (NEIGHBORHOOD 1-A) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Russell, 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 (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: The petition would add to the variety of housing options in the area. The petition proposes to provide an eight-foot-wide planting strip and 12-foot-wide multi-use path along the site's frontage. This petition proposes one access point to the site on Mallard Creek Road and a potential future connection to the parcel to the north. The petition would limit heights to 40 feet. The petition would provide an ADA compliant bus pad. The proposed residential community would be served by a bus line that runs along Mallard Creek Road with stops within a quarter mile of 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 the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Johnson, and seconded by Councilmember Mayfield 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: The petition would add to the variety of housing options in the area. The petition proposes to provide an eight-foot-wide planting strip and 12-foot-wide multi-use path along the site's frontage. This petition proposes one access point to the site on Mallard Creek Road and a potential future connection to the parcel to the north. The petition would limit heights to 40 feet. The petition would provide an ADA compliant bus pad. The proposed residential community would be served by a bus line that runs along Mallard Creek Road with stops within a quarter mile of 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 the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Councilmember Johnson said during the public hearing, the staff did not recommend this petition, and I wanted the staff to get an opportunity to speak to that right now on why there was a change.

David Pettine, Planning, Design & Development said sure. They made changes to address the outstanding issues that we had after the public hearing, reduced a few units and added some potential connectivity to the north, which was some of the items that we had asked for some clarification on and some changes too. So, they addressed all the outstanding issues that we had had at the public hearing. That went to Zoning Committee with a favorable staff recommendation, where they also were unanimous in their recommendation for this petition as well. So, it was mainly just addressing our outstanding issues, changing some of the design elements, and including that northern piece for connectivity.

Ms. Johnson said okay, thank you. So, this petition, it's a small business. It's a couple that actually lives in District 4. I'm excited to support this petition. They did work with the staff. They did work with the residence to get neighborhood support. Mr. Chisolm is actually a part of the D4 Coalition. So, this is a kind of petition that we need more of in the City. They live in the area, they're concerned about area, and this is what we want for our residents, not to be displaced by growth, but to be a part of it and engaged. So, I'm excited to support this, and I hope that we see more of this, so that individuals, again, are a part of the growth in the City and able to build wealth for their family without being displaced, and again, working with the City and also the neighborhood. So, I'm looking forward to supporting this.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 486-487.

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ITEM NO. 11: ORDINANCE NO. 685-Z, PETITION NO. 2023-078 BY CITISCUPT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.26 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF KENILWORTH AVENUE, THE SOUTHWEST SIDE GREENWOOD CLIFF AND THE NORTHEAST SIDE OF HARDING PLACE FROM NC (NEIGHBORHOOD CENTER) TO CAC-2 (COMMUNITY ACTIVITY CENTER - 2).

The Zoning Committee voted 7-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: Located along the densifying Kenilworth Avenue corridor, the petitioned area currently hosts single story structures with various banking and office uses among a substantial amount of surface parking. Rezoning this site to CAC-2 would help facilitate redevelopment that better utilizes the land and aligns with the scale of new development in the area. This rezoning would not interfere with sensitive land uses such as single-family neighborhoods given its direct adjacency to a mix of commercial, office, and multi-family developments. The CAC-2 district maintains high design standards and encourages multi-modal transportation with a focus on bettering pedestrian environments. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

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) calls for Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Located along the densifying Kenilworth Avenue corridor, the petitioned area currently hosts single story structures with various banking and office uses among a substantial amount of surface parking. Rezoning this site to CAC-2 would help facilitate redevelopment that better utilizes the land and aligns with the scale of new development in the area. This rezoning would not interfere with sensitive land uses such as single-family neighborhoods given its direct adjacency to a mix of commercial, office, and multi-family developments. The CAC-2 district maintains high design standards and encourages multi-modal transportation with a focus on bettering pedestrian environments. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Councilmember Watlington said so, my question is just, as it relates to the location of this one being a Community Activity Center right there in the midst of NC. It feels like, just looking at it, what one would consider spot zoning. So, I just wanted to understand what is the rationale here behind staff's recommendation?

David Pettine, Planning, Design & Development said I'm not sure I understand the question about the activity center.

Ms. Watlington said yes. So, as I look here, if I'm understanding correctly, you've got Neighborhood Center on all of these parcels, and this one particular parcel is being requested to change to Community Activity Center?

Mr. Pettine said for 078? It's actually consistent with the activity center.

Ms. Watlington said and it's going from Neighborhood Center to proposed zoning of Community Activity Center?

Mr. Pettine said correct, yes, and the Community Activity Center is the Adopted Place Type for the majority of that area around, basically from Morehead to the north, going up towards 277 and Baxter Street. We do have some Regional Activity Center on the other side of McDowell, right up against 277, but it's mainly all Community Activity Center from McDowell all the way back on the other side of Kenilworth down to Morehead. So, I'm trying to pull up the staff analysis to see.

Councilmember Molina arrived at 5:23 p.m.

Ms. Watlington said am I misunderstanding this map? It's got Neighborhood Center on all of these parcels?

Ms. Pettine said yes, I'm trying to take a look at that real quick if it'll pull up for me. Is that the Zoning Map or is that the Adopted Place Type map?

Ms. Watlington said it's the Zoning Map.

Ms. Pettine said okay, yes. So, the zoning is all NC around there, and the Adopted Place Type for that area is Community Activity Center, which would be something through the alignment rezoning process also, we would look to take that general area to that zoning district to align it with the Policy Map. So, this would be in line with what that process would look like going into the next year or so when we get into alignment rezoning. Those parcels that are NC, would go to that Community Activity Center to be consistent with that Place Type long term. So, this is out in front of some of those efforts.

Ms. Watlington said okay. So, for the same reasons that before I mentioned about community area planning and the overall process, kind of pieces happening in phase, but ending up in a piecemeal place, I'm not sure that I can support this particular rezoning, not because I have particular issue with the whole thing going to CAC, but just because, as we think about how these individual rezonings are happening in conjunction or ahead of the overall Place Type realignment, it feels a little premature, and I just don't want us to be in a position where we've got parcels that line up, because we went ahead early on and made a change, and then get further down in the community area planning process and the Policy Map process, and find that we want to make an adjustment. So, if this was all going at the same time, I might feel differently, but I don't want to create a spot zoning situation in the interim, not knowing what may come in the next year and a half. So, for a process reason, that's my hesitation. Thank you.

Councilmember Mayfield said a follow-up question to Councilmember Watlington's. What we currently have is that it's considered Neighborhood Center. So, for the current businesses that are there, as we are looking to make changes, how does that impact the current businesses if they were to do even a minor adjustment to their facility with the changes, if we were to move forward with this in the sake of alignment?

Mr. Pettine said they wouldn't have any impact. They would maintain their Neighborhood Center Zoning. The parcel next door, or if they're adjacent to it, would be the CAC zoning, but it wouldn't change any of the elements of their allowed uses or anything that they currently have today.

Ms. Mayfield said so, one of the challenges I have that I sent out to full Council earlier today, is going to be in reference to this item, Item 15, and Item 18, and that is the fact that it's a conventional rezoning since conventional rezoning petitions have no associated site plan. When the 2040 Plan was approved, there was no way that every day people would not have anticipated a worldwide pandemic, nor would they have anticipated the amount of growth, thanks to investors, both domestic and internationally, that have come specifically into the Charlotte market and it's changing our landscape drastically by still working through conventional rezonings that just gives this umbrella with no identified site plan. That causes a challenge for me, when we know to date from 2021 to 2023, we had major challenges and gaps of affordability for business space for small businesses, and even medium-sized businesses, for access to housing, diverse price point, in order to make sure that our workers can afford to live in the City and not live outside of the City. We say the 2040 Plan is a living document, but we have yet to have a real conversation of what is our plan as a Council for how we want to see Charlotte grow. Are we going for residents that may be moving in or are we going at a level to ensure that our residents that are here, that we are investing millions of dollars in through resources and other avenues, are we helping them to stay in our City or to

graduate and come back to our City? I would like for us to add this for our upcoming January 2024 retreat. I was hoping the Manager would've been here tonight, but we do have representation from the Manager's office. So, I would like for us to actually have a policy discussion, which is why I didn't move for a deferral tonight, but I would not be able to support this, because right now as we just blanketly approve conventional petitions with no associated site plan, and just say it can be anything under this umbrella and not really taking stock of what's happening in the community, I think we very well may be setting ourselves up for a disservice that other communities are going to be facing in the near future. Thank you.

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

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

NAYS: Councilmembers Mayfield and Watlington

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 492-493.

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ITEM NO. 15: ORDINANCE NO. 689-Z, PETITION NO. 2023-090 BY WEST BOULEVARD NEIGHBORHOOD COALITION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.544 ACRES LOCATED ALONG THE SOUTH SIDE OF WEST BOULEVARD, THE WEST SIDE OF CLANTON ROAD, AND THE EAST SIDE OF ROMARE BEARDEN DRIVE FROM O-2(CD) (OFFICE, CONDITIONAL) TO NC (NEIGHBORHOOD CENTER).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition is appropriate and compatible as the site is within an area designated for the Neighborhood Center Place Type by the 2040 Policy Map. The site is in an area with a range of uses including single-family, multi-family, institutional, retail, and recreation. The proposed zoning would allow for a variety of potential neighborhood scale uses. The site is located at the intersection of an existing major and an existing minor thoroughfare. The site is located within a half-mile walk of the Irwin Creek Greenway and Clanton Park. The site is located along the route of the CATS number 10, 30, and 235 local buses providing service to the Charlotte Transportation Center, SouthPark Community Transportation Center, among other destinations such as two CPCC campuses, and the Goodwill Campus. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm.

Motion was made by Councilmember Mitchell, and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible as the site is within an area designated for the Neighborhood Center Place Type by the 2040 Policy Map. The site is in an area with a range of uses including single-family, multi-family, institutional, retail, and recreation. The proposed zoning would allow for a variety of potential neighborhood scale uses. The site is located at the

intersection of an existing major and an existing minor thoroughfare. The site is located within a half-mile walk of the Irwin Creek Greenway and Clanton Park. The site is located along the route of the CATS number 10, 30, and 235 local buses providing service to the Charlotte Transportation Center, SouthPark Community Transportation Center, among other destinations such as two CPCC campuses, and the Goodwill Campus. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm.

Councilmember Mayfield said for the record and the minutes, the same concerns that I just shared regarding Item 11. Even though we have invested a lot of funding throughout the West Boulevard Corridor, and I'm glad to see that we're having movement, I do have some concerns regarding how this is going to move forward, because it is a conventional petition request. Again, as we have seen, specifically throughout the West Boulevard Corridor, for the eight years that I served as the representative, we put a lot of work and investment and time into helping the community that live there. Unfortunately, a lot of those residents are not there throughout the Corridor today, and those that are, are facing financial challenges due to the rapid growth that has happened. So, this will be another one that I will not be able to support, just under the basis of consistency and it being a conventional rezoning request.

Councilmember Watlington said this particular one I'm happy to support. I just wanted to say kudos to the West Boulevard Neighborhood Coalition. This is a huge milestone to get to the next step in support of the Three Sisters Market and bringing grocery and community-owned, community-driven retail to this area. So, thank you for all those who have been involved, and look forward to what happens next.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 500-501.

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ITEM NO. 17: ORDINANCE NO. 691-Z, PETITION NO. 2023-096 BY CONFORMITY CORP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.00 ACRE LOCATED IN THE NORTHEASTERN CORNER OF THE INTERSECTION OF ASHLEY ROAD AND GREENLAND AVENUE FROM OFC (OFFICE FLEX CAMPUS), N1-B (NEIGHBORHOOD 1-B) TO N2-B (NEIGHBORHOOD 2-B).

The Zoning Committee voted 6-1 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency:

This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 2 place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is consistent with the recommended Neighborhood 2 place type. The petition could provide additional housing options in close proximity to goods, services, schools, and transit. The petition is located in the Freedom Drive / Wilkinson Boulevard Corridor of Opportunity. Development of the site could help spur additional investment in the corridor. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 9: Retain Our Identity & Charm.

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 recommends Neighborhood 2 place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the recommended Neighborhood 2 place type. The petition could provide additional housing options in close proximity to goods, services, schools, and transit. The petition is located in the Freedom Drive / Wilkinson Boulevard Corridor of Opportunity. Development of the site could help spur additional investment in the corridor. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 9: Retain Our Identity & Charm.

Councilmember Watlington said I just wanted to hear really quick, just for the record, from staff. As you look at this one here, you've got N1-B. It's next to N2-B, but when you look at the way the parcels are cut, it would seem that it would fit more in the N1-B. So, I just wanted to hear, just for the record, the explanation of why staff is in support of this one moving over to Ashley Road, and what that may mean for the parcels that are in N1-B immediately to the north.

David Pettine, Planning, Design & Development said the request was consistent with the adopted Policy Map for N-2 on this location. So, an N-2 request aligned with what the adopted policy was. For the N-1 parcels, they'll have high protections built into the project. So, if there are buildings within certain distance, 100 to 200 feet, there are some height restrictions that may kick in to keep the building height at a comparable spot to what's around it, but generally it was consistent with the Adopted Place Type for that location there at the corner of Ashley, Lumina, and Greenland. So, that was where we were comfortable with an N-2 request coming in.

Ms. Watlington said thank you.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 504-505.

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ITEM NO. 18: ORDINANCE NO. 692-Z, PETITION NO. 2023-123 BY CHARLOTTE 212, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.26 ACRES LOCATED ALONG THE EAST SIDE OF WEST SUGAR CREEK ROAD, SOUTH OF THE ROMAN ROAD, AND NORTH OF EQUIPMENT DRIVE FROM CG (GENERAL COMMERCIAL) TO N2-C (NEIGHBORHOOD 2-C).

The Zoning Committee voted 7-0 (motion by Winiker, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Commercial 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. This petition has the potential to meet the goal of housing access for all as identified by the Corridors of Opportunity West Sugar Creek Playbook. The Corridors of Opportunity's Spring 2020 Sugar Creek/85 Design Sprint and 2022 Sugar Creek Playbook recommended reducing the number of motel rooms at the interchange of Sugar Creek and Interstate 85. The proposed uses align with the Comprehensive Plan goals of creating 10-minute Neighborhoods and the Corridors of Opportunity Goals of encouraging walkable

development that supports commercial nodes. The proposed site would be well served with access to amenities, goods, services, and jobs given its proximity to Commercial and Manufacturing & Logistics Place Types. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Commercial Place Type to the Neighborhood 2 Place Type for the site.

Councilmember Mayfield said for the sake of brevity, if the City Clerk can just copy and paste and drop that into 18 as well, for the consistency sake of a conventional rezoning, let's just add that in.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 506-507.

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DECISIONS

ITEM NO. 24: ORDINANCE NO. 693-Z, PETITION NO. 2021-277 BY BUILDOM LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.40 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD, NORTH SIDE OF PHIL AULL PLACE, SOUTH OF SOUTH COLONIAL AVENUE FROM OFC (OFFICE FLEX CAMPUS) TO NC(CD) (NEIGHBORHOOD CENTER, CONDITIONAL).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent 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 Campus place type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is not part of an office campus. OFC zoning allows a narrow range of uses. Surrounding the site is a mix of general office, medical office, public park and residential uses. There is Neighborhood Center place type recommended adjacent to the site to the south. The proposed NC(CD) zoning provides flexibility in uses. NC zoning provides a building form that is compatible with the surrounding mix of uses. The site is located on a corner lot with frontage on Providence Rd. and Phil Aull Place, a dead-end street. The site is adjacent to local CATS bus Route 14 and within 500 feet of a stop. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 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 Campus Place Type to Neighborhood Center Place Type for the site.

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 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 Campus place type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is not part of an office campus. OFC zoning allows a narrow range of uses. Surrounding the site is a mix of general office, medical office, public park and residential uses. There is Neighborhood Center
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place type recommended adjacent to the site to the south. The proposed NC(CD) zoning provides flexibility in uses. NC zoning provides a building form that is compatible with the surrounding mix of uses. The site is located on a corner lot with frontage on Providence Rd. and Phil Aull Place, a dead-end street. The site is adjacent to local CATS bus Route 14 and within 500 feet of a stop. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 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 Campus Place Type to Neighborhood Center Place Type for the site.

Councilmember Bokhari said yes. I will just make a quick note for everyone. We heard a couple things in the hearing around the neighbor's concerns around office hours and timing of utilization. I've been informed that over the last month, they worked through that with the petitioner and put some further requirements around times of operation. So, I'll be supporting this.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 508-509.

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ITEM NO. 25: ORDINANCE NO. 694-Z, PETITION NO. 2023-097 BY DRAKEFORD COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.64 ACRES LOCATED ALONG THE EAST SIDE OF ASHLEY ROAD, SOUTH OF ALLEGHANY STREET FROM R-22MF(CD) (MULTI-FAMILY, CONDITIONAL) TO N2-B (NEIGHBORHOOD 2-B).

The Zoning Committee voted 7-0 (motion by Whilden, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is appropriate and compatible as the site is within an area designated by the 2040 Policy Map for the Neighborhood 2 Place Type. The site is in an area with a range of uses including single-family, multi-family, institutional, and commercial, within walking distance to a grocery store, an elementary school, and two high schools. The site is located along a proposed and funded urban greenway that will connect to Wilkinson Boulevard. The site is located along the route of the number 2, 30, 34, and 235 CATS local buses providing access to the Charlotte Transportation Center (CTC), SouthPark Community CTC, Goodwill Campus, West Blvd library, and the Lynx Blue Line among other destinations. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Anderson, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is appropriate and compatible as the site is within an area designated by the 2040 Policy Map for the Neighborhood 2 Place Type. The site is in an area with a range of uses including single-family, multi-family, institutional, and commercial, within walking distance to a grocery

store, an elementary school, and two high schools. The site is located along a proposed and funded urban greenway that will connect to Wilkinson Boulevard. The site is located along the route of the number 2, 30, 34, and 235 CATS local buses providing access to the Charlotte Transportation Center (CTC), SouthPark Community CTC, Goodwill Campus, West Blvd library, and the Lynx Blue Line among other destinations. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 510-511.

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CONSENT

ITEM NO. 48: PETITION NO. 2023-103 BY RANGEWATER DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.75 ACRES LOCATED ALONG THE EAST SIDE OF ATANDO AVENUE, THE SOUTH SIDE OF ROBINSON CREST, NORTH OF NORTH TRYON STREET FROM ML-2 (MANUFACTURING AND LOGISTICS 2) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

David Pettine, Planning, Design & Development said I've got one item of housekeeping. I missed a deferral for our hearings this evening. So, we just need to take action on a deferral request for item number 48. I apologize for this. It is 2023-103 by RangeWater Development, and they are requesting a deferral of their hearing to January 16, 2024.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to defer Item No. 48, Petition No. 2023-103 by RangeWater Development, LLC to January 16, 2024.

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HEARINGS

ITEM NO. 31: HEARING ON PETITION NO. 2023-130 BY CHARLOTTE PLANNING, DESIGN, & DEVELOPMENT - TEXT AMENDMENT TO MAKE MINOR CHANGES THAT WILL RESULT IN BETTER FUNCTIONALITY OF THE UNIFIED DEVELOPMENT ORDINANCE. CHANGES ARE PROPOSED IN 23 OF THE 39 ARTICLES. THESE CHANGES INCLUDE UPDATED LANGUAGE TO PROVIDE GREATER CLARITY, UPDATED GRAPHICS, NEW AND UPDATED DEFINITIONS, ADJUSTMENTS TO USE PERMISSIONS AND PRESCRIBED CONDITIONS, REVISED USE NAMES, AND MINOR CHANGES AND ADDITIONS TO STANDARDS.

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said alright. So, as mentioned, we have a text amendment. This is our second cleanup to the UDO (Unified Development Ordinance). This is basically an administrative-type cleanup. It doesn't have any overarching policy changes or things that would affect anything related to our adopted policies that we've got. This is really just, again, a cleanup text amendment. This is our second one. Both internal and external users have identified these needed changes. As we've gone through the last six months or so using the document and applying it, you learn about little things that need some tweaks and corrections. So, this text amendment is bringing forward what we've learned so far that needs some attention and some adjustment. It should provide a little bit more user-friendly ordinance and a

little bit better functionality for us. We do have a redline version. I didn't want to print a 600 some page document for your notebook, so we did include that at the charlotteudo.org website. It's also linked digitally in our agenda materials that are found on the Legistar site.

So, just to jump into what's in the amendment. We did have community engagement for this item, posted the changes on the UDO website, publicized this through social media, had mailing lists and UDO website subscribers, where we shared information with those folks. Also had two virtual public engagement sessions on October 18, 2023, that had a total of 94 attendees. So, what will this text amendment do? Really, just clarifies, as I mentioned, and makes some minor adjustments. We realized that we didn't have a timeframe on some of our affordable housing standards that are in the ordinance. So, things like our bonuses, where folks may contribute to affordable housing or provide that onsite. We didn't have a timeframe, so we've called that out and added that clarity, refined the standards for driveways and parking for duplex, triplex and quadraplexes, stated that accessory structures need to be located on the same parcel as the principle structure they serve.

We do have minimum/maximum vehicle parking requirements for places of worship that we corrected in this text amendment, also clarified lot standard zone applied to sublots, and allows multi-family stack development to front on common open space, and also addresses some code enforcement concerns regarding vehicle parking and storage. It does also provide greater flexibility in design for our parking structures. It also adjusts prescribed conditions for neighborhood commercial establishments and accessory drive-thrus. It does prohibit outdoor entertainment as an accessory use in Neighborhood 1, and also renames our drive-thru facilities as an accessory drive-thru. There was some confusion with some of the terminologies, so we cleaned that up. Also, it created a commercial fitness center as a use, and then provided an electronic sign permission for private recreation clubs. Also clarified, we had some provisions in there regarding existence of accessory drive-thrus, being allowed as a continuous use. We did not clarify that they need to be in operation as of June 1, 2023, so we added that language in there. Also added a prescribed condition that a restaurant or a bar that would have an accessory drive-thru has to have a minimum of 24 seats, indoor or outdoor, got into clarifying sidewall heights for residential buildings, stating that those cannot be increased by just shifting your building away from that side lot line or side setback. Also, updated the sidewall illustrations, added a time period for temporary uses, clarified some general definitions in Article 2, and also clarified limitations on uses and structures that are allowed in the setbacks.

So, again, a lot of those changes, it's a lot to potentially digest, but all of those are clarifying items, cleanup items, again, don't really get into overarching policy items that need to have a little bit more direct attention to them. This is, again, just a cleanup amendment, a lot of administrative items and things that we found after using this for six months internally and externally, just items that need to be addressed and cleaned up and better clarified. So, we are recommending approval of the petition. It would be consistent with the overall goals of the Comprehensive Plan, and we'll take any questions you might have.

Councilmember Driggs said I appreciate that this work is being done. We knew that we were going to keep fine-tuning. I'm just wondering on any of these points, was there a significant pushback or debate with anybody, or has the acceptance of this with the people you've talked to been pretty universal?

Mr. Pettine said we haven't heard too much of any pushback. We don't have anybody here purporting against it this evening. So, I feel like we've done a pretty good job with our outreach. Having 94 attendees at our engagement back in October 2023, was a little bit of a surprise to us, but I think that also shows that people are paying attention to the work that's being done, and coming out of that not having any significant concerns that we've been made aware of. I think we're in good shape to keep this moving forward.

Councilmember Bokhari said yes, I would just add, again, just for the public's sake, there's the cleanup that we're doing that will be an ongoing process, but then there's also the process by which we get there. I think one of the things that we're experiencing is, as we find cleanup items, there are multiple departments of staff that are looking at separate things that aren't necessarily an if, then, do it, and that's creating a bit of a new bottleneck and a stack up. So, all I'd ask is for us to make sure we continue staying very diligent as we're learning and fixing these items, that we also don't slow things down to a halt and we stay really nimble, because I'm starting to hear a little more and more feedback about that.

Mr. Pettine said alright, thank you.

Councilmember Ajmera said so I know that several folks had reached out to us about impacts on density, and I know I had connected them with Alyson and others. I wanted to just make sure that, how would this in any way impact the density concerns that were raised, or any other significant changes that we should be mindful of?

Mr. Pettine said I don't think this will have any real direct impact on addressing that concern. I think the one element that's built into this is that clarification on the sidewall heights. That was a little bit a point of just some conversation that we've had over the last six months about how those are being applied, and could you make your sidewalls taller as you moved from setback. With clarifying that, that helps us to build in, when we see some of those infill projects, a little bit more guide rails to kind of keep us in context with what's around us. I think when we get into the conversation more about how the UDO is going to continue to address that density question that we've had, I think that's where we get back to that referral that we've all been kind of working on and really trying to get our arms around some really good solutions to present to ya'll to consider. That will be its own separate process and its own separate very intentional conversation. This is just to try to clarify some administrative items.

Ms. Ajmera said okay. So, in terms of any setbacks, I didn't see any significant changes that would result in a significant reduction or increase in the density at this point, at least under this clarification.

Mr. Pettine said yes, it'll essentially maintain the baseline that we are in right now.

Ms. Ajmera said okay, so it's pretty much aligned with what we had approved under the UDO last year, and just clarifying language.

Mr. Pettine said yes. The cleanup items are going to be items that are addressing these types of administrative things. When we get into the more policy-based UDO text amendments, those are going to be individual petitions to focus on, just that issue and that issue alone. So, that's when we'll come back, and we'll present that when we get through that process of continuing to study that referral that we've all been kind of working on for a little while now.

Ms. Ajmera said okay, no. I think that's fair enough. I know there was an email that was sent, and I did forward that to Alyson. I just want to make sure we respond and clarify that there are no significant changes as a result of this text amendment. Just is just more clarifying it to address the concern that was raised by one of the residents who reached out. Thank you.

Mr. Pettine said correct, yes, no problem.

Councilmember Johnson said Mr. Pettine, you may have just answered this question. I wanted to follow up on the issue that was referred to staff in May 2023 regarding the duplexes and the existing communities. We were told then that it would take about six months. So, I wanted to kind of get an update on that.

Mr. Pettine said yes. I will just say it's been a very challenging item. I think we've all kind of tried to get our arms around it as best we can, but it is a complicated item, because

there's impacts across the board depending on what kind of scenario and what kind of solutions we might pose. We need to understand all the other kinds of impacts or domino effect of where they might fall into place. So, we're, I think, getting close to having some solutions to pose to ya'll, and I think we'll probably get into talking about those in the upcoming TPD (Transportation, Planning and Development) sessions in 2024. I feel like we're getting to a point where we feel like we're getting close with some things we want to put on y'all's plate to give us feedback on, but we just need a little bit more refinements and work on some of our internal partners on what we've got kind of as we process it out. So, it should be coming sooner than later, but it's not a straightforward solution to try to come to with such a complex issue.

Ms. Johnson said you said the upcoming what session?

Mr. Pettine said TPD in 2024. So, I know we kick off our TPD meetings in January 2024. I'm not sure when this one will fall as far as what agenda it might be on, but I think that's the plan, is to come back and talk to that group.

Ms. Johnson said yes, at committee.

Mr. Pettine said yes.

Ms. Johnson said okay, alright. Thank you.

Councilmember Mayfield said Mr. Pettine, just for clarification, because the conversation was started many years ago. While you're doing the updates, are you and your team also having discussions regarding the possibility of tiny homes in our area, since that is something that has come up more than once?

Mr. Pettine said good question. I don't know for sure. Let me find out and talk to the folks that are really focused on UDO changes and see if we've had some conversations and what we might be able to share. I can get that to you in a separate email follow-up.

Ms. Mayfield said thank you.

There being no speakers, either for or against, a motion was made by Councilmember Driggs, seconded by Councilmember Anderson, and carried unanimously to close the public hearing.

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ITEM NO. 32: HEARING ON PETITION NO. 2023-037 BY SHINNVILLE RIDGE PARTNERS LLC/COURTNEY SLOAN FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.21 ACRES LOCATED ON THE NORTH SIDE OF FAIRVIEW ROAD, WEST OF WINTERCREST LANE, AND EAST OF PARK ROAD FROM N1-A (NEIGHBORHOOD 1 - A) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said 2023-037, that's 1.2 acres on Fairview, just across from Closeburn Road and Wintercrest Lane, getting close to the intersection there with Park Road. As mentioned, currently zoned N1-A. Proposed zoning, this is a legacy request to UR-2 conditional. The Place Type, as mentioned, is Neighborhood 1, but we do have a good bit of Neighborhood 2 on either side on Fairview Road, and then just down on the same side of Fairview is this petition, just to the west of us. The request is for up to 14 single-family attached units. They would be served by an internal street. The guest parking spaces have been provided in this site plan as well. One point of access would be onto Fairview Road. They would also install a 12-foot-wide multi-use path, eight-foot-wide planting strip on Fairview. All principle and accessory structures would be comprised of a combination of brick, stone, stucco, [INAUDIBLE] siding. No vinyl would be permitted on the site, except for handrails and

pti:pk

window soffits, and things of that nature. So, also have notes that include units that would have frontage on Fairview would contain a porch or a stoop that would wrap a portion of the front and side of the units, so that it presents a little bit better to the road itself.

It does limit the number of dwelling units in one building when fronting on Fairview Road to six. It specifies that for units fronting Fairview, they will provide blank wall provisions that would limit that expanse to 20 feet on all levels. Garage doors will not front Fairview. They also provided an eight-foot wide, Class C buffer along with a fence, and also notes that the petitioner would work with Charlotte Water. There is a sanitary sewer easement on the property just on the backside, and they would work with Charlotte Water to see if that could be potentially abandoned. At this time, staff does recommend approval. We do have some outstanding issues related to site and building design to work through. The petition is inconsistent for Neighborhood 1, but it is in a good location for some infill of this nature. This property has an interesting history as well. It was actually zoned for multi-family for a decent period of time until recently, I think, in the last two years. There were some deed restrictions that required it to be rezoned back to single-family. Those have since, I believe, been lifted, which is why we see a return to that original request, which I think this actually is coming in with less units and less dense than the initial multi-family approval that was granted many years ago. So, I'll let the petitioner share some of that background with ya'll as well, but we will turn it over to them and the public, and we'll take any questions following the presentations. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said yes, Madam Mayor, Council members, Collin Brown on behalf of the petitioner Shinnville Ridge Partners. Good overview by Dave. I don't have a whole lot to add. This is in the Southpark area, Mayor, in your at least former neck of the woods. Here it is. So, you've got the core of Southpark, obviously Fairview being a very major thoroughfare running east and west. Here's the property there I've got the star on. As you can see, in the area, we've got a good bit of more intensive development around the site. Across the street, we've got multi-family, we've got multi-family here, and the product type that we're talking about would be a townhome product, very similar to what's across the street. So, I think this is an infill project that makes sense. As you can see, what we're talking about, this is a great infill project, major thoroughfare, walkable to employment, walkable to food and beverage, a lot of things we're going for. It is 1.2 acres, which is a good size for an infill site. Here's the zoning map. As Dave mentioned, previously this site was zoned UR-C. We're requesting UR-2, but now it is not. So, it's a little bit of a wedge surrounded by everything more intense on the zoning map, and if we go to the Policy Map, you can see we've got kind of the most intense blue, and then we have multi-family in this area. Here, we've got that lower density, which we feel like we're pretty consistent with.

As Dave mentioned, to Ms. Mayfield's point earlier, this is a conditional zoning. So, there's a site-specific plan, confirming it would be a townhome type product with 14 units, which is under 12 units per acre, pretty similar to what's out there now, commitment to mixed-use path, that we need to see all the way along Fairview Road. There's just dropped in, so you can see this development of these units, I think match pretty well with what we see across the street, lower density, then a lot, and then as we transition into the core of Southpark. I know there's a speaker in opposition, so I'll keep my presentation short, and follow up after that.

Craig Gourley, 4027 City Homes Place said Mayor Lyles and Council members, thank you for letting me speak. My name is Craig Gourley and I'm delivering a statement on behalf of the Board of Trustees for Southpark City Homes HOA (Homeowner Association). If you look at the map, you can see City Homes Place. Anyway, we're adjacent and right across the street from the proposed area. We're concerned about two significant problems that can result from the proposed development, stormwater drainage and dangerous traffic patterns. The stormwater drainage from the proposed development will flow under Fairview Road and discharge into a tree save area behind the row of homes on City Homes Place, and you can't actually see that on that map. During intense storms, the waterflow to this area is already significant and has gotten

much worse over the last few years, now spilling into our tree save and endangering a retaining wall, which abuts the foundation of, I think, about four or five homes, along that road.

The petitioner's site plan states simply that it will comply with the Post-Construction Stormwater Ordinance. We understand that if rezoning is approved, the developer intends to construct an underground retention basin to comply with the Stormwater Ordinance. However, our concern is that simply designing this retention system, to the minimum requirements of the Stormwater Ordinance, will be insufficient to prevent or even mitigate the possibility of damage to our property. Specifically, our concern is that applicable design storms, that are utilized in the Stormwater Design Manual, don't actually reflect what's happening in our climate now. Storms so frequently exceed applicable design storms, that there is often far more runoff, higher volume, and/or higher velocity of the runoff in reality than is anticipated by the City ordinance.

So, that's a larger conversation than just this rezoning petition, but we do know that for specific topographical reasons, our townhome community and our neighbors to the south, are particularly vulnerable to impacts from excessive stormwater runoff. In order to preserve the tree, save area adjacent to our property, one of the true natural areas in the neighborhood, a retaining wall was constructed just to the south of the townhomes along Fairview Villa Court. This wall is not structural, but it did allow for the tree save area to be preserved and is vulnerable to damage from erosion from excessive runoff. Again, the runoff from Fairview Road and the new proposed development, comes under Fairview Road and empties right behind our whole townhome area. If that retaining wall is damaged, not only will the repairs be expensive for the responsible parties, but any repairs will necessarily impact the trees in the tree save area. In addition, that creek runs south from our property eventually meeting lower Sugar Creek, and excessive stormwater and sedimentation has the potential to erode that creek and impact aquatic wall life and vegetation.

So, we're in something of a chicken and egg situation, since the developer has indicated that it is not willing to pay to advance a civil design for the project until the rezoning is approved. This makes sense, but it makes it difficult for us as neighbors to know how to reasonably respond to the rezoning petition. In an ideal world, we ask that the developer construct a more robust stormwater system than required by the Stormwater Ordinance of the City, in order to reduce the volume and velocity of flow of water onto our townhome community property, and the downstream creek beds. We also would ask that specific improvements be made with regards to traffic planning to address increased traffic and a changed traffic plan. You can see from Park Road over to Southpark, that area is just rapidly, rapidly increasing in volume. The number of vehicles may be few into that development, but the increase in left turns from Fairview traveling east, will exacerbate what is already a congested and problematic stretch of roadway. We believe that these concerns can be mitigated through traffic planning and possibly even putting in a left turn lane in that area.

We look forward to further discussion with the developer and with staff as this process continues to achieve a cost-effective solution to the potential problems caused by the proposed rezoning. So, thank you for your attention. I'm sorry that went on so long, but it's sort of complicated. Water is sneaky, that's the problem. Thank you very much.

Mr. Brown said yes, very quickly really to acknowledge, these issues were raised to us at the community meeting. We have been out to the site. Our engineer has been out there more than once to look at it. Generally, I'd say, I haven't heard any feedback to say that, oh, a townhome project is not appropriate here. I think it's the issues that were highlighted, and just to put some color to that, this is the townhome community that the speaker resides in, and there is a storm pipe under Fairview Road. So, we would build our facility, it would connect, the stormwater would be piped under Fairview, and it discharges here. This is the open space area that he was referring to. So, we're aware of that. Our design team has been in contact with City Engineering, and we're evaluating what options there might be to address that. So, again, we're in a conditional zoning environment. It is possible to go over and above and commit to some additional

things. Obviously, we wanted to have a hearing to see if there was anything else that can out the pipe, literally.

So, we're aware of stormwater. Happy to continue conversations with that. I know it's on the radar of our Council member. As far as traffic as well, one of the hopes of the rezoning is, again, I think something will be developed here. We think our rezoning plan gives us the best bet to have one point of access to the site, so we can line that up. We have actually had some conversations with the property owner here to maybe give them driveway access as well. So, we've got some issues outstanding with C-DOT (Charlotte Department of Transportation) that we expect to work through. So, long story short, our expectation is that we feel, and we may hear other feedback from you, those are two items that we're aware of and can work with both the City and the community and maybe add some conditions to address those concerns.

Councilmember Bokhari said thank you for the presentations and feedback, Mr. Gourley. So, I think what I'd like to do, because I've been in communication with both sides of this project, is the takeaway over the next month, to see what we can solve. First with staff, Dave if you can help me get an answer, I think, to the bigger macro question that we just heard now, which is post-construction stormwater requirements, where are we in relation to what they are doing at or above the line, and is that line appropriate? I think there's, as was mentioned, a bigger macro picture here, which we have to step back and say, are we no longer properly aligned with what our minimum requirement should be, to an extent and a belief, that we would need to press pause on this, because I don't think there's any scenario I'd be comfortable at least making a one-off transactional decision on that assumption here, if we weren't looking at the macro lens. So, I think that's one big takeaway that I can only do with you guys, and I would like to get to that basis.

I think in parallel, what we should probably do here is, on the focus on just the overall tactical elements of the stormwater, are there other things we can do? I think Collin just mentioned a couple things to look at, as it relates to the basin and other items, is there something that can be done above and beyond now, where if our answer on the macro-City-wide policy item is no, or not now, we at least have something to address where we are and where we understand that. Then, secondly, with the transportation piece, this is the groundhog day broken record of major corridors where developers come in and it's another chance that we get to talk about, whether it's Fairview or Sharon or Providence or insert big name here, the pain it is to travel on those roads today, the brutal congestion that is experienced, and the fact that we are still not doing anything at a macro level, to do anything out of the box, other than treading water and what we've been doing, and really the only time we materially talk about it, is during rezonings.

So, when we're at a 300- or 400-unit rezoning, I think that might have me in a slightly different mindset. In a 14-unit rezoning here, where when you look at it, by right, they could still have 10, not that massive of a thing for us to go relitigate and refight the entire UDO, but I think it's enough where I'd ask you, Collin, and the development team, to see where we could get creative, and where can we find ways to mitigate the traffic additionally. I'm not putting it on your doorstep, but it's a problem that's a reality for everyone who lives there, and are there other things that we could get creative with the neighbors in this month, given if the other questions don't come to a certain outcome? Are there ways where we could find enhancements for crosswalks and the walkability from these folks into their activity centers and things like that?

So, not an answer, but a roadmap for the next 30 days, where we'll look at the macro-City-wide policy elements of stormwater, and where we should be. Then, the micro, kind of transactional concession-based approach of this petition, and where we can find middle ground should we not decide to kind of hit a macro pause there. I think if everyone operates in good faith, 30 days is a good amount of time for us to move forward on that. Thank you.

Councilmember Ajmera said I agree with some of the comments that were made by my colleague. In terms of the stormwater runoff, I know that's an issue that we often

hear about, and I know as part of our UDO process, there were several tools that were put in place to address the stormwater runoff, and I know there are stricter requirements under the UDO. So, Mr. Pettine, if you can just walk us through the changes that are required under the UDO, and how that has improved the overall process, and do we need to consider even reviewing that further to see what additional discussion that Council needs to consider as part of the process?

Mr. Pettine said certainly. So, I'm definitely not a stormwater expert, so I don't have a really good baseline to kind of share. I know there were changes that addressed projects like this, infill projects, projects of a certain size are handled differently than they were under our previous ordinance. We can get those details to you. I can reach out to Stormwater as part of this overall followup and share some of that with you as well.

Ms. Ajmera said yes, and I would also like, if you could share it with the speaker who had signed up to speak against, and I would like to hear from them as to what additional measures that we should consider as part of the process, because I know we went through this. There was a deeper dive discussion on this. I know former Councilmember Julie Eiselt, was definitely passionate about this, and she had certainly provided feedback along this process. I thought we were at a good place that addressed the concerns, but from what you had shared, certainly that's not enough. So, we need to really take a deeper dive into this and address this.

Mr. Pettine said yes, and just with one point of clarification on it. So, this is a legacy request, so this wouldn't fall in under UDO standards, but we can certainly look to what some of those changes were to see if there's elements that can be potential brought in and incorporated into the conditions to help to kind of ease some of those concerns.

Ms. Ajmera said right, but the UDO will still apply here?

Mr. Pettine said no, this would be permitted under the UR-2 district if it gets approved, but because it's conditional, potentially if the petitioner's willing, they can look at some of the standards that we might have currently and see if there's things that help to offset the concerns we're hearing. They can pull them from old ordinance, new ordinance. They'd just be part of the conditional rezoning, so.

Ms. Ajmera said and I think that's what Mr. Brown was alluding to earlier, that part. Okay, thank you.

Councilmember Driggs said a couple of things. I have some petitions in my district, where there's an existing flooding situation. The petitioner is liable, under our rules, for not making a situation worse, for mitigating to where the runoff is the same as before. When you had an existing flooding situation on Tom Short Road, for example, I don't think you can reasonably put that on the petitioner. I think the City has the responsibility there. So, I would like to see an outcome where we engage with Stormwater Services, and take this opportunity to solve an existing problem, and then to get the petitioner to address their own creation of runoff. The other question I had was, is this under the old ordinance, this petition?

Mr. Pettine said yes, this was submitted prior to our January 31, 2023, deadline, so.

Mr. Driggs said so I do have a question about that. I think everybody is probably aware, I hope, that we have deadlines in place, in January 2024 and February 2024, for hearings and decisions under the old ordinance. Now, I have a couple of situations, and I think other people do, where that's going to be hard to meet, and it's not because of the negligence on anybody's part, but these were big, complicated actions, and the staff worked on them, and then we had extended engagement with the community, and if you followed my experience on Gillespi, for example, for the last year you know what I mean. So, what we don't want is to get kind of jammed on completion for the ones that are legitimately taking longer, and therefore, I'm wondering if the staff has given any thought to proposing a modification to those deadlines?

Mr. Pettine said yes, certainly. We've talked about that with something we're definitely considering bringing forward to ya'll in January 2024 for some consideration. There are petitions that are still kind of out there lingering that, like you said, are larger, complex, they've taken a lot of time for transportation reviews and a lot of time for community engagement. We've also heard from the community that they don't want to feel like the timeline is too compressed, then they have to rush through this process, because there is this March 1, 2024, deadline for things to be decided on. So, yes, our anticipation is that we will have something for you to consider in January 2024 that would move that deadline date back to make it a little bit more reasonable for everybody involved, but we also like I said, want to make sure the community has enough time to stay involved in those processes even after that hearing occurs, and give everybody enough time to continue to work and coordinate after a hearing, to get to a point where hopefully we've addressed as many issues as possible. So, anticipate that coming to ya'll in January 2024.

Mr. Driggs said so that would be offered for Council action in January 2024?

Mr. Pettine said yes, it would have to be something that Council would take action on. It's a little confusion. It's part of the ordinance that implemented the ordinance of the UDO. So, we have to then go back and make a change to that. It wouldn't change any of the other effective dates. It doesn't change any aspect of the UDOs effectiveness or its implementation. It would literally just be, that date of March 1, 2024, may get shifted to another deadline, and it may be a tiered system where we have to have hearings done by a certain time and decisions done by another, because we all know on cases like this and others, we have the hearing, sometimes it takes three, four months to work through everything. We want to make sure everybody has enough time to get through that.

Mr. Driggs said so, I don't need to tell you that since the deadline is in January 2024 for hearings, the sooner you can get that to us the better.

Mr. Pettine said so, the deadline would be March 1, 2024, for any legacy petition has to have a decision rendered. So, that would put us at our February 2024 meeting. So, you're correct. January 2024 would be the hearing, unless we've already had it. February 2024, we would have to have had the decision, which as we know, there's some petitions that aren't quite close to getting there yet.

Mr. Driggs said I appreciate that. Thank you.

Councilmember Johnson said I just wanted to marry the two discussions. We talked about last week the infrastructure update, and this might be a question for Planning, but we talked about the infrastructure update and stormwater being one of those items. This is the reason for those questions about the infrastructure and about the specific areas. Are there areas that are beyond acceptable levels? So, this is the kind of information that the Council needs specifically about areas like this. We all know that we hear this all the time, the stormwater and the traffic, and the residents they live with this every day. So, we need to know what is the level in areas like this, so that we can make informed decisions and responsible decisions. So, how do we get that information? I know we talked about getting an update during our Strategic Planning Sessions. So, will we be able to get maps or certain areas, so that we can review that. The reason that I push for the infrastructure discussion, was for moments like this. So, how are we obtaining or getting that information, so that we can practically use it?

Mr. Pettine said sure. So, I know on this petition, stormwater, their only comments were really about the easement that existed and the line that existed on the property. They didn't express any concerns about the project itself. It doesn't mean that there aren't some items that neighbors are dealing with out there, just that they don't have any significant concerns from their infrastructure standpoint for this particular petition. As far as getting the information you're talking through, I think I'd need to sit down and follow up with our stormwater folks. I didn't have a chance to go back and watch the conversation from last week on some of those items. So, I need to really follow up with

them and see where some of that is and what they're anticipating providing for that conversation, so we can get that to you in a follow-up.

Ms. Johnson said thank you.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2023-069 BY RAVIN PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 80 ACRES LOCATED ON THE EAST SIDE OF EAST INDEPENDENCE BOULEVARD, NORTH OF HAYDEN WAY, AND WEST OF SAM NEWELL ROAD FROM N1-B (NEIGHBORHOOD 1 - B) AND N2-B (NEIGHBORHOOD 2 - B) TO N1-B (NEIGHBORHOOD 1 - B) AND N2-B (NEIGHBORHOOD 2 - B) AND CG (GENERAL COMMERCIAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-069. It's 80 acres. It's on Independence Boulevard. It's on the other side where Sardis Road North T's into East Independence Boulevard. It is currently zoned N1-B and N2-B. You can see the property is kind of split-zoned there with the N-2 on the frontend and N-1 on the backend. The requested zoning is to maintain both N1-B and N2-B still on the property and incorporate some commercial areas under the CG district. All of those districts would be conditional. This is a conditional petition. The Adopted Place Type does show Neighborhood 1 and some small area of Neighborhood 2 along the frontage there on East Independence. The proposal would allow for all uses under prescribed conditions in N1-B and N2-B, as well as the CG zoning district. You can see also there's an illustration for the future Sardis Road and future Arequipa Drive right-of-way. That's taken some coordination between the petition and NC-DOT (North Carolina Department of Transportation) as well as C-DOT. It does note the petitioner will work with both those entities on the location of the east/west connection through the site. Also notes the greenway easements would be conveyed prior to the issuance of the first building Certificate of Occupancy. FEMA (Federal Emergency Management Agency) and community floodway areas would be dedicated and conveyed to Mecklenburg County Park and Rec. That would contribute to the Irwin's Creek greenway and multi-purpose pathway. Those dedicated areas will remain part of the open space and tree save calculations to maintain zoning compliance.

Petitioner would also provide public access, pedestrian connections to the Mecklenburg County Irwin's Creek greenway from some internal public streets, east of Arequipa Road extension, where that access would be appropriate based on topography, tree save and open areas. It does propose a 20-foot vegetative setback along the northeastern property line. You can see that there, that line in green just to the kind of southwest of Meadow Lane. That vegetative setback would include existing vegetation, as well as supplemental plantings or a combination of both, to help provide a separation between this project and the existing residential. Also illustrates a 50-foot stormwater management buffer and a 30-foot and 50-foot post-construction stormwater buffer on the site. Those areas in red are the areas where the commercial zoning would be in place. So, those would line up with that future Sardis Road north connection, which would be an appropriate place for potentially some commercial uses right there along East Independence. Then you would transition a little bit further into the site in N-2, and then the back portion on the other side of that red line is primarily where the N-1 portions would be up against the existing single-family lots. So, just to give you a breakdown of where those differentiations are in the zoning districts.

Staff does recommend approval at this time upon resolution of outstanding issues related to environment and site and building design. There is consistency with

Neighborhood 1. We do have some Neighborhood 2, as mentioned, on the site. So, that it somewhat consistent for that area as well, but that commercial change would be inconsistent with that overall recommendation for Neighborhood 1, but again, given that future extension of Sardis Road North, staff does feel those are generally appropriate locations for that type of change. So, with that, we'll turn it over to the speakers, and we'll take questions you may have following their presentations. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said good evening, Madam Mayor, Council members. Collin Brown on behalf of the petitioner Ravin Partners. Ronn Stewart with Ravin Partners is here with me tonight. This is an interesting rezoning. So here we are. We're going out Independence towards the town of Matthews, and this property is literally on the boarder of Charlotte and Matthews. So, if you see that red line, that is Charlotte City Limit. Everything on this side is Matthews. Everything on this side is on the Charlotte zoning side. So, this is a large property. There it is. The purple there you can see town of Matthews zoning jurisdiction. The white is this site which is Charlotte zoning jurisdiction. I just find that interesting. Certainly, everyone's driven Independence. This is right across from Sardis and, of course, we've got the kind of Sardis shopping centers on this side, and you may wonder, wow, that's a big piece of property that is undeveloped in the City, why is that? So, it is remarkable to see such a large piece that is undeveloped after all these years, why is that? This is an area where NC-DOT, and certainly we talk about transportation and concerns about why didn't anything ever get done. So, this is a situation where NC-DOT is coming with a pretty significant change to this area to bring some improvements. So, that is really kind of what has spawned this rezoning.

So, if you can kind of reorient yourself, the property I just showed you is here where I'm circling, and what is happening is NC-DOT is installing a new interchange at Sardis. So, there will be a new interchange on and off of Independence here, and then as Dave mentioned, there's a road called Arequipa up here, which I think is named after one of Charlotte's sister cities. The idea would be to extend that through our site, connecting to Sam Newell. So, that would also provide some relief. Everyone doesn't just have to be on Independence. There would be a parallel connector. So, all this is NC-DOT. Our team can't take credit for that. At the same time, Sardis would be extended across and through our site. So, all of this is happening. With that happening, it kind of makes sense to look at what's going on, on this property. As you can imagine, with a new interchange and two new roads coming through it, it might not be the best site for low-density residential, which is why we're having the conversation about the zoning.

So, as Dave mentioned, the zoning today has an N2-B, which allows multi-family housing, and to the rear we've got N1-B, which is a little lower density. We're keeping a portion of both of those districts. So, to follow, this would be our site now, and just to show you, the white is essentially areas that would become right-of-way. So, that piece would be eaten up by really a future interchange. The idea would be to place some commercial near it. The orange, some of this is in place now, but it's extending that a little bit here, and then everything that is yellow, we are not changing the zoning on. It is zoned N1-B today and we are leaving it N1-B, really to be sensitive to the neighbors. You will hear from a neighbor shortly, but our plan was, hey, this is really changing things, and the residents you'll hear from, I believe, are from the town of Matthews. Their development [inaudible] is a much lower density development with very large lots that have been there for a long, long time. I'm sure, as most neighbors would like to not see change, I don't think that Ravin Partners is really the catalyst for this change, the new interchange and the new roads are really going to change this area, and so we're trying to bring zoning in line with that.

This, frankly, was probably a candidate for a conventional zoning. I think it makes sense to do it that way, but with conversations we've had with the neighbors, we decided to move to a conditional zoning, so we could be in a zoning environment so we could work with neighbors, get feedback, make some commitments. We're setting up to do that. As Dave mentioned, and you'll hear from the neighbors in a moment, and we've met with them fairly extensively. They've been to Ravin Partners' office. We've had a lot of conversations, so you may hear more from them, but I think we understand what their

concerns are generally, and again, that is why we're not changing the zoning in their backyards literally. We do know that our ordinance now in this N1-B allows you to do townhomes, duplexes, doesn't require buffers, but with our conditional zoning, we're able to do that. So, part of what the Ravin Partners team has talked about is, as Dave mentioned, is adding buffering, a 20-foot landscape buffer, at the rear of the site, just to provide something in their backyards for protection. It's not currently in our zoning document, but we've discussed a commitment that we, as ya'll probably have heard, there's no zoning in Charlotte that is single-family only, but we said we would consider that as having only single-family homes in this portion of our property backing up to their single-family homes. Then, because we are, again, in the conditional environment, we are able to make a pretty significant greenway dedication.

So, there's a look there. I'll pause. I know the neighbors have a lot to say, so I'll try to be as efficient as possible. We'll pause there and follow up after their comments.

Rich Skaretka, 2733 Lakeview Circle, Matthews said thank you. My name is Richard Skaretka. Thank you, honorable Mayor, and committee for letting me speak. I moved into Lakeview Circle about three years ago looking for a quiet neighborhood that was established for a very long time. Yes, we have quite a bit of woods and wildlife that are behind our property, including Irvine Creek, in addition to flood zone and wetlands that are back there. The proposed changes to the area have not been addressed for maintaining the habitat that's existing there. Conditions that are going to go in also deal with the flood zone and the proposed properties that are going to be against the back of our properties. The buffer zone that they're providing us is only a 20-foot buffer zone, and having only 20 feet from there, which leaves new housing that's going to be close to the back of our properties and houses. I would like to address that some of the habitat that's back there actually are multiple wildlife of deer and turkey. Occasionally, you'll end up seeing beavers back there through the streams. Other wildlife that you possibly do not see commonly, like a pileated woodpecker, that's actually North America's largest woodpecker. It's about 16 to 19 inches tall. Based on some of the old trees in the treeline there, we have old sycamores and old black cherry trees that you don't see commonly through north residential areas anymore. This land was established back in the 1960s. It used to be older farmland that has grown into the habitat that it is today.

We would like to request that we have a 100-foot buffer and maintain the wet flood zones and wetlands that are back there, not only along the stream, but also on the back of our properties, and to take into consideration for buffer zone of environmental, preserving the greenspace and appeal, noise reduction of all these new housing and condensed housing that's going to be in N-2, which is going to be still quite close to the back of our properties. Also, assisting with property value, stormwater management. There's effects on the wildlife, the habitat destruction, the biodiversity. There's going to be the human wildlife conflict. There are coyotes and other wildlife that's back there, that's going to get all pushed out of the area. Pollution and other things with flood zone risks and flood zone plan management.

Beth St. Martin, 2333 Lakeview Circle, Matthews said dear Mayor Lyles and Council members. I'm Beth St. Martin. I live at 2333 Lakeview Circle. I'd also like to take a moment to acknowledge many of our other neighbors, if they'd like to stand or raise their hand, that have come to support this this evening as well. Tonight, I'd really like share with you a little about our neighborhood, and why we really are concerned about the proposed corporate rental homes abutting our properties. My husband and I have lived here for almost 32 years and raised our family here. We fell in love with this neighborhood, and during that time, we built relationships with our neighbors and have forged a deep sense of community. We all know and care for each other, while sharing neighborhood block parties, ice cream socials, hayrides, and even door-to-door carolling. We are also always there for each other in times of need. However insular we may appear to be, we're also well aware of the growth of our Charlotte community as a whole, and the need for additional housing.

As Collin mentioned, we met a few times with Ravin, the developers, and they shared that they were very community-minded as well and did not just build rental homes and

leave the area. They stay and manage their rental homes, and are a local company, and they care very much for the neighborhoods they build, and they care about the surrounding neighborhoods like ours. Tonight, would really give them an opportunity to truly show the compassion for the surrounding neighborhoods like ours. I'm here today to request, really, just simply additional buffer, that they had shared with you, a lot more than 20 feet, if you think of 20 feet, between this new corporate rental neighborhood and our sweet, quiet, established neighborhood that we so know and love. Thank you so much.

Sherry Sigmon, 2625 Lakeview Circle, Matthews said Honorable, Mayor Lyles, and Mayor Pro Tem Anderson, City Council members and staff. My name is Sherry Sigmon, and I've resided on Lakeview Circle in the past 32 years. The Ravin Group sent a notification to our neighborhood in September 2023, and this was not an early gift from Santa, I promise. They sent us this notification they would be building rentals behind our properties in the very near future. They said they would explain the project in a zone meeting later. In the meeting, we shared our concerns about the floodplain and wetlands that run behind us on the property. They showed us a picture of their rental property in Chapel Hill but said they did not have an exact site plan for the project behind us yet. So, we don't know what it looks like, you don't know what it looks like. When you examine the plan for the buffer, you will see that several houses, including mine, we abut the Charlotte boundary line. We will have a separation of 40 feet, 40 feet, I can just about throw that far, line to the development. From the back of my house to the development is 81 feet. Hopefully, you can understand our concerns about privacy, sound, and safety.

I really had hope. I honestly did have hope for our neighborhood meetings with the developers, nice people, but nice and my house, I have to take care of myself too and my neighborhood. As it turns out, reasonable concessions were not granted. I was also surprised that to start that in 2024 would even be considered before the two roads, Sardis Road extension and Arequipa Drive, are in place. They're not there yet. I know they said that they'll work with the Department of Transportation, but what does that mean? The entrance and exit to this new property would be onto Independence, and I've heard several of you say, "We're crowded there anyway, and it would be a traffic nightmare pulling in and out of Independence Boulevard without a traffic light." I wouldn't try it. We would appreciate any consideration, and I thank you for listening.

Gina Hover, 2417 Stevens Mill Road, Matthews said good evening, Mayor Lyles, Mayor Pro Tem, and Council members. My name is Gina Hover. I am Mayor Pro Tem for the town of Matthews. I am not here to speak for the town of Matthews or the board. I am here because constituents have reached out with their concerns. As a public servant, I want to speak of my concerns of this development, and I believe we have to look at the big picture of what is to come and what this development will bring. My concerns are, one, our schools are at their capacity. According to CMS, (Charlotte Mecklenburg Schools) "Existing school capacity in this area is currently inadequate." This past November 2023, a \$2.5 billion school bond was passed, but unfortunately, Crown Pointe, Mint Hill Middle, and Butler High School, will not be receiving any of these funds. Our teachers have been pushed to the limit, and this is a burden they should not have to bear. We must ask ourselves, is this the educational experience we want for our children? Matthews currently has rezoning projects under construction and approved, which are still in the waiting process, and will be adding new students to these schools as well.

Number two, along with the northeast section of Parcel 19312102, Ravin Partners is displaying 33 single-family dwellings. The residents of Matthews, which homes border this proposed new development, are only receiving a 20-foot vegetation, I call it natural, setback. In the UDO, 20.1 Landscaping and Screening Purpose, Section B, it states, "Increase the compatibility of adjacent uses and minimize the potential negative impacts to neighboring uses." To put this in perspective, a garden hose is longer than this vegetative setback.

Mayor Lyles said I am so sorry. I feel very awkward allowing you to continue to speak, because I can't, and I want all of the Matthews voters to vote for us as well, but hearing that, this is the end of the 10 minutes. So, Mr. Brown has two minutes for a rebuttal, but what I would ask you to do, is if you have written comments, if you could take those and give those to the officer, he will make sure the Clerk includes them in our record.

Ms. Hover said thank you.

Mayor Lyles said alright, thank you.

Mr. Brown said thank you. Just in response, we've had, again, robust conversations with neighbors. I've done this a long time. This may be the longest tenured group of residents that I've run into, many of them 30 plus years, were kind enough to come out. I do want to reiterate, one of the things we tried to do and our thinking was, let's not rezone the property nearest to them. So, that, as you can see the yellow, is we are leaving the Charlotte zoning in place, and again, we've gone a step further to say, even though we're not changing that zoning, will condition it. Again, we're talking about a restriction to leave that single-family buffer, so that they know they've got some vegetative area. We're continuing our discussions with NC-DOT. We'll be happy to continue discussions with you all and the neighbors as we move forward. Happy to answer any questions.

Councilmember Molina said first, I want to thank the residents from the town of Matthews for joining us here today. Thank you for taking your time to come to a Charlotte meeting and share your concerns. I know that I don't represent you directly, but I can absolutely tell you that I share the same joys of living right there on the border with you guys. The East Side is one of the most, for me, beautiful places in our area, where you get to see some of the same things that you all mentioned, the animals, the vegetation, all of the beautiful things that we enjoy every day. I'm very southern, sometimes I say critters. I see all kind of critters. I mean, I have seen families of deer in my backyard. I've seen rabbits. I've seen all of the things that you mentioned. So, I know personally from living on the East Side for the last 14 years, that that's something that me and my family we've enjoyed immensely. So, as a leader of that side, knowing that a lot of the people who are in the Charlotte limits, enjoy some of the same things that you do in Matthews. I'm very diligent in the opportunity to speak up for some of that, because that's why a lot of us did move to the area.

I'll preface my statement in saying that I heard a lot. Mayor Pro Tem Hover, thank you so much for your level of specificity. I hope you did have some written comments, because I would really enjoy reading them for the purpose of moving forward and working with the development going forward to see kind of how we can be good partners with Matthews, because I know this is not the beginning of the end. A lot of what we do, because we have our residents that we share, we have so many conversations to have going forward, and so I feel like this is a great opportunity for us to foster that relationship in a positive manner to make sure that we receive your feedback, that I can read it, that I can share it with my colleagues here at the dais, because we do collectively make these decisions as well. Although, I represent the residents on the East Side, we collectively make these decisions, and I would be happy to make sure that I disseminate that information to my colleagues. I heard a lot of different concerns, and the most flagrant was the buffer. There is a lot of concern about a buffer for this residential property. So, that's going to be a first portion of my question for Collin.

I also heard some other things that I actually would like to kind of ask a few of the residents, if they don't mind, maybe even the Mayor Pro Tem, if she doesn't mind returning to the podium, because I have a question for her specifically around some of the information that she was giving with regards to the buffer specifically, so that I can better understand to be able to communicate that information as well. So, I'll start with a buffer question, and if you don't mind Mayor Pro Tem Hover, you spoke specifically about some information with regards to a 20-foot natural setback and a buffer. Can you give me more information about, I guess, what do you feel would be a proper buffer

based on the information that you're giving, because I didn't get to hear the whole of what you were going to say, and I know can't give you a chance to say that, but if you can kind of round that out for me, so I can take some good notes, that would be helpful.

Ms. Hover said yes, ma'am, thank you very much for allowing me to speak. I've been out there, I have looked around, and a 20-foot buffer is very inadequate, and all I have come to ask from this board is, if it's possible if we could at least add 15 more feet to make it a 35-foot buffer, that would be just so much improvement to help my constituents in this area. I don't feel it's much more, but I understand it can affect things in different ways. So, that was really all I was just going to ask for, which is 15 more feet if possible.

Ms. Molina said okay, and stay right there, because one of the first things you said is, is something that, in our most recent Council meeting, we talked about the historic bond that we just passed, realizing that it won't meet all of the needs of our enormous school system. So, you're thinking that the Charlotte schools, or the Charlotte property, the students would actually attend a Matthews school?

Ms. Hover said according to the documents on your website, these are the schools these students will be attending.

Ms. Molina said okay. So, they would be attending the Matthews school, okay. Alright, and also, just to make sure I clarify, when you say a 35-foot buffer, natural, unnatural, what are you saying?

Ms. Hover said in Matthews, we call them natural buffers, and you guys I'm assuming call them vegetative buffers. That's what I know as a natural buffer.

Ms. Molina said okay. I drive by this every day. So, NC-DOT is going to drive now a road through this space. So, I think the most responsible thing that we can do is kind of plan for that, whatever that may be, because inevitably that's going to drive more interest in development to your residents. So, I think the most important thing you have to do at this moment, knowing that that's coming inevitably, is arm your residents and make sure that they are ready for the fact that this inevitable change with transportation, that's already planned and already coming, is going to happen, so that they understand how they can best protect themselves. I'm happy to give you my card to make sure we can share notes even, and I'll make sure I give it to you, so that they can be prepared for that going forward.

Ms. Hover said I would love that. Thank you. I appreciate that so much.

Ms. Molina said and so, I also heard noise reduction, property value. I heard maintaining a stream. So, there's a stream that backs up to the area?

Ms. Hover said well, there's actually like the floodplain that falls through there, and then it's hard for me to show you, but yes there is a stream that goes through. I know the property well, because I actually know the previous owner, and so I know that property well, and yes, it's going to take some doing to do things around there, but yes, you've got the Irvine.

Ms. Molina said so, Irvine Creek, okay. Alright, and I heard stormwater. That's something we'll work in progress. Please be patient with us. Biodiversity pollution and flood zone management. So, those are things that I could talk to staff about on our end, but like I said, I really appreciate you coming to our meeting. I really appreciate all of the residents. My next question is definitely for Collin. I need some follow-up.

Ms. Hover said thank you very much.

Ms. Molina said thank you so much. So, Collin, when you say right now, the entire property right now is already zoned N1-B.

Mr. Brown said staff has the zoning map up. The portion closest to Independence is zoned N2-B, which is our multi-family. The rear is zoned N1-B, and the area closest to the neighbors, we are leaving N1-B. So, we're not changing the zoning in their backyards. We did a conditional zoning, so we could add some commitments, like providing a buffer, which would not normally be required.

Ms. Molina said okay, and are we amicable to you and I, and then we discuss more of the buffer?

Mr. Brown said absolutely, our engineer is here as well. So, hearing all this, the neighbors know us well and know how to find us, so, we're happy to continue the conversation.

Ms. Molina said okay, and also, I know that we've got some other things that are City-related, so this wouldn't be a question for you. So, what type, they say corporate rental?

Mr. Brown said well, and we wanted to be clear and honest with them. Northwood Ravin on this site would have a mixture of housing types. They would have multi-family closest to Independence. They would bring that back to have kind of duplex townhome types that would be for rent. Then, along the rear, what they're contemplating, is having single-family homes there, but Northwood Ravin's model is to rent the homes. So, these are kind of very high-end single-family that go for more than most mortgages, but we wanted to be honest with them, that is the product type. If you looked at it, it would look like a single-family home, but their business model is to offer them for rent.

Ms. Molina said being transparent, I do feel like we can reach something that makes sense for both parties. I don't feel like this would be a big hill to climb. I hope it wouldn't, but I don't know that until we start that conversation and start really ironing out what it is that the residents would need and how can we meet in the middle. I'm happy to be a part of those meetings if you need me there. I would love to be there. I want to express that openly. I've known you to be a good partner, so I'm looking forward to it. We can kind of do something one-off if you'd be open to that, and we pull in the residents and talk through it and see what's possible.

Mr. Brown said happy to do it.

Ms. Molina said alright.

Councilmember Ajmera said couple of questions. Some of my questions were already addressed by Councilmember Molina, so thank you. Thank you, Mayor Pro Tem Hover for being here with the residents. That just shows how much you care. From the remarks from some of the neighbors, it certainly sounds like a great community and great community of neighbors helping others, so that's great. I also appreciate some of the commitments that were made by the developer here, especially the buffer zone, connection to the greenway, and keeping especially the area that's close to residents' backyard as is, and not making any changes to that where you're doing N1-B. So, I certainly appreciate that, but I'm sure there is room for more. Was this petition submitted before the UDO?

Mr. Pettine said I don't remember if it was submitted before, but it was submitted after any deadline to have a legacy district, which is why we have our UDO districts being requested on this one.

Ms. Ajmera said so, UDO will apply under this?

Mr. Pettine said yes.

Mr. Brown said UDO plus conditions.

Ms. Ajmera said plus conditions. So, that's good to hear. I know under the UDO, we have protection for heritage trees that we did not have before, and I think that's a bold

step in the direction where they're trying to preserve and protect our heritage trees, our [inaudible] tree canopy. One of the speakers mentioned several trees. Mr. Pettine, would that fall under heritage tree protection, and they would have to follow those heritage tree protections that are in place?

Mr. Pettine said yes, any of the applicable tree protections for the UDO would apply to this site. I'm not sure which ones specifically would apply until we've got into more of a plan submittal and review of it, but any that would be in the UDO now, if applicable, would fall under this petition.

Ms. Ajmera said right, and I think that addresses concerns that were raised by one of the speakers, and we didn't have that before the UDO. This is something new that this Council had approved that I'm very proud of. I know that residents have requested 35 feet total, and the proposal has 20 feet. How do you feel about the additional request of 15 feet?

Mr. Brown said like I said, our engineer is here. We kind of said to the neighbors, hey, we're going to go to the hearing, because you never know what you get at a hearing. Sometimes you get other issues. So, this helps us isolate the priorities and the feedback we have from you. We'll take that back to our design team and see if we can add some additional.

Ms. Ajmera said okay, and there was a request by one of the speakers about a traffic light off of Independence. As an East Side resident, I can certainly understand that considering how busy Independence is and especially with these improvements.

Mr. Brown said this won't be a traffic light on Independence. There's an interchange being built that will come through our site. So, the new Sardis extension through our site, you would be able to access, and there's going to also be a bridge across. So, it's much more significant than a traffic signal.

Ms. Ajmera said got it. So, that would address the infrastructure request that was made by one of the speakers. So, I think really the outstanding item here, I see, is the additional buffer and how far can we address that request. I think that would definitely make neighbors happy.

Mr. Brown said I don't know that it would make them happy, but it may make them happier.

Ms. Ajmera said other than that, I don't have anything else. I would like to see you all having continued conversations and seeing how far we can address the buffer request that you all had made. That's all I have. Certainly, appreciate the request and certainly appreciate the concessions that you already have made. I think these are very significant, and I certainly acknowledge and appreciate that. That's all I have.

Councilmember Driggs said so I'm looking at the transportation summary, and what we have are 10 trips per day current, 3,500 by-right, and then of course, no idea of what the proposed zoning would entail. Is there any way we can get a feel for that? I realize there's no site plan and so on, but I think jumping into the abyss in terms of what we could be generating here in terms of traffic, is difficult. I say that particularly because I see the active projects here, which I think are all publically funded. Is that right? The active capital.

Mr. Brown said everything I'm showing is NC-DOT. There will be some cooperation between the development team and NC-DOT.

Mr. Driggs said nonetheless, all of this is subject to this kind of bumpy process with the STIP (State & Regional Investment Plan) and so on. The I-74 is a state road, right? So, I see, for example, start date year late 2024. I'd just like more information about the status of those and where they are in the STIP and when we think we're going to see completion of that, and if there's any way to indicate compared to 3,500 units the

entitlement involves, are we talking I assume more? Is there any way to get our arms around what the trip generation is?

Mr. Brown said not exact, but we could get some parameters. It's not as intense as you might imagine. So, we could get some rough parameters.

Mr. Driggs said okay. I just pause at the question. If you guys could follow up with me, I'd appreciate it.

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

Michelle Braun, Michelle.c.braun@icloud.com

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

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ITEM NO. 34: HEARING ON PETITION 2023-122 BY EMPIRE COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.24 ACRES LOCATED AT THE DEAD-END OF JENKINS AVENUE AND ALONG THE WEST SIDE OF WRIGHT AVENUE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A (CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-122. It's about 9.25 acres. It is at the dead end of Jenkins Avenue just to the west of Craig Ave., also at the cul-de-sac and Bridle Path Lane. The existing zoning is N1-A. You can see we've got some N-2 zoning really all around this site north and east, as well as a little bit to the southeast. Directly to the west, you've got the single-family neighborhood there on Bridle Path and Goshen and Linda Lane. The Adopted Place Type generally reflects that zoning pattern of Neighborhood 1 zoning, along with some of the Neighborhood 2 that's existing in the area. The petition would propose up to 93 single-family attached residential units. Maximum building height would be capped at 48 feet. Also proposed is an internal network of public streets with sidewalks and alleys connecting to the north, as well as to Wright Avenue. There is an eight-foot path that's proposed between Bridle Path to the proposed development. Also specifies improving Wright Avenue as a local residential wide, identifies McMullen Creek tributary and a 35-foot stream buffer along that creek. Also illustrates a 25-foot Class B landscape yard along portions of the west and south property lines, and also notes that development within that SWIM (Surface Water Improvement & Management), and PCSO (Post-Construction Stormwater Ordinance) buffer would be coordinated and subject to approval by Charlotte-Mecklenburg Stormwater and mitigated if required by City Ordinance.

Staff is recommending approval of this petition upon resolution of outstanding issues related to environment, transportation and site and building design. It is inconsistent with the Policy Map recommendation, but we do have a pretty strong prevalence of Neighborhood 2 to the east of this, and given this project does kind of stop too close, and doesn't come just adjacent to some of those single-family, did feel like it was a nice reasonable transition from some of the multi-family off of Wright Ave. and Jenkins, as well as to the north where this project would basically have a road connection and be an extension of the project that's currently underway to the north of this site. Felt like it was an appropriate location for an increase in some of the density here, and again, we are recommending approval, so long as those issues get resolved, and we will turn it over to the speakers, and take any questions follow their presentations. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said yes, Mayor Pro Tem, Council members. Collin Brown on behalf of the petitioner, Empire Homes. Joining me from Empire is Mike Shea and Dan Robertson. As Dave mentioned, pretty interesting infill site here in the Cotswold vicinity and near the Monroe Road Corridor. There's a high-level photo, as you come in and take a closer look at it, 8.5 acres, so that's a good infill site with an opportunity for some good housing in a very desirable location. What is interesting about this site is Empire also owns the property to the north of this, and I say that to point out the property to the north is zoned N-2. Today, you could develop apartments or multi-family, but Empire would like to develop these together consistently with a for sale townhome product. So, we are rezoning the southern portion. The northern portion can't allow towns, so we're approaching it that way.

We have also put this into a conditional zoning. Again, this is an area where we knew we would have feedback from the community, and wanted to be a conditional zoning environment so we could discuss any of the commitments on issues of concern. As Dave mentioned, and this is a good illustration, everything in orange is zoned N2-B, so that's higher density, kind of multi-family. Over here, we've got traditional lower density and this would be a nice buffer of kind of medium-density housing between those two types. This is a look at our conditional zoning plan now. As I mentioned, the parcel to the north, which is owned by Empire, is zoned N2-B. You could do much higher density, but we're not looking to do that. Looking at kind of a compatible townhome development.

I'll let the adjoining speakers speak for themselves, but we've got some continuing themes tonight. You'll hear about stormwater, and that is something that we are mindful of. One of the things, you try to balance connectivity, transportation and a lot of things, so we'll hear about stormwater. The other item is, Bridle Path currently has a cul-de-sac here. Typically, C-DOT would ask us to put a street connection through. We're showing a Ped connection. In light of all discussions we've had about stormwater, I think our preference would be to eliminate this connection, so that we could leave that area as open as possible. I think staff has indicated they might be comfortable with that. So, that's an item you'll hear from the neighbors about, that we're certainly willing to do that. We think that could, not only address their concern, but also help with a little bit of the stormwater concern. So, I'll let the neighbors speak, and then I will follow up with feedback.

Lori Stockdale, 1207 Linda Lane said good evening and thank you, Mayor Pro Tem and Council members. My name is Lori Stockdale, and I live adjacent to the parcel that is up for rezoning. I've lived there for 12 years. Also with me are Nick Maglosky and Patrick Bleser. We are doing a joint presentation for you. On this slide, you'll see our homes marked by the red X's. So, that is our location next to these and our interests in the concerns of the development. We have held community discussions with our neighbors, some of whom are here tonight. We've also met with City staff, including Stormwater, regarding our concerns, and greatly appreciate their expertise and responsive. We also met with the developer and their representatives to address our primary concerns, which do fall under stormwater and an access path to Bridle Path.

Foremost, our concerns are around stormwater. You'll see some of these photos that will be demonstrated and explained forthcoming. This is nine acres of undeveloped, natural area. It flows into a tributary that services McAlpine Creek. The localized flooding already overwhelms the creek. This is a significant safety issue for the approximately 20 children who live along the road next to the creek. Any increase in stormwater runoff from this project could have catastrophic impacts to our neighbors. Along the creek, you'll see in a few slides, again, further downstream there have been pieces of the parcels that have been part of the Floodplain Buyout Program. This is upstream from there, so you will be able to see that, but really it is imperative that our neighborhood not be subject to further physical or financial impacts of flooding exacerbated by this, or any other project. For a firsthand account of the flooding, I'm going to turn it over to Patrick Bleser.

Patrick Bleser, 4315 Emory Lane said good evening and thank you all for your time this evening, Council members and Mayor Pro Tem. I am Patrick Bleser, and I live at 4315 Emory Lane, which you're looking at right now. As you can see, on the left we're having a pretty good day, on the right we're having a pretty terrible day. As Lori mentioned, we have a lot of children that live along this street, and certainly call these backyards their home. This is looking south from my neighbor's backyard towards our homes, and you can see where the flooding kind of begins where these tributaries come together, and then of course, it continues to grow as move down the line, and then we're going to play you a short video here of what that looks like, as I mentioned on a bad day. So, this is not slow-moving water. This is not an inch and a half of water. This is as much as two feet of moving water outside of the creek behind our homes. That fence, as you can see, there's roughly three feet, three and a half feet high, at the top, so that lower railing gives you a sense of just how deep that is, and you can see how it's already encroaching on our homes and going into our crawl spaces at times.

It's my understanding that six inches of water has the ability to knock somebody over, 12 inches of water will move a vehicle. We have as much as a foot and a half of water flowing through our backyards, and this doesn't happen once every two or three years. This may happen as many as three or four times a summer. So, these are massive amounts of water, and we think as Lori said, anything beyond this really becomes catastrophic. Along this creek bed, you'll also find power lines as well. Our power lines in this neighborhood are above ground. I have watched the erosion encroach on these power lines, and I have seen trees fall on these power lines due to the erosion along the creek bed. When we moved there eight years ago, I could've stood in the creek and I could've seen out of the creek. So, call it roughly six feet high, that's me being a little generous to my height. That said, I can't stand in that creek any longer and see out of it. This is a massive amount of water that's encroaching on our homes. We can't afford to add any more volume to that without, again, it becoming very catastrophic. So, for us, it's a lot of things, but safety as you can tell is foremost on our minds, as it comes to this water, and of course property values as well. So, with that, I will turn it over to Nick.

Nick Maglosky, 964 Bridlepath Lane said Council members, Mayor Pro Tem. My name is Nick Maglosky. I live on 964 Bridle Path Lane, which is the property just right next to where the site's proposing to be developed. There is a pedestrian path that's being proposed on the site plan that would come right through and land on our cul-de-sac. It just seems very illogical considering there's no sidewalks on our street, it's poor lighting, the street has not been paved in over 20 years, and the street is really narrow. It's 21 to 23-feet wide versus some other streets in the neighborhood that are much wider. You can see from the topography, which I'll show on the next slide, the topography literally slopes down like this. So, you would have to have some sort of steps or something that would drastically come up the hill, which would not be safe if anyone was up there. There's a lot of cars that are turning around in the cul-de-sac, and seemingly it would be very difficult to be ADA (Americans with Disabilities Act) compliant to build a public path that would go up such a steep hill. That red square is me standing at the top and my wife's at the bottom of the creek taking a picture. So, it is a very steep drop off from the cul-de-sac that would go down and it just doesn't seem very intuitive that you want a public path to go up there.

Additionally, there's really no stores or shops or restaurants. It's a 27-minute one-way walk from my house to any nearby stores, coffee shops or anything like that, so it doesn't really seem that it would be providing any connection, if you will, to anywhere. There is Randolph Middle School, which is a half mile from the proposed site, but it's IB (International Baccalaureate) school, so the residents of this proposed zoning would not even be zoned for that school. They would be zoned for AG (Academically Gifted) Middle School. Lastly, there is significant water runoff, as Lori and Patrick had talked about, coming down the street from Bridle Path. Again, that's my house. Again, my wife's standing at the bottom taking a picture of me up top. Significant water runoff is coming down Bridle Path down that slope that feeds into the creek. So, if you were to remove those trees for a public path that seemingly really wouldn't add any sort of benefit, it just would not make much sense, and it would negatively affect the vegetation

and the stormwater, which Collin alluded to, which hopefully their accepting to kind of remove that. So, thank you. With that, I'll turn it over to Gary.

Gary Lerner, 5705 Riley's Ridge Road said I'm Gary Lerner with Lerner Residential. Lerner Residential and its principles have managed Delane Glen Apartments for over 30 years. A 60-unit apartment community was built in the late 1960s. It is Naturally Occurring Affordable Workforce Housing with rent starting below \$1,000. Delane Glen is located off of Craig Avenue, and the sole access for 22 of our apartments to Craig Avenue is Jenkins Avenue. Jenkins Avenue is on a public right-of-way that is currently maintained by Delane Glen Apartments, and not the City of Charlotte. We are opposed to the rezoning in its current form since it would permit the developer of the 93 proposed townhomes to use Jenkins Avenue, the road which our small apartment community maintains, as one of the two primary access roads to their community. Without improving Jenkins Avenue to City standards or having it dedicated to the City for maintenance.

Staff analysis recommends improving Jenkins Avenue to public street standards, so that it can be publically maintained. We ask that City Council make this a condition of the proposed zoning. If the road is publically maintained, we will support the rezoning petition. Goal three of the 2040 Comprehensive Plan, housing access for all as a stated objective, retain the number of Natural Occurring Affordable and Workforce Housing units in the community by managing change within the existing neighborhood. If the City Council is going to permit change to the neighborhood surrounding Delane Glen Apartments by allowing the construction of 93 additional homes, it must do so in a way that won't place an additional burden on Delane Glen Apartments, an affordable housing community that is located within the neighborhood. Thank you.

Mr. Brown said thank you. Again, we've had I think good communication with these residents indicating it. So, I'll kind of move through those comments. One, the connection to Bridle Path, if staff is comfortable, we'd be okay removing that. We think it addresses the stormwater issue as well. Mr. Lerner was referencing over here, Jenkins, which is off our site, which the City has asked us to connect to. He's right, it's a public right-of-way, but the City doesn't maintain it. So, his point is, I don't want you putting all these cars on my street if I've got to pay for the street. So, we're working with C-DOT, and our team is willing to make improvements. C-DOT would have to look at the street and make sure they'd be okay accepting it for maintenance. C-DOT has indicated to me that they've already put that on the list to go out and look at. So, happy to address that.

The last one was stormwater, and the Empire team has looked at this and certainly shares similar concerns and have indicated we are willing to go above and beyond the requirements of the Stormwater Ordinance. We would like to continue working with Stormwater Services really to make sure we're doing the best bang for the buck. Is it that we upsize our system larger or is it that we commit some funds to some things further downstream. So, again, I think this can be a win, win, win, and I hate to say that, but someone could develop this today, it will get developed. I think we've got a good plan. I think we've got solutions to these, and we'd like to continue working with Stormwater Services. It's got to be something financially feasible for our team, but we want it to have the most effect. So, happy to continue on those. Again, Bridle Path, we're happy dealing with, we're talking about the improvements to Jenkins, and C-DOT would have to confirm if they'd accept it, but happy to work on those issues.

Councilmember Molina said first of all, I again would like to thank the residents for coming out. I'm always happy to see our residents involve yourselves in the process. It's important that we hear from you. I want to acknowledge that video. Oh, my goodness. It is breathtaking to realize that you're going through that, and I know that with that being seen by myself and colleagues, I think we have to have some additional conversations to make sure that we're doing right by you and the residents that are in that area. So, I apologize. That's a lot. That's a whole lot. So, I'm confident, though, because I have already spoken to the intended developer, and I've spoken to Collin, and I'm encouraged by some of what I'm hearing to provide relief with this actually being a petition that could possibly move forward. Again, I understand that you may understand

where you are in the process. So, this is not like yes or no. This is really where we kind of understand the full scope of what we're looking at. We involve what you would like to see happen into this process, so that we can try to reach that good place where everyone's able to move forward and be happy.

So, I heard a lot from you, and I'm encouraged to hear Collin mention that C-DOT would address one of the concerns about making it a condition of the proposed zoning to have the road that you mentioned to be City maintained, because right now that's not something that's currently happening, and to hear that C-DOT is already taking the measure to see if that's something that we could do to move forward. I'm happy to hear that, and to hear the actual petitioner be interested in the stormwater piece. I spoke to the petitioners a little bit at length about this. I think moving forward, as we go into some of these petitions, we have to make sure that we're being as responsible as possible, and I think all parties. Charlotte is something that we have to protect. We have something beautiful here. We have a City that, my colleague Malcolm Graham would say, if you're not growing, you're dying, and to be on the growing end of things is the best place to be, but then we have to manage it responsibly. So, when we have the development that's coming, the people that are coming, that's an inevitable truth to have that partnership where they're willing to be malleable and even go above and beyond, that's encouraging for me to hear. I know that we still have work to do, especially in the way of stormwater. I just can't get that out of my brain right now.

I want to know more, though. I have a question, in particular, about the picture of the pedestrian path that's at the end of the cul-de-sac. I need a little bit more gravity. So, maybe you can give me that and then I can maybe ask the neighbors. So, can you give me a little bit more about the scope of that intended purpose?

Mr. Brown said if you can see the screen, here Bridle Path ends in a cul-de-sac, and this property's being developed. Typically, when we abut a cul-de-sac, for connectivity reasons, the City would typically want us to build a street to connect through. We, in our initial filing, did not include a street. We included a pedestrian path. The more that we've looked at it, and especially the more we've talked about stormwater, the kind of stormwater flows this direction, it occurs to us that probably the best thing we can do is stay away from that and leave that open. So, Mr. Maglosky has pointed out, he was standing at the top of the hill looking down the hill, and his point is, to install a pedestrian path there, you'd have to do a lot of grading and tree removal. We'd also have to have a crossing. So, we would support removing that. We'll still have connectivity to the north. We'll still have, hopefully, connectivity to Jenkins, which may be a public street. To the north, you would still be able to connect over to Goshen. So, we think connectivity would be maintained to benefit the site not to have that connection.

Ms. Molina said and David, would that be a possibility? How would that affect this particular petition?

Mr. Pettine said I think it's certainly a possibility. We have to just check in with our subdivision folks where that requirement comes from. We do have other connectivity to the north, which will eventually get us out to some existing network streets in the general area. So, that connectivity was offered as kind of, instead of road, can we potentially have a pedestrian path. I don't think we looked at all the potential challenges with grade and all of that. So, on paper, it's an idea that works and meets an ordinance requirement, but as it comes down to applicability, there's a lot of challenges with it. So, I think if we're weighing out the benefit of removing that to ensure a little bit better chance to handle stormwater runoff and lessen the impacts, then I think that's certainly a conversation that we'd be generally supportive of.

Ms. Molina said so, right now, there's a 27-minute one-way walk. What's surrounding this? Is there anything in particular that's surrounding this particular?

Mr. Pettine said no, I mean other than there's a nearby school. There's businesses over onto Monroe, which isn't the easiest necessarily walk, and the Bridle Path connection

really wouldn't serve a benefit. Again, that pedestrian connection was more to try to satisfy the intent of the ordinance on providing connectivity where existing streets dead end or provide a cul-de-sac adjacent to a project, but as far as where does it connect to, there's probably not as many uses that would be a walk from this site, but it would just provide a pedestrian connection. So, if folks wanted to get out and walk through the neighborhood, walk to the school or walk to some other spots, they potentially could, but again, it's not a high-impact pedestrian connection if we're going to categorize it in some way.

Ms. Molina said okay, and that map helps me. Is there like a future intended use for this space? Is this something that's going to eventually be something different at some point?

Mr. Pettine said no, there's not a greenway plan or anything that's planned to go through the area that I'm aware of. It was just, again, an offer to try to meet the subdivision ordinance intent by providing connection through a different means.

Ms. Molina said okay. I'm interested in continuing being a part of the future discussions. Like I said, we talk to this guy a lot, so I feel confident that if there is a path forward where we can resolve many of these issues, I'm there to be a conduit, I'm there to help raise your concerns, and they've been pretty good partners. So, if there's a way forward, I feel like we can try to reach that and work with staff to find out. So, I want to give you that assurance, as the person representing you in East Charlotte, to tell you that I'm happy to come to the meetings. Inevitably, it sounds like we will have a few more, so please consider me open to be a part of that. Thank you for coming today. That's all I have Mayor Pro Tem.

Councilmember Driggs said so, I'd like to incorporate, by reference, my earlier remarks about stormwater. I think what's alarming here is to see that torrent. It might be a good opportunity to clarify, everybody pays in their water bill for STORMWATER SERVICES, and there is a certain definition of what the City does for that, and then there's another process, through which application can be made for some remedial intervention, and those are reviewed and they're classified according to certain parameters as top priority A's and B's and C's, and in some cases, water for example, doesn't reach a home in a private area and it's not a public road, it doesn't qualify. So, I wonder in this context, if it might be helpful, could we just get a memo reminding us of probably a clone from the website, but just get a memo reminding us of what the basic obligation of Stormwater is, and then what the status is of this location in terms of potentially being scheduled for an intervention. What sometimes happens that causes this thing, is there are blockages and there's a need to kind of address a culvert that isn't flowing properly, maybe it's something like that. I do think if Stormwater Services could clarify for us why the current situation exists, it would certainly be also important for us to make sure that it doesn't get worse.

Mr. Pettine said sure, and we can follow up with that information. Just to give you some additional context. Stormwater, when they reviewed the plans, did suggest that a note be added that the petitioner would agree to provide a 100-year stormwater peak control or provide a downstream analysis. In another advisory note, they suggest it would be when the construction plans would get submitted for land development review, should the rezoning be approved, a 100 plus one stormwater protection analysis, basically a flood study, would be required for all the streams and creeks on site, and it would also need to be shown that the development would create no adverse impacts to adjacent properties on the other side of the creek. So, that's something that was in advisory notes, basically saying if this rezoning gets approved, here are the things that we're going to be looking for in permitting. So, there's a couple things that they added or requested or advised the petitioner on that we'll continue to work with them on to see if we can get those included in the conditions.

Mr. Driggs said so my point, though, is what possible obligation could there be on the City to help out with this, and again, maybe not. It's complicated, in terms of what your

taxes actually pay for, but we need to be very clear that we are fulfilling our commitment to the community. Thank you.

Councilmember Ajmera said this is a challenging site, especially from the video I saw. I have concerns. I cannot support this in its current form. I rarely say this, but in this case, definitely I can't support it as is. I think neighbors have valid concerns, and to Mr. Driggs point, we need to be looking at our liability. Are we potentially increasing our liability? We just had a billion dollars a couple of years ago when Mr. Driggs and I served on the Budget and Governance Committee, and we looked our stormwater request. We had a billion dollars in stormwater requests. I think we have to be very mindful about looking at this petition and trying to approve it, and potentially adding more to our waiting list. So, I cannot support it, and I will also ask my colleagues to carefully take a look at this, and potentially denying it if there are no significant changes being made. Thank you.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2023-141 BY FIFTH THIRD BANK FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.434 ACRES LOCATED ALONG THE EAST SIDE OF BEATTIES FORD ROAD, SOUTH OF HOLLY STREET, AND NORTH OF DR WEBBER AVENUE FROM NC (NEIGHBORHOOD CENTER) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said thank you. 2023-141. It's just a little shy of a half-acre on Beatties Ford Road, south of Holly Street, north of Dr. Webber Avenue. It's currently zoned NC. The requested zoning is to go to our General Commercial district, or CG district, with conditions. The Adopted Place Type is to maintain that Neighborhood Center Place Type that is supported here by the actual zoning district. We'll get into a little bit of that here in just a moment. So, the conditions that are being proposed for this project are really just two-fold. We've got all uses permitted by-right and under prescribed conditions, and then because this is for a potential drive-thru location, drive-thrus as a lot of us are aware, are not really allowed in our Activity Center districts. They're allowed under certain conditions if the drive-thru was existing prior to the implementation or the effective date of the UDO on June 1, 2023, and if they are reconstructed on a site, they have to adhere to certain design guidelines, which is the second bullet that we see, essentially stating that the drive-thru lanes would not be placed between the building and Beatties Ford Road. Everything would be either off to the side or to the rear. So, essentially, while the CG district isn't compatible or consistent with that Neighborhood Center Place Type, we have asked the petitioner to at least design the use basically in the same fashion that you would if there was an existing drive-thru and they were tearing it down and putting up a new one. The reason being for that is, as we had mentioned, this is along Beatties Ford Road. This is a Corridor of Opportunity, as part of the City's Corridors of Opportunity program.

So, there are several other policies that we are looking at to have staff support for this petition. We do have one outstanding issue related to site design we need to work through, but outside of just the policy map showing this is Neighborhood Center and that commercial district not necessarily aligning with that, the prescribed conditions that they're agreeing to, have that to at least be designed as if it were in an Activity Center. Also, the multiple provisions that we pulled from some of the Corridors of Opportunity work, over the last three years or so, certainly support this type of use along this corridor. So, feel like we've kind of taken the policies and the goals of the Corridors of Opportunity program with the design standards of the Neighborhood Center, kind of blended them together to get the outcome that we're looking for to support this petition. So, that is why staff, again, is supportive of it. We do have just an outstanding issue to

work through, but overall, we don't have any significant concerns. While it is inconsistent with the Policy Map, because of those items we just discussed about the Corridors of Opportunity program, we are comfortable providing our support for this petition. So, with that, I'll turn it over to the petitioner, and take any questions after their presentation. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said Mayor Pro Tem, Council members, Collin Brown on behalf of the petitioner, Fifth Third. DeAnn Leonard from Fifth Third is with us tonight. Happy to report the neighborhood's excited about this petition. If you see, we had a large turnout at a community meeting. Councilmember Mitchell was able to join that. Background on this is, Fifth Third has been working in the community for over a year on this project. They've got good support from the community. It's something that folks want to see in their neighborhood. The problem happened was, this was allowed prior to June 1, 2023. On June 1, 2023, is when the district changed, they got kind of locked out. So, we're in the rezoning process to allow this to happen. We did make this conditional, so that we could include the design guideline that Dave mentioned, but again, happy to report this had broad support from the community. There was a nice article in QC Metro today talking about the neighborhood and that's really credit to Fifth Third and their team working closely with the neighbors. They have made some commitments that are not part of our zoning for use of 70 percent of minority contractors when this building is constructed. I know we've talked about drive-thrus, we've talked about concerns when they're related to fast food, but this is a financial institution. It is important to folks in the community that they have that for safety and security, and I think what Fifth Third has done with their design, as Dave mentioned, is mitigating those concerns. There's nothing between the building and the street, so it's got a nice appearance, and will be a good presence in the community. Happy to answer questions.

Councilmember Mitchell said I just want to say thank you to Fifth Third for your patience working with us and being committed to the Corridor. I want to say thank you to staff, because when this was brought to staff, you quickly got to the point of how do we find a solution. Colleagues, I will tell you, there are support letters, as Collin mentioned, from [inaudible] Neighborhood Association that I just handed out. I'm looking forward to the vote in January 2024, but really appreciate your commitment in being in the Corridor, and I think this will be bank number three at the T.D Bank, J.P. Morgan Chase, and now Fifth Third. Thank you.

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

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ITEM NO. 36: HEARING ON PETITION 2020-071 BY 3G INVESTMENTS AND DEVELOPMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.79 ACRES LOCATED ALONG THE EAST SIDE OF PARK ROAD, THE SOUTH SIDE OF SELWYN AVENUE, AND NORTH OF MANNING DRIVE FROM N1-A (NEIGHBORHOOD 1-A) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT - OPTIONAL).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, thank you. 2022-071, 0.79 acres at Park and Selwyn. The zoning currently, N1-A. The proposed zoning, this is a 2020 petition, so certainly came in before our filing deadline earlier this year, so it's a MUDD Optional petition. The Adopted Place Type, as we can see, we've got Neighborhood 1 for the majority of this side of Park and Selwyn Community Activity Center, just on the other side of Park that really extends all the way up, upwards towards Park Road Shopping Center. The proposal is to allow adaptive reuse of the existing two-story, single-family residential structure. Permit the uses within the MUDD zoning district would limit the use of the outdoor patio, between the building and

adjacent single-family home, to the hours of 8:00 a.m. and 10:00 p.m. Limit use of all outdoor areas to the hours of 8:00 a.m. and 10:00 p.m. on Sunday through Thursday, and then 8:00 a.m. to 11:00 p.m. on Friday and Saturday, and days preceding federal holidays. An allowance of up to 3,000 square feet of additional building expansion that would be at the rear of the building. You can see that in the shaded pink area. Would limit the height of any additional expansion to 40 feet, which is consistent with our residential zoning heights. Maintains the existing structure and paid parking as they are. Would also maintain and expand the existing patio at the front side of the structure. Would provide a 30-foot easement to Mecklenburg County for the future Briar Creek Greenway. Expand the sidewalk along Park Road to eight feet, and also requests some optional provisions, which would essentially be to reduce parking requirements by 25 percent, that would allow to have better preservation of the existing building. Allow for the existing parking to remain and screened with a wall at least four-feet tall. Allow existing streetscape along Selwyn Avenue to remain, and allow existing streetscape along Park Road, except the sidewalk would be extended to a width of eight feet where feasible, and an exemption from the fenestration requirements of Section 12.544 of the Ordinance. That would help, again, to facilitate the reuse and rehabilitation of the existing building, and then any expansions would meet the requirements and not have that fenestration reduced.

As mentioned, staff does not recommend approval of the petition in its current form. Just have some outstanding items that we still need to work for and get clarification on, things like limiting allowed land uses, clarifying or better defining the hours of operation and potentially changing those in certain instances, clarifications on some site design, transportation and streetscape improvements, and then the Park and Rec easement request. It is inconsistent with the Policy Map recommendation for Neighborhood 1. At this time, we'll turn it over to the folks speaking, and we'll take any questions following their presentations. Thank you.

Russell Fergusson, 933 Louise Avenue said thank you, Madam Mayor, Madam Mayor Pro Tem, Council, Russell Fergusson. I'm here speaking on behalf of the petitioner. I'm joined by a representative of the petitioner, who's also a neighbor, I think less than 10 houses down the street. I'll be the only speaker. We had some time conflicts, so we do have a lot of supportive neighbors on this, and to thank staff for continuing to work with us. There is a path to get to staff supporting this. It's a path many of you are familiar with for adaptive reuse projects, and it's definitely my fault, not theirs, to get there before this hearing. I do think we're very close to doing that in the next revision. I'm proud to stand here before you tonight with a rezoning petition to preserve a building, which I have said before and I say again, it's nice every time to stand here and talk about reusing an existing structure. So, the preservation of this existing building really requires it to be allowed to adapt to its environment. This is the corner of Park Road and Selwyn Avenue. It has around 30,000 car trips a day going by it. It is a very high traffic scene. Many of those in the audience may remember this being a seamstress business. It has long been a commercial use and a residential use. It continues at this day to be used as both an office and a residential rental residence. I think what we are proposing isn't really revolutionary, and I think that we'll get there, and I think there are a couple of examples from last year, will be Local Loaf and NoDa. It would also be Culture Shop in the Belmont neighborhood where very similar structures were able to find a way for.

While staff is not supporting it, I wanted to point out that we are meeting a large number, five of the Comprehensive Goal Plans, and that it fits into the context of the area. This parcel is wedged between two greenway projects, one which is complete, one which we are dedicating 30 feet to, to help complete the Briar Creek Greenway Project. Then, as you can see on the right, that you're looking at massive development coming out Park Road, even across the street from this site, is actually the entrance to the greenway. While it's listed as N-1, it's actually a wide-open sidewalk. The principle purpose of this, first off, is to clarify some existing issues of the legal nonconforming uses that are in the building as we speak, to allow it to continue to exist as residential and office use, hence, the 2020 stamp on this rezoning. This rezoning does not have a plan to move forward towards any development at this time, but it's needed to clarify that, so that it can move

forward into the new world of the UDO. Because we're going through this process, it allows it to adapt to allow additional uses within the scope of that existing building with some reasonable expansion to allow it to change over to commercial. Just to get a better idea of the context, that tall map in the middle, I think it's just a prorating context with the existing apartments directly to the north, which you can see directly from this site, because that is cleared out. You have grocery across the street, retail, coffee, restaurants, bars, and lots and lots of cars. You can see some closeups. That's a picture at like 4:30 p.m. on a regular afternoon looking out. There is a bus stop directly adjacent to this property, as I mentioned, the greenway entrance across the street, and any future for this business as a commercial use will be bound to a pedestrian-focused business because of its lack of parking and accessibility.

I just want to kind of emphasize this. I do this in all the adaptive reuse projects. We do think this, with the restrictions that are in place on the conditional rezoning, are going to make this reasonable in the context of the area. It is next to a single-family home, and those concerns are real and valid, and we recognize those, and we're trying to work to get there. A little closeup on the site plan, the idea would be to get the patio towards Park Road if possible. It is just a very narrow site with a right-of-way. There are a number of limitations on the rezoning plan and more that we will be adding to limit the hours of operation, certain types of use, add more vegetative buffers, including closing any operations on the side of the property facing residential properties. These are the hours that we have in it right now, which have differentiation between the side that is adjacent to single-family, which has an existing patio which is kind of a beautiful brick work patio, and then for the other side of the patio. A little context, we're still working with C-DOT on this. One of the outstanding issues, notice the bump-out and the drainage to the stormwater. These have been a little bit challenging to work towards, and recently, these are actually slightly older pictures, these sites have changed and been repaved in roughly the same exact manner by the City of Charlotte, which just redid the corner exactly like that, and you can see it right here. There's an example of the pedestrian nature of the environment with the little guy on the bike. When we go down Park Road, we're looking at expansion to full eight-foot sidewalks. There is a major topographical challenge as this slope goes down to Briar Creek, and the sidewalk stays even with the bridge that's right there. I think we'll just pause there and hear from any other speakers. Thank you.

Steve Christian, 3933 Selwyn Avenue said good evening. Thank you for the time to speak. My name is Steve Christian. My family and I reside on the property adjacent to the one under consideration. My family household includes the love of my life and the mother of my three sons, my oldest who is 4 years old and my two twin sons who are 2 years old. My journey has taken me across the world while serving in the U.S. Navy as an IT (Information Technology) radio man for SEAL (Sea, Air and Land) Team 8. In my quest for a home, I deliberately chose Charlotte and this specific property as the place to anchor my roots and build my family. Today, I bring forth my concerns and perspectives as someone deeply invested in the wellbeing of this community. To me, the proposed rezoning of this property transcends mere zoning considerations. It fundamentally pertains to the wellbeing and quality-of-life for residents in close proximity to the property in question. It underscores the importance of preserving the character, values, and essence of our residential neighborhood.

Presently, 3G Investments and Developments, LLC, or one of its owners, have purchased five out of the seven properties extending from 3915 Selwyn Avenue to the specific property under consideration, 3941 Selwyn Avenue, the latest addition to their portfolio, 3929 Selwyn Avenue, sale was just finalized last week on December 13, 2023. This acquisition strategically surrounds my family's home on both sides, prompting concerns about the ulterior motives driving 3G Investments and Developments, LLC, and their actions. The proposed site plan, provided by 3G Investments and Developments, LLC, is alarming. Items are misplaced, dimensions are misrepresented, even spelling mistakes littered this plan, casting doubt on the diligence and accuracy of their proposed site plan. One such misrepresentation on the site plan is that the existing building on the property in question, is located 60 feet away from the wooden fence that separates our two properties, as indicated by the scale on the plans, but in fact, the

existing building is less than 30 feet away from the wooden fence separating our properties.

Equally alarming is the misrepresentation of the dimensions related to the area proposed for solid waste. The plan depicts it as located 20 feet from the property line. In actuality, it is less than three feet from my property line. The potential proximity of solid waste to my property line raises additional concerns about potential odors, sanitation issues, animals it attracts, and their impacts on the overall quality-of-life for my family and my neighbors. Additionally, the six-foot tall wooden fence running from Selwyn Ave. to the property line dividing our two properties is inaccurately located by more than 10 feet. Furthermore, the existing patio on the property extends all the way up to the existing wood fence separating our two properties, a crucial detail that seems to be overlooked in the presented plan. The potential impact of this oversight on privacy, noise pollution, and the overall living experience for both my family and the neighboring properties cannot be understated.

Inaccuracies, misrepresentations, omissions, and discrepancies within the plan, casts shadows of doubt on the credibility and intentions behind this proposal. How can a neighborhood and its residents trust a plan that cannot accurately represent the reality of what is being proposed? Adding to these concerns is the lack of clarity surrounding the proposed changes and the track record of zoning violations by the property owner, 3G Investments and Developments, LLC, totalling seven code violations since July 1, 2023. These create a murky landscape leaving our community vulnerable to changes that could potentially and permanently alter the tranquility and integrity of our neighborhood. Moreover, the proposed site plan put forth by 3G Investments and Developments, LLC, is not only inconsistent with the current surrounding area residential zoning, but it also raises significant concerns in regard to increased traffic congestion, height and noise pollution, and most importantly, the degradation of safety and wellbeing of our neighborhood children.

The Charlotte Department of Transportation estimates that there will be an additional 315 trips to this residence if rezoned to MUDD optional, which is an additional 8,820 trips monthly, resulting in a staggering 1,050 percent increase in traffic. Due to the traffic, visitors to the property will have to exit by turning right onto Park Road in very close proximity to Park Road and Selwyn Avenue intersection, which could impede the flow of traffic, as well as obstruct the sidewalk in front of the existing Route 19 bus stop. The additional trips in combination with the proposed parking lot exist, could have a significant detrimental impact on one of the busiest intersections in Charlotte. The proposed outdoor patio operating hours, as outlined in the site plan along with the Charlotte City Noise Ordinance, Section 15-65.1 for commercial establishments, would allow amplified noise emitting from the property up to 85 decibels from the hours of 8:00 a.m. to 10:00 p.m. Sunday through Thursday, and until 11:00 p.m. on Friday and Saturday. I would like to highlight that the Charlotte City Noise Ordinance specifies that 85 decibels is the equivalent to the sound of a running lawnmower. This noise pollution would be less than 12 feet, two of my arms lengths, away from my children's bedrooms. The proximity of my young children's bedrooms, just 12 feet away from the potential noise pollution originating from a commercial establishment, poses a direct threat to their wellbeing, due to the potential sleep disruptions, which could be detrimental to their health and development.

The patio and building proximity also introduce concerns regarding the adverse effects of secondhand smoke. The combination of increased noise levels and potential exposure to secondhand smoke from patrons using the proposed establishments patio and parking lot, could have profound implications for my children's overall health and wellbeing. Adding to the health concerns posed to my children by noise and secondhand smoke, the site plan fails to address the elevation grade of the property under consideration. The hill, my family's home and property and the property under construction are located on, provides a clear site line over the existing dilapidated six-foot tall wooden fence that separates our properties. This implies that customers of the proposed coffee shop, bar, outdoor entertainment establishment, would have a direct view into my family's home and my children's bedrooms.

In addition to the plan use of the second floor of the existing home, the proposed site plan allows for the expansion of the second floor as well as a patio to be constructed on the second floor of the existing home, providing a clear line of sight, not only into my family's home and young children's bedrooms, but also into my backyard where my children regularly play. These aspects raise substantial concerns for me and my family and my children's safety and wellbeing. As the proposed plan would potentially expose them to the view of anyone frequenting this commercial establishment, my concern is not just about privacy, it's the risk of attracting unwarranted attention from individuals who may have malicious intentions, especially when customers with more harmful motives could potentially view and target my children. Such intrusions into our privacy, could have lasting implications for my family's sense of security and overall quality-of-life for my children.

Furthermore, it's crucial to acknowledge the sentiment of my neighbors and I, that we share the proposed rezoning, appears to solely benefit the petitioner. While many residents, particularly those most affected, express a staunch opposition to it. Notably, offices are situated a mere 75-feet from the property under consideration. Just across Park Road, Park Selwyn Terrace Shopping Center, which is also located 500-feet from the property under consideration, host a vibrant array of amenities, including a coffee shop, bar, Mexican and Italian restaurants, a Deli, Tea shop, Jamba Juice, Great Clips, Harris Teeter and various other retail establishments. As a community resident, profoundly impacted by the proposed changes, I appeal to the City Council to scrutinize this proposal, meticulously holding it to the highest standards of accuracy and integrity, while considering the potential detrimental impact this proposed change could have on our community's overall wellbeing, with a special emphasis on the wellbeing of our neighborhood children.

My hope is that City Council will stand with me and my neighbors by protecting the sanctity of our neighborhood, ensuring that any proposed changes are not only accurate, but trustworthy and genuinely aligned with the collective best interests of our community and its residents. Thank you for your time.

Mr. Fergusson said I think I'll start by acknowledging that the site plan does have typos, and that was on me. As I mentioned earlier, we had a little snafu on the revision. That said, these elements are existing elements, so to the point of the scale on the site plan, it's not a disingenuous effort to confuse anyone. We're trying to use the existing building. We definitely have more to do to work with staff to get there, and we're going to continue working on it. I think that just one of the bigger picture policies is something that speaks to sort of beyond this exact rezoning, and kind of what I had mentioned earlier, is that there's a way to modulate how fast change and development happens, and one of those ways is to use existing buildings and to allow them to exist for longer under a different use. Certainly, this property in this area is a very valuable residential area. It could be redeveloped in a residential direction. The goal is to preserve this building and to keep it. This rezoning is very clear. It's a conditional rezoning that would lock this building into to this place. It would be a very backward way to go about trying to do a larger scale development, but one of the principles, I believe the petitioner does own two or three houses on this street, and one of the petitioners has lived on this street for a very long time, and that is why they are all maintained as residential houses.

I guess, just to speak to the traffic, as I mentioned, this is going to be a pedestrian forward use if it ever does become one, with the restrictions on this, with the ability to attract a business tenant, and it's unlikely in the near future to move past being an office and being a house, but in order to stay an office and to stay a house and be compliant with the code of Charlotte going forward, we have to accomplish something. Mr. Driggs has stepped out, but this would be one petition that might benefit, from what he mentioned earlier, with relieving some of the pressure on getting these done quickly. Thank you very much for your time tonight, and certainly I'm available to talk further about this petition.

Councilmember Bokhari said Mr. Pettine, I'm going to start with you, and then Mr. Fergusson, I'll come to you next. I've got to say, before the opposition got to speak, I

was going to say this was one of the more confusing rezonings that has come before me in six years. After that, certainly, I feel like this is number one now. So, maybe you can help me sort through this, because this is the first I'm seeing this right now today. So, this is N1-A now. Before I go to the petitioner's agent to ask some specific questions, there is commercial activity going on in this building today?

Mr. Pettine said that would probably be a good question.

Mr. Bokhari said it's allowed to?

Mr. Pettine said so, under N1-A, if you have an existing non-residential use on a corner lot in Neighborhood 1, you can maintain and continue that. Now, it sounds like that may have not been a continuous use or may not have been a full legal nonconformity. So, that's where the gray area kind of is, which is I think, why the rezoning's being pursued, but the N-1 district does allow it under certain conditions. I don't know if these conditions have been met, because it doesn't sound like it's been in continual operation, when the UDO came into effect.

Mayor Lyles said Mr. Bokhari, can I address that? When I was on Council, there was an actual business operating out of there. It was trucks in the backyard, all the time coming in and out, and so we had a code inspection, I can't remember, Pat Mumford, that was running housing. We had a review of it in code enforcement, and then it went residential. The house was renovated and painted, and it served as a residential unit. It does not have the trucks and the things in the backyard that used to operate out of it. So, I drive through there all the time. It's one of my ways to get home, and I have not seen business in there since we had the code violation.

Mr. Bokhari said it gets even more complex. Okay, so I guess, for you, adaptive reuse, it's been tossed around a bit. It doesn't feel like adaptive reuse, like the way we normally use it, of like really old building, preserve it. It's more like residential building, don't let it become a commercial building and knocked down. Do you have any perspective on that, just at a gut reaction right now?

Mr. Pettine said no real gut reaction. We see it particularly when it's more of a single-family structure. We see those a lot of times convert to small offices, tax office, real estate office, things like that. We've seen them convert to other uses, but typically when you see residences convert to a nonresidential use, it's more of that office, smaller kind of scale based.

Mr. Bokhari said and finally, before I move to Mr. Fergusson, if there was not continuous commercial use in the site, which we'll find that out, what bearing does that put on where we are right now?

Mr. Pettine said not as much on the rezoning side, because what they're doing is requesting a zoning that would allow it to operate in a fashion that maybe it had in the past prior to any code violations. So, this would essentially kind of start us from scratch, and say, okay now the district allows all these other uses outside of just a single-family home.

Mr. Bokhari said basically, just a precedent or not a precedent, to maybe point to as we make another decision. The bottom line is we look at this map. It's N1-A completely surrounding it, and we're going to make a decision should it or shouldn't it be?

Mr. Pettine said yes.

Mr. Bokhari said okay. So, Mr. Fergusson, is there an existing commercial use today?

Mr. Fergusson said there is a small-scale office use going on and it is continuous going back to when I was at HE. I mean, it was operated as a retail seamstress shop. Prior to my client's acquiring it, it was operated at a higher scale, and that has been scaled down. We began this in 2020, in part derived from the situation, because dealing with

legal nonconformity and uses in Charlotte can be challenging. Dealing with it in the midst of a change from code is more confusing.

Mr. Bokhari said so, there is a commercial use there today?

Mr. Fergusson said a part of the building was built for commercial use attached to the residential unit.

Mr. Bokhari said is there a commercial use today?

Mr. Fergusson said yes, it's office.

Mr. Bokhari said it's an office?

Mr. Fergusson said just a private office. So, it's been scaled down to not being as, but it is essentially if you'd had a white-collar office where clients could come in.

Mr. Bokhari said so, do you have a game plan for what this is going to be?

Mr. Fergusson said as sort of referenced in the presentation, the main game plan is to alleviate this confusion so that it can continue to exist as a residence and an office.

Mr. Bokhari said I think you have only elevated the confusion.

Mr. Fergusson said the purpose of going through this is, it is very hard to have economic viability for a building to exist if it cannot change to adapt to what it wants to be. I know you mentioned that it's surrounded by N-1, but directly across the street is a giant office complex.

Mr. Bokhari said yes, listen, it's real close to where I live, and I commute everyday. So, what's across the street is a very, very different thing than what's on that side of the street. I think we can all agree there. Where I'm struggling right now is, I see the angle you're trying to portray here. Listen, I'm nine times out of 10 benefits of the doubt to the petitioner until otherwise. The argument you're making seems flawed, because an adaptive reuse and maintaining and giving clarity to the thing that maybe or maybe doesn't exist, which is commercial versus residential, I think that's the problem right now. So, you're trying to lock in commercial for something that I don't think everyone fully believes or knows is a commercial use.

Mr. Fergusson said I think the commercial use of it's pretty established. I don't want to get into the weeds on that.

Mr. Bokhari said it's N1-A, as we just discussed and surrounded by, which everyone would say, unless there was some kind of precedent.

Mr. Fergusson said I believe the commercial use of it goes before the old code. It is being used in that manner, is my understanding of it. So, like it's a legal nonconforming use going back for 30 something years.

Mr. Bokhari said you're trying to argue that this should have a commercial use going forward, right?

Mr. Fergusson said yes, we are petitioning to allow, in the open broadly, saying to allow it to.

Mr. Bokhari said but you're not able to tell us what that commercial use could be.

Mr. Fergusson said there is not a tenant to come in and do the commercial use, because the rezoning was required. We're seeking the ability to do it.

Mr. Bokhari said it's a speculative rezoning, if you will?

Mr. Fergusson said I mean if that's what your definition is, but it's not possible to do a chicken/egg thing.

Mr. Bokhari said I think the problem I have is, we've done speculative rezonings here for various reasons, always highly uncomfortable for me, but sometimes we get behind them. The point is, if you're doing this in an area right next to neighbors, and you don't have a plan, all conditional points of this are irrelevant, because you're saying, well, whatever we're going to do, we're going to do. It could be a bar. It could be an archery facility for all we know. So, I don't fully buy that. Let me ask one more question and I'll be done here. Is what he said accurate, that your clients bought up parcels of the land throughout that area?

Mr. Fergusson said my client has lived on the street for 30 years. He has acquired property, residences that he has renovated and then some sold, I believe, and some renting.

Mr. Bokhari said is there a broader strategy at play right now with these properties?

Mr. Fergusson said no, and as I mentioned it, by locking in a conditional rezoning, requiring the existence of the building and requiring a rezoning of this parcel, which is what we are proposing, is locking in this building and into exactly this footprint, allowing it to be used adaptively in other ways, but that would require rezoning to do anything. It would be the wrong direction to go.

Mr. Bokhari said the struggle I have with that is you're locking it in for commercial use versus before it would continue to move forward in residential?

Mr. Fergusson said actually, it would be allowed to retain its character as a residential use as well.

Mr. Bokhari said I hear the argument. It's not really convincing me right now.

Mr. Fergusson said it is currently leased to a residential tenant. That is the use right now, in addition to the office.

Mr. Bokhari said so, over the next 30 days, again, first time I'm seeing it, so I'll drop into the details. Dave, I need to rely on you to help unpack this for me and figure out what's going on. I mean, knowing this spot in general as a residential part, it does not really give me any precedent from what's happening across the street. Hearing what we've just heard from a neighbor, and just having such vagueness of this, it doesn't seem right, and unless something drastically changes in my understanding of it, I'll be opposing it, but I'll give it the benefit of the doubt over the next couple weeks.

Mr. Fergusson said and we will be working hard to provide clarity on that.

Mr. Bokhari said I can't wait.

Councilmember Johnson said I guess we can talk offline Dave, but this reminds me of a petition that some of the Council supported before in NoDa. It was very, very close to a residential home, and I think it was going to be zoned for maybe a bar or something like that. I wanted to know what the difference is. I know that that was prior to the UDO, but it feels the same.

Mr. Pettine said we have similar context, where we've got an existing neighborhood that might have a restaurant or some kind of commercial use adjacent to it. We've done a few over the last year or so that I can think of. Some of the differences in those were, some of them were used already for a restaurant and they were looking to maybe get some expansion or get some clarity to address some things that they needed too that they couldn't unless the zoning of their property changed. In those instances, we focused a lot on hours of operation, existence of any outdoor dining or outdoor entertainment, where those would be located. We typically wanted those away from the

residential component that might be adjacent. So, we have seen examples where these kind of uses can co-exist, but we just haven't seen enough on this particular one to feel like we're at that spot, which is why our recommendation is what it is. We'll continue to work with everybody to see what kinds of things might be able to be baked in to get addressed on this plan and determine where we might end up once we see some changes. Now, that we've heard some comments from Mr. Christian as well, just make sure that a lot of those concerns, if they can be addressed, how. If not, we'll just have to work together to see what the solutions may be, and if there's potential for us to look at this in a different way, but it's going to take a little bit of continued work.

Ms. Johnson said, and I know the City is growing and changing, but I think we as a Council and as a City, really need to look at the policies when it's this close to a residential home. I think that Mr. Christian brought up some great points, as far as being able to see his children and in the children's room and the secondhand smoke and the music and the quality-of-life. So, I just think if we are making changes in the UDO, maybe there are these transitional boundaries, but we have to be just very careful, even in the NoDa, we heard the same arguments, and we just have to, as a Council, be consistent and just recognize where our priorities are as well. Every parcel is not for every use. So, thank you.

Mr. Pettine said yes, thank you.

Councilmember Watlington said can you please send us your comments? Thanks.

Motion was made by Councilmember Mayfield, seconded by Councilmember Johnson, and carried unanimously to close the public hearing.
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ITEM NO. 37: HEARING ON PETITION NO. 2021-085 BY RAVEN PROPERTY GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.86 ACRES LOCATED ON THE EAST SIDE OF CHINA GROVE CHURCH ROAD, SOUTH OF WESTINGHOUSE BOULEVARD, AND NORTH OF BLU RAIL WAY FROM ML-1 (MANUFACTURING & LOGISTICS 1), ML-2 (MANUFACTURING & LOGISTICS 2), AND N1-B (NEIGHBORHOOD 1-B) TO I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said good evening. Petition 2021-085, is approximately 5.86 acres, located on east side of China Grove Church Road, south of Westinghouse Boulevard, and north of Blu Rail Way. The current zoning is primarily ML-1. The triangle area to the north is ML-2. The yellow shaded area to the south is N1-B. Proposed zoning is I-2 (CD). The 2040 Policy Map recommends Manufacturing and Logistics for the majority of the site, N-1 for the southern portion. The proposal is for all uses in the I-2 zoning district including specifically outdoor storage, trucking company, trucking operations, truck and trailer repair and maintenance, trucking logistics and office uses, storage of trailers and trucks. Floor area ratio would be limited to 0.8. Allows for up to seven principle buildings in addition to accessory buildings and structures, maintains the existing three driveways from China Grove Church Road. Commits to implementing eight-foot planting strip and five-foot sidewalk along China Grove Church Road, except where it conflicts with the existing off-street parking, establishes a 30-foot setback along China Grove Church Road, and also provides a 91-foot Class A buffer along a portion of the site, southern boundary, as you can see in green. The petition would resolve a zoning violation while improving the current conditions. It is consistent for the majority of the site. A small portion at the southern end is inconsistent. Staff recommends approval of the petition upon resolution of outstanding issues related to site and building design. I'll be happy to take any questions after the petitioner's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 said thank you, Mayor Pro Tem. Good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean with Moore & Van Allen assisting Raven Property Group. David Voronin, the petitioner, was unable to attend tonight's meeting, but will be available to answer questions if any come up. As Joe mentioned, the site just located south of Westinghouse Boulevard and to the west of South Boulevard. Currently, majority of the site is zoned ML-1, a small portion ML-2, and then a small portion also N1-B. This site has been the site of Midway Trucking, who is the current tenant on the property. It's also owned by the petitioner, Raven Property Group. They've been in operation here since 2014. The buildings at the front of the site have been on the site since 1979. What has occurred, as Joe mentioned, there is an existing zoning violation on the site. As the trucking company has become more successful and has grown, the area of the site that has been used or is being used for the parking of trucks and trailers when they're not on the road, has grown to the point where it's no longer an accessory use, and has become a principle use, not allowed in the I-1 zoning district or the ML-1 zoning district. So, that's the reason for the zoning change.

The area of the site that is being rezoned from N1-D, is actually being zoned to I-1 to meet a buffer requirement. So, that area will not be used for trucking parking purposes, but really to meet the buffer requirements of the I-2 zoning district. The trucking and storage is to the rear of the existing building. No changes would occur along China Grove Church Road, other than landscaping and sidewalk to meet ordinance standards. We will work with Joe and staff to address the remaining site plan issues enumerated in the staff analysis. We're happy to answer questions.

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

Councilmember Brown said Mr. MacVean, I wanted to say, you said you're going to work with the staff to get the zone violation corrected? You said that it was approved?

Mr. MacVean said yes, ma'am. This is the first step in that process.

Ms. Brown said okay, alright. That's all I have.

Mr. MacVean said alright, thank you.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2022-116 BY CARMEL HILLS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 14.46 LOCATED ALONG THE SOUTHEAST SIDE OF CARMEL ROAD, WEST OF COLONY ROAD, AND EAST OF MOORELAND FARMS ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO INST(CD) (INSTITUTIONAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2022-116 is located along the southeast side of Carmel Road, west of Colony Road, and east of Morehead Farms Road. The site is approximately 14.46 acres in size, and currently developed with assisted and independent living senior facility. It's currently zoned N1-A, Neighborhood 1 district. Proposed zoning is Institutional CD, a conditional legacy district. The 2040 Policy Map recommends Campus Place Type for the site, and Institutional CD district is consistent with the Campus Place Type. Some background, on June 27, 2023, the Charlotte Zoning Board of Adjustment granted several variances to correct some setback issues, dating from the original development of the property decades ago, to bring the site into compliance prior to moving forward with this rezoning

request. The proposed development calls for the development of assisted and independent living facilities and related accessory uses, a new wing of the main building containing up to 12,000 square feet, up to 13 new cottage units on the property, the relocation and addition of surface parking. There's architectural landscaping standards that are in keeping with the existing development in the residential setting of the area. Transportation improvements include utilizing the two existing driveways along Carmel Road for vehicle access and dedication of additional right-of-way along Carmel Road.

There are four outstanding issues related to transportation noted on the staff analysis, but one has already been addressed due to the removal of a parcel along Colony Road. The remaining issues include relocating a future back of curb and gutter along Carmel Road, installing six-foot sidewalk and eight-foot planting strip, a commitment to construct a buffered bicycle facility along Carmel Road to meet the adopted bike's policy, a conditional note specifying that transportation improvements will be completed prior to the first CO (Certificate of Occupancy), or to give a detailed phasing plan. Staff recommends approval of the petition upon resolution of the outstanding issues related to transportation, as the petition is consistent with the Campus Place Type and the Institutional zoning would better align with the Policy Map while the development is in keeping with the residential character of the area. I'm happy to take any questions following Mr. Field's presentation.

Walter Fields, 4667 Webbs Chapel Church Road, Denver said Mayor Pro Tem and members of Council and members of Zoning Committee. I'm Walter Fields representing Carmel Hills, a community which was approved originally by the Board of County Commissioners in the early 1970s and has been on this site since then. This is a rezoning to the Institutional district, which is required to expand the uses on the property that have been there nearly 50 years. As Maxx said, some additional cottages on the site, an additional wing on the main building up front for assisted living, and then just some relocation of other features on the property. If we can get my presentation up on the screen up there, and maybe stop the clock until it is. I'll go ahead and address a couple of concerns that were mentioned. The four outstanding transportation issues, the last one is a note that I simply failed to include. It's a boilerplate note that goes on all zoning. That's not an issue.

All the references, as Maxx said, to Colony Road have been removed, but there's two issues, and what I wanted to be able to show you in this PowerPoint presentation, was the streetscape along Carmel Road. If you've been by the site and you weren't looking for it, you didn't even know it was there. It's well-established with trees and vegetation coming all the way down to the sidewalk, and a couple of issues that are of concern to us. One is that C-DOT is requesting that we construct a bike lane on Carmel Road. I looked in every source that are reasonable and accessible to the public, and I can't find any plans for any other efforts to construct a bike lane on Carmel Road. That would require removing a whole lot of the vegetation on the front of the site, taking down trees in order to replant trees. That just didn't seem very productive, and that was the biggest issue in our most recent full-scale community meeting. A couple of the community leaders are here, and they are sent in support of our rezoning, but they're also in support of maintaining the streetscape.

Interestingly enough, the City has a sidewalk project directly adjacent to our site, and again, I had a slide that showed how it actually crossed over onto our property. We're simply proposing to extend the project that the City was already constructing. There's the streetscape, a vertical shot looking down. Carmel Road is in the upper portion of the site. This is the difference in the streetscape that's there today in the upper illustration, and what would be remaining if we simply went through and tore out everything that's already there, and then replanted trees and built the sidewalk back. The City's project is directly adjacent to our site. In fact, in that image that you see, the righthand end of that, is over on the Carmel Hills property, and that red line is our corner. What it proposes is an extension of a seven-foot sidewalk at the back of the curb. This is what the city is constructing, not only adjacent to our site, but actually over on to our site. We think that probably is the best way to proceed.

Mayor Pro Tem Anderson said unfortunately, Mr. Fields, you can't have additional time, however, if there are any questions for you, you can answer them.

Councilmember Bokhari said can I just specifically pose to staff and then Mr. Fields, if you need to, is there any reason to believe that C-DOT and staff cannot, over the next couple weeks, come together with the petitioner and the neighborhood groups to see the potential for this buffer need he's talking about, or what is it, the streetscape? Mr. Fields, if you want to clarify that big specific takeaway, which I think is the main takeaway right now, right?

Mr. Fields said yes, the main concern of the community and of Carmel Hills is to be able to preserve as much as the existing streetscape as possible, and a City project that actually is on our site, is what we propose to extend down our entire frontage. Only then, will the City, when it comes back to do major planting on Carmel Road, then they'll know whether they're going to have a bike lane there, whether there's any need to take the trees down, so on and so forth. We think their request, and they are requests, not requirements, are just a little premature.

Mr. Bokhari said okay, so that's the main takeaway right now that's left unaddressed to the community, as well as staff on both sides. It's not in a full alignment with the site, right?

Mr. Fields said the community is in support of our position to maintain the streetscape as best as possible.

Mr. Bokhari said it's staff who has not finalized the ability to do that or not, right?

Mr. Fields said that's correct. That remains the two comments in the C-DOT section, and we have to have that resolved by Thursday.

Mr. Bokhari said is there any reason to believe that we could not find some kind of conclusion with C-DOT and [inaudible] staff on the streetscape capability, or is it a nonstarter, like right now we know it, or is it something we can work offline on?

Mr. Oliver said I would defer to C-DOT.

Jacob Carpenter, C-DOT said Jacob Carpenter with C-DOT. The bike lane issue we can work through, because that involves moving the curb and that's about a bigger bike connectivity piece. The sidewalk issue is a significant concern. It is ordinance and there is substandard sidewalk across the entire front edge as well as no planting strip and so both of those would meet the requirements for improving the streetscape. So, right now, there is four-foot back of curb sidewalk and requirements would go to eight-foot planting strip and six-foot sidewalk. So, there is a little bit of impact on some of the trees and existing vegetation, but it's a pedestrian safety concern, and part of our standards for the whole pedestrian network in the City.

Mr. Bokhari said so there is, with our policy that we've just adopted, no real wiggle room?

Mr. Carpenter said we have some adjustment to streetscape, for instance, heritage trees, or things like that. So, at this point, we don't have any information on a tree survey or things like that to be able to work through those, and so the way we've handled it in the past is to have a commitment to do the streetscape, and when it comes time for the engineering documents, that can be revisited if there needs to be adjustments made.

Mr. Bokhari said got it. If so, if you guys wouldn't mind, just take a quicker glimpse at it now, and see if there's anything you can deduce that we could have this conversation, and then we'll offline work it as best we can over the next month.

Mr. Carpenter said absolutely.

pti:pk

Mr. Bokhari said thank you. Okay, that's it for me, thanks.

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

Mr. Fields said thank you very much and happy holidays to everybody.

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ITEM NO. 39: HEARING ON PETITION NO. 2023-118 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 38 ACRES LOCATED NORTH OF THE INTERSECTION OF WILKINSON BOULEVARD AND LITTLE ROCK ROAD, WEST OF STAFFORD DRIVE AND EAST OF BARRY DRIVE FROM ML-2 ANDO (MANUFACTURING & LOGISTICS 2, AIRPORT NOISE DISCLOSURE OVERLAY), ML-1 ANDO (MANUFACTURING & LOGISTICS 2, AIRPORT NOISE DISCLOSURE OVERLAY) TO RAC ANDO (REGIONAL ACTIVITY CENTER, AIRPORT NOISE DISCLOSURE OVERLAY).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said thank you. 2023-118 is approximately 38 acres, located at the intersection of Wilkinson Boulevard and Little Rock Road, just north of Charlotte Douglas Airport. The current zoning is a mix of ML-1 and ML-2. The entirety of the site is within the Airport Noise Disclosure Overlay. Requested zoning is Regional Activity Center, with the Airport Overlay carrying forward. The 2040 Policy Map calls for Regional Activity Center for the vast majority of the site as you see in blue. A small area is recommended for Innovation Mixed-Use Place Type. Staff recommends approval. I'll be happy to take any questions following Mr. Hair's presentation.

Stuart Hair, 5601 Wilkinson Boulevard said thank you. Good evening, Mayor Pro Tem, Council, Zoning Committee, and staff. Thank you for the chance to be here this evening. We have no presentation. I am here purely to help answer questions that ya'll may have.

Councilmember Brown said yes, I just have one question. It says right here that it's inconsistent with the Innovation Mixed-Use of a small portion of the site. What does that mean?

Mr. Mangum said so, if we could go back to the Policy Map. So, the area in blue is recommended for Regional Activity Center Place Type, which the request for Regional Activity Center zoning is consistent. The small area in white to the right of the screen is recommended for Innovation Mixed-Use Place Type. So, that small portion is inconsistent, whereas, the remainder is consistent.

Ms. Brown said okay. Thank you for explaining that to me.

Councilmember Driggs said Mr. Hair, we appreciate the airport, and I just wanted to say, I think on behalf of all of us, happy holidays to you. Please take the message back. Thank you.

Mr. Hair said thank you.

Mayor Pro Tem Anderson said absolutely.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2023-012 BY POPE & LAND ENTERPRISES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.44 ACRES LOCATED IN THREE DEVELOPMENT AREAS. DEVELOPMENT AREA A INCLUDES 16.01 ACRES AND IS LOCATED SOUTH OF YORKMONT ROAD AND WEST OF PRICE LANE. DEVELOPMENT AREAS B AND C TOTAL 4.43 ACRES AND ARE LOCATED NORTH OF TYVOLA ROAD AND SOUTH OF NATIONAL AVENUE FROM MUDD-O (MIXED-USE DEVELOPMENT DISTRICT-OPTIONAL) TO MUDD-O SPA (MIXED-USE DEVELOPMENT DISTRICT-OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-012 is approximately 20.44 acres, located in three different development areas. Highlighted in yellow, development Area A, they fall on Yorkmont Road, includes 16 acres. Development areas B and C are 4.43 acres, located along Tyvola Road. So, this is part of the City Park developments. Current zoning is MUDD Optional. Proposed zoning is a site plan amendment to that MUDD-O zoning. The 2040 Policy Map recommends Community Activity Center for areas B and C in blue, and Neighborhood 1 Place Type for the area in yellow on Yorkmont Road. The larger City Park rezoning took place in 2007. This rezoning is calling for, in rezoning area A, 220 townhome, condominium or single-family units or hotel rooms, 60,000 square feet of retail, and rezoning area B, 30,000 square feet of retail, 150 hotel rooms, another 30,000 square feet of retail that could include a convenience store, restaurant or an EDEE (Eating/Drinking/Entertainment Establishment). Rezoning area C includes 15,000 square feet of retail, including convenience store, restaurant, EDEE, or office, as well as 100,000 square feet of storage.

The petitioner is committing to the following transportation improvements. Realignment of Yorkmont Road for a potential extension by others to Speer Boulevard and Billy Graham Parkway, construction of a roundabout at Yorkmont Road and Speer Boulevard, installation of a traffic signal at Tyvola Road and Speer Boulevard, as well as crosswalk improvements at Tyvola Road, City Park Drive, Tyvola Road, and South Tryon Street and Tyvola Road and North Falls Drive. A portion of the site, as I mentioned, is consistent in development areas B and C, with the Community Activity Center Place Type recommended. The northeastern portion, along Yorkmont Road is inconsistent, however, the rezoning would allow for a mixture of uses and a reallocation of uses from the larger City Park rezoning from many years ago. Staff recommends approval upon resolution of outstanding issues related to transportation. I'll take any questions after Mr. Langston's presentation.

Matt Langston, 1230 West Morehead Street, Suite 304 said thank you, Mayor Pro Tem, members of Council, good evening. I'm here, Matt Langston with Landworks Design Group. Richard Jersey is here with Pope & Land Enterprises. They're the petitioner. Joe has covered it pretty well. We've worked with Pope & Land since 2014 on development of City Park. As Joe mentioned, the rezoning was a 2007 rezoning, which contemplated a totally different economy, and so we've had to come back with some site plan amendments from time to time to make adjustments to the plan. These are the last three segments of the land plan, and so we're here to answer any questions you may have.

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

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ITEM NO. 41: HEARING ON PETITION 2023-045 BY GRUBB PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.6 ACRES BOUND BY THE SOUTH SIDE OF ABBEY PLACE, EAST SIDE OF PARK ROAD, WEST SIDE OF HEDGEMORE DRIVE, AND NORTH SIDE OF MOCKINGBIRD LANE FROM MUDD-O

(MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-045 is bound by the south side of Abbey Place, east side of Park Road, west side of Hedgemore Drive, and the north side of Mockingbird Lane. The site is approximately 10.6 acres and is currently developed with office, retail, institutional and residential. The site is currently zoned MUDD optional, Mixed-Use Urban Design District optional. The proposed zoning is MUDD-O SPA, Mixed-Use Development District optional, Site Plan Amendment. The 2040 Policy Map recommends the Community Activity Center Place Type. The MUDD district is consistent with the CAC Place Type. A little background. The site was rezoned in 2016 to allow for 600,000 square feet of commercial use, including a minimum of 5,000 square feet, maximum 35,000 square feet of ground floor retail, and 450 multi-family dwelling units in five development areas. The site plan amendment calls for an increase in the number of residential units from 450 to 550, but the building footprints will remain the same. Staff recommends approval of the petition upon resolution of outstanding issues related to transportation and urban forestry. Just a couple minor issues. The site plan needs to show [INAUDIBLE] of the future back of curbs from the centerline. A tree survey is required, missing street trees along Hedgemore Drive, Mockingbird Lane and Abbey Place. I'm happy to take any questions following Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown on behalf of Grubb Properties. Krista Berry and Paul O'Shaughnessy are also here from Grubb. This is really kind of coming to fruition of a large project. We actually worked with Grubb team on the zoning in 2015 for this entire block. Here we are, almost 10 years later, it's come to fruition, and Grubb is ready to add really the last piece. The reason for the zoning tonight is really a change in the way that people live in last 10 years. On the site, as Maxx mentioned, would have the same building footprint, but we're asking for additional units. The reason is, it used to be people wanted twos and threes, but the young professionals that are living here want to live in this urban area, want to have their own space. Many work from home. So, it's not necessarily an increase in people living there, but more individual units. Happy to answer any questions.

Motion was made by Councilmember Bokhari, seconded by Councilmember Driggs, and carried unanimously to close the public hearing.
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ITEM NO. 42: HEARING ON PETITION NO. 2023-076 BY DISCOVERY DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.5 ACRES LOCATED ALONG THE EAST SIDE OF OLD STATESVILLE ROAD, SOUTH OF I-485 FROM CURRENT ZONING: N1-B (NEIGHBORHOOD 1 - B) TO N2-C (NEIGHBORHOOD 2 - C).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is 4.5 acres along the east side of Old Statesville Road, just south of I-485, and it is currently outside City limits, as you said. A number of the parcels in this vicinity are vacant, with the nearest development being the apartments along the site's east side. The site is currently zoned Neighborhood 1-B, and they're requested to go to Neighborhood 2-C, which is consist with the 2040 Policy Map's recommendation for a Neighborhood 2 in this area. This is a conventional petition, so there is no associated site plan. Staff recommends approval of this petition given the consistency with the Policy Map and how the petition will align with the adjacent UR-2 apartment development, as well as the planned apartment and

mixed-use development that's across from this rezoning site. I'll take any questions following the petitioner's presentation.

Anthony Fox, 620 South Tryon Street, Suite 800 said good evening, Mayor Pro Tem, members of Council, member of the Zoning Committee. Happy to be here on behalf of the petitioner, Discovery Development, Inc. This is a conventional rezoning request relating to the current zoning being an N1-B to an N2-C. We did hold the required community meeting with regard to this petition. There was no one who attended, therefore, there was no opposition expressed to this proposed use. This site, as you know, is south of 485 and Old Statesville Road. It is currently a vacant tract of land, 4 acre tract of land. It is ideal for the proposed and intended use for a childcare facility. The adjacent uses to this property include a lot of multi-family development that is in the area. You can see that there is MUDD (CD) UR-2, as well as OFC (Office Flex Campus) with regard to its tract. There's N1-B to the south, and the current zoning being N1-B will be, if this is approved, an N2-C use. As I mentioned, the community meeting was held. There were no potential uses. I will at this point, wish you a happy holiday, and yield some time back to you for this long evening. Good to see everyone.

Councilmember Johnson said thank you. One of things that the City staff member, and I'm sorry, I don't remember your name, what's your name?

Ms. Cramer said Holly Cramer.

Ms. Johnson said thank you, okay, Ms. Cramer. You mentioned that this is close to a multi-family complex, and in the petition, I see a petition near Hucks Road. Is that the closest development? Is this near Hucks Road, Mr. Fox?

Mr. Fox said I can't say. I don't know.

Ms. Cramer said it's certainly not directly adjacent, but there is that multi-family development just to the east that you can see on this aerial image here, and there is also an approved apartment complex, I think, with some mixed-uses on the other side of Old Statesville Road, that hasn't been built out yet.

Ms. Johnson said right, and we have quite a bit of development that's pending in that area, and we already hear from residents. I've heard from residents since 2019 about trying to get off Hucks Road onto Old Statesville. There's a light that's a part of a future development. I know we're working with, I think, Norfolk Southern, but these are the kind of effects, if you will, that the neighbors feel when the City is continuing to grow, and we have to make sure these infrastructure items are addressed. I also have a question. There's comments from Charlotte Water, Ms. Cramer. Can you just explain to me what that means? I don't know if there's someone here from Charlotte Water. This says Charlotte Water currently does not have sewer system accessible for the rezoning boundary under review.

Ms. Cramer said yes. So, it's currently not built out to the site. That's something that would be looked further into during the permitting stage of the process. So, Charlotte Water, especially when these are conventional petitions, they provide advisory comments, and they say where the closest water system and sewer systems are in relation to the site. So, if this were approved, it would be further looked at by Charlotte Water, and they would assess how utilities could be extended to the site, but currently it says that there's no sewer system accessible at this site.

Ms. Johnson said so, the process would be for us to approve conventional, not knowing the details, and then Charlotte Water would do the work to require the infrastructure?

Ms. Cramer said yes. So, at this time, it being conventional, we don't have an exact unit count or proposed development, but Charlotte Water would look into it further and assess their capacity for this area in permitting generally.

Ms. Johnson said, secondly, there's a transportation summary. It also talks about a CTR (Comprehensive Transportation Review) will be required during the permitting if the site generates site trips over the ordinance threshold. So, in reading this, it doesn't feel like we have the infrastructure to really support anymore growth in that area.

Ms. Cramer said so, the Comprehensive Transportation Review is something that would be triggered in the permitting process. Because we don't have unit counts right now, it's not necessary right now, because it is conventional, but it would come into play during the permitting part of the process, and the CTR would specify any improvements that the developer would need to make to the area for the multi-modal mitigation point system.

Ms. Johnson said okay. As I stated, the Hucks Road area residents are already, and I can forward my colleagues emails, they're sitting at this light for 20 minutes. We have some comments from Charlotte Water, and also Charlotte Transportation. Is there a reason that this was filed as conventional and not as a conditional?

Ms. Cramer said so, we didn't see the need for a conditional rezoning here, given the consistency with the Policy Map, and given that it's recommending or calling for N2-C, and the surrounding development, it's just not incompatible with what's already on the ground there. So, we believe that a conventional rezoning was appropriate in this case. I did just do the measurements, I apologize. It is about 0.7 of a mile away from Hucks Road.

Ms. Johnson said okay, we can talk offline. Thank you, that's all I have.

Motion was made by Councilmember Molina, seconded by Councilmember Johnson, and carried unanimously to close the public hearing.
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ITEM NO. 43: HEARING ON PETITION NO. 2023-083 BY NICOLE FRAMBACH FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.4 ACRES LOCATED ON THE WEST SIDE OF MAYFAIR AVENUE, SOUTH OF SEYMOUR DRIVE, AND NORTH OF MARKLAND DRIVE FROM N1-C (NEIGHBORHOOD 1 - C) TO N2-B (NEIGHBORHOOD 2 - B).

Mayor Pro Tem Anderson declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-083, it's 0.4 acres on Mayfair Avenue. It is just south of Seymour Drive and north of Markland Drive. You can see this petition has two parcels that are kind of sandwiched in between two existing N2-B zoned properties. Also, what you can't quite see on this zoning map here is one of buildings is actually split in half by zoning district. So, part of the building's zoned N-1, part of it's zoned N-2. So, we've got some general cleanup that we're taking care of through this rezoning petition to create two parcels with the same zoning as the adjacent parcels for N2-B that will correct some of the challenges or any kind of zoning complications with the existing building, and then also allow for some compatible development to occur, in a moderate scale, between these two parcels that otherwise really wouldn't be able to be developed with any real compatible uses, other than some single-family or a duplex or triplex. So, this cleans up a couple of items, like I said, with the zoning being between the building and then just making, just for uniform, kind of block pattern here between these two N2-B existing zoned parcels.

The Policy Map does call for Neighborhood 1. We did talk about this pretty substantially with our long-range team and felt that the Neighborhood 2 Place Type wouldn't be inappropriate here, particularly given that we've got N2-B, like I said, both north and south of this property. So, we didn't have any significant concerns. There really weren't any potential conditions that we could consider. We've got height protections built into the Neighborhood 2 District, when it's against Neighborhood 1. Any screening

requirements would kick in through the ordinance. It's a small enough site where we wouldn't see significant transportation impact. So, those are some of the reasons that we chose to go with a conventional petition in this instance. So, with that, we do recommend approval of the petition. We did mention, it's inconsistent with the Policy Map, but I do feel like it's an appropriate location for the N2-B, particularly given the same zoning both north and south of this property. So, with that, we'll turn it over to the petitioner, and we'll take any questions you may have following their presentation. Thank you.

Nicole Frambach, 3325 Anson Street said good evening and happy holidays, Mayor Pro Tem, Council, staff. Thank you for allowing me to speak this evening. I just want to say, I'm Nicole Frambach. I'm the petitioner. I think that staff did a great job of outlining this. It's pretty straight forward, a split zoning. We did have a neighborhood meeting. We had no attendees, so feel as though we don't have any contention against us. I'm here to answer questions if you have any.

Councilmember Brown said when did you have your neighborhood meeting?

Ms. Frambach said it was November 15, 2023, or 17, 2023, sorry, I don't remember the exact date.

Ms. Brown said will you be able to get that information to me?

Ms. Frambach said sure.

Ms. Brown said okay.

Mr. Pettine said it looks like it was held on November 16, 2023, 6:00 p.m., West Boulevard Library, and no attendance on the community meeting report, but I'll be happy to forward the community meeting report to you as well.

Ms. Brown said okay, and I also see that the petition is inconsistent with the 2040 Policy Map, which you stated that?

Mr. Pettine said yes. We had mentioned it was inconsistent. The Place Type does call for Neighborhood 1. Again, we did work with our long-range team on this one to really talk through it, because it is a little bit of an outlier piece, but essentially the Policy Map doesn't also reflect the existing zoning of the parcel that's here, and the parcel that's here, where really they probably could be reflected as Neighborhood 2 on the Place Type Map, given what's existing. So, having this turn to an orange color, we'll likely look at these two parcels as well when we go through the area planning process, when that's completed, to see if there's any additional changes to the map, but didn't feel like the inconsistency was a concern enough to not be supportive of the request.

Ms. Brown said, and my last question is, did you have any members of Council to show up?

Mr. Pettine said to the neighborhood meeting?

Ms. Brown said yes.

Ms. Frambach said no. No one showed up at all.

Ms. Brown said that's all the questions that I have.

Councilmember Molina said just for clarification. so just for the public's knowledge, or maybe this is better suited for you, David. So, we've missed the opportunity to engage the public in this. If there was a concern, we could always at any point involve the community, and the Council member, you would have that bandwidth to do that if there was something that you saw that you were interested in raising the concern for the

public, but from the petition, I guess, a milestone concern. Can you kind of clarify the opportunities where we have for the public to meet?

Mr. Pettine said so the community meeting was posted, and the neighbors were noticed of it. Like I said, that was held on November 16, 2023. There were no attendees. So, that official community meeting that needs to be noticed and held, was satisfied. If they want to have some followup or if you want to recommend if there are any other neighborhood leaders in the area that you'd like the petitioner to reach out to, I think that's always a welcome suggestion, just to make sure that they don't have any other items that they may want to either address, or they just want questions answered. So, the official community meeting was held, but that doesn't preclude any other follow-up conversations or any other outreach that you'd like the petitioner to maybe consider or take on between now and time of decision.

Ms. Molina said okay, that's all I have Mayor Pro Tem.

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

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ITEM NO. 44: HEARING ON PETITION NO. 2023-084 BY CLACHAN PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.682 ACRES LOCATED ALONG THE WEST SIDE OF HAWTHORNE LANE, NORTH OF CENTRAL AVENUE, AND EAST OF LOUISE AVENUE FROM ML-2 (MANUFACTURING AND LOGISTICS 2) AND MUDD(CD) (MIXED USE DEVELOPMENT DISTRICT, CONDITIONAL) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is under 2 acres, located along Hawthorne Lane, and also this is going to be the site of the planned phase three of the Gold Line. This area is between the Belmont and Plaza Midwood neighborhoods. The site is largely zoned ML-2 with a portion of it zoned MUDD Conditional, Mixed-Use Development District Conditional. That's from a 2013 rezoning that entitled the adjacent apartment complex, and the requested zoning district is TOD-NC, Transient Oriented Development Neighborhood Center, which is consistent with the Neighborhood Center Adopted Place Type for the area. This is a conventional petition, so there is no associated site plan. The site is within a half mile of the Gold Line's existing Sunnyside Station and will be directly along the Gold Line once the next phase is constructed. This site and general area is transitioning away from Manufacturing and Logistics uses in zoning, and this petition would bring the site in alignment with the Policy Map. Staff recommends approval of this petition. I'll take any questions following the petitioner's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 said good evening again, Mayor Pro Tem, members of Council, members of Zoning Committee. Keith MacVean with Moore & Van Allen assisting Clachan Properties. As you mentioned, Hugh Shytle and Herb Coleman and Jon Beall are here and are available to answer questions. Holly's done a great job explaining the location and the site. We did meet with the Belmont Land Use Committee and went to the Belmont neighborhood monthly meeting at the beginning of the month, had about 20 people attend. They did take a vote at the end of the meeting and voted to support the petition, and they have sent us a letter supporting the request. We're happy to answer questions.

Mayor Pro Tem Anderson said thank you, Mr. MacVean. Any questions? I will just add a comment that I have spoken with Mr. MacVean about this particular petition, and I am fully aware that Belmont supports the petition and has been properly scrubbed into the process. So, thank you for that process.

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

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ITEM NO. 45: HEARING ON PETITION NO. 2023-086 BY STEVEN IMOBERSTEG FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.47 ACRES LOCATED ALONG THE EAST SIDE OF CASTLETON ROAD, WEST OF CRAIG AVENUE, AND NORTH OF NORTH SHARON AMITY ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N1-C (NEIGHBORHOOD 1-C).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is under half an acre along the east side of Castleton Road in the Cotswold area. This area is largely developed with single-family neighborhoods, as you can see in that aerial image. The current zoning is N1-A, Neighborhood 1-A, and their requesting to go to Neighborhood 1-C, which is still consistent with the Policy Map's recommendation for Neighborhood 1 in this area. This is another conventional petition, so there is no associated site plan. The N1-C district is very comparable with the N1-A district, with identical allowed uses. So, those primary differences between the N1-A and the N1-C districts are related to dimensional standards, such as minimum lot areas and setbacks. Staff recommends approval of this petition, and I'll take any questions following the petitioner's presentation.

Steven Imobersteg, 423 North Church Street said thank you, Mayor Pro Tem and Council. I'm just here to answer any questions as well.

Councilmember Driggs said thank you for being here.

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

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ITEM NO. 46: HEARING ON PETITION NO. 2023-101 BY 3100 BAUCOM ROAD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.704 ACRES LOCATED ALONG NORTHEAST SIDE OF BAUCOM ROAD, THE NORTHWEST SIDE OF WISDOM LANE, NORTH OF MALLARD CREEK ROAD FROM O-1(CD) (OFFICE DISTRICT, CONDITIONAL) TO N2-B (NEIGHBORHOOD 2-B).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-101 is located on the northeast side of Baucom Road, northwest of Wisdom Lane, and north of Mallard Creek Road. The site is approximately 1.7 acres and is currently undeveloped. The site is zoned O-1 (CD), Office Conditional. The proposed zoning is N2-B, Neighborhood 2, Conventional district. The 2040 Policy Map recommends the Neighborhood 2 Place Type. The N2-B district is consistent with this Place Type. This is a conventional rezoning petition. There's not an associated site plan and would permit any use allowed in an N2-B district. Staff recommends approval of this petition as the N2-B district aligns with the Policy Map. The site is located within a short walking distance of a grocery store, a variety of retail shops, medical offices, institutional and recreational facilities, and three bus routes. Happy to take any questions following Mr. Wallace's presentation.

William Wallace, 6101 Carnegie Boulevard, Suite 310 said thank you, Mayor Pro Tem, City Council members, members of staff, and the committee. Happy holidays to you all and your families. Appreciate your time this evening. I'll keep my presentation brief, as it is conventional. This is in line with the Policy Map, and the petitioner will be

looking to switch from the current designation of O-1 CD to the N2-B designation. We did hold our community meeting. There were some adjacent property owners that attended. We've been working with them. No overarching negative comments or anything against the overall development. While it is a conventional rezoning, the petitioner has worked to start putting together a preliminary plan of potential proposed use, and has been willing to share that with some of the adjacent community owners there in the area. So, with that, happy to take any questions you may have.

Mayor Pro Tem Anderson said thank you, Mr. Wallace.

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

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ITEM NO. 47: HEARING ON PETITION NO. 2023-102 BY TRI POINTE HOMES HOLDINGS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.07 ACRES LOCATED ALONG THE NORTHEAST SIDE OF LAWYERS ROAD, SOUTH OF ALBEMARLE ROAD FROM OFC (OFFICE CAMPUS) AND CG (GENERAL COMMERCIAL) TO NC (NEIGHBORHOOD CENTER).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-102 is located along the northeast side of Lawyers Road, south of Albemarle Road. The site is approximately 9.07 acres and is currently undeveloped. The site is zoned OFC, Office Flex Campus. The proposed zoning is NC, Neighborhood Center, a conventional district. The 2040 Policy Map recommends the Neighborhood Center Place Type. NC district is consistent with the Neighborhood Center Place Type. This is a conventional rezoning petition. There's not an associated site plan. It would permit any uses allowed in the NC zoning district. Staff recommends approval of the petition, as the NC district allows for typically smaller mixed-use areas that provide convenient access to goods, services, dining and residential. It offers a transition between the surrounding uses and the nearby retail office and warehouse uses. I'm happy to take any questions following Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Mayor Pro Tem, Council members, Zoning Committee members, Collin Brown on behalf of the petitioner, Tri Pointe Homes. As Maxx mentioned, this is a conventional petition. We did host a community meeting, and interestingly as you heard, existing zoning is commercial zoning. We had several attendees at the community meeting. While the NC district, I'd almost call it a downzoning, and while there is not an associated site plan, Tri Pointe is a residential builder. I think the folks appreciated that direction it was going, that that's what this district allows. Happy to answer any questions. This is my team's third petition in District 5 tonight. So, East Side is picking up.

Councilmember Molina said because I didn't attend the meeting, Collin can you give me a little bit of feedback of what the residents were saying?

Mr. Brown said generally questions, and partially they wanted to learn the current zoning, which changed in June 2023. So, we spent a little time explaining the Office zoning, and the CG zoning. I think the zoning they were fine with. We did talk a little bit about what might happen with the pond on the property, which I think folks don't love, but generally it was well received.

Ms. Molina said okay, and I do see some notes here, which I'm happy to see that it was attended by a few community members. I see the notes from Charlotte Water. Is there anything there?

Mr. Brown said so, they typically provide notes about access. It would be on the development teams, that would be their responsibility to tap into the water and sewer systems.

Ms. Molina said okay. It looks pretty cut and dry to me. That's all I have Mayor Pro Tem.

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

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ITEM NO. 49: HEARING ON PETITION NO. 2023-105 BY MJM GROUP MANAGERS, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.83 ACRES LOCATED ALONG THE EAST SIDE OF SPEER BOULEVARD AND THE NORTHEAST SIDE OF WEST TYVOLA ROAD FROM MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) TO CAC-1 (COMMUNITY ACTIVITY CENTER-1)

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development thank you. Petition 2023-105 is approximately 0.83 acres, located on the northern corner of the intersection of Tyvola Road and Speer Boulevard. We're back in City Park neighborhood. Current zoning is MUDD-O, and requested zoning is Community Activity Center 1. The Policy Map recommends Community Activity Center Place Type. The request is consistent. It is a conventional petition with no site plan. Staff recommends approval, and I'll take any questions after the petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said as mentioned, this is the City Park site, so this would be the third Council member that my team has worked with, and this on City Park, so happy to work with you Councilmember Brown, if you have questions, but we worked with Ms. Mayfield and Ms. Watlington, as well, as this has gone through. As mentioned, this is for essentially an outparcel. Current zoning, there's a MUDD zoning on it now, that allows a drive-thru. The rezoning to CAC is actually more restrictive on drive-thrus. It is consistent with the City's plan, so I think that is why staff has supported. We hosted a community meeting. It was not attended, which has been typical at City Park for the commercial out front. Folks have not attended the ones that we've recently done there. So, happy to answer questions. If you'd like to follow up after the meeting, just let me know.

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

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ITEM NO. 51: HEARING ON PETITION NO. 2023-108 BY BEACON PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.6 ACRES LOCATED ALONG THE WEST SIDE OF BERRYHILL ROAD, NORTH OF FREEDOM DRIVE, AND EAST OF CAMP GREENE STREET FROM ML-1 (MANUFACTURING AND LOGISTICS 1) AND ML-2 (MANUFACTURING AND LOGISTICS 2) TO IMU (INNOVATION MIXED-USE).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said alright, a portion of Petition 2023-108 is located on the west side of Berryhill Road, north of Freedom Drive, and east of Camp Greene Street, and the other is located on Jay Street, west of Wesley Village Road and north of Freedom Drive. The site is approximately 8.6 acres in total, and is currently developed with three warehouses, two on this site, one on this. The site is zoned ML-1 on this portion of the site and ML-2 on this portion. The proposed zoning is IMU, a conventional district. The 2040 Policy Map recommends Innovation Mixed-Use

or IMU Place Type. IMU zoning district is consistent with this Place Type. This is a conventional rezoning petition. There's not an associated site plan. It would permit any use allowed in the IMU district. Staff recommends approval of the petition, as IMU aligns better with the Policy Map, and permits a variety of uses that are in keeping with the character of the area. It's rapidly diversifying from heavy industrial to light industry office, retail, and residential developments. Happy to take any questions after the petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said as Maxx mentioned, this area is currently zoned in what is our new heavy industrial zoning district. This is an area that continues to evolve into some softer uses, lighter commercial, and even residential. So, this will bring these properties in line with the plan recommendations. We did have attendance at the community meeting. The neighbors liked that transition from the heavier uses to the lighter uses to continue that evolution. So, with that, this is my last petition of the year. So, happy holidays to you all.

Mayor Pro Tem Anderson said happy holidays, Mr. Brown.

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

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ITEM NO. 52: HEARING ON PETITION NO. 2023-109 BY 123 E 27, LLC, FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.89 ACRES LOCATED ALONG THE NORTHEAST SIDE OF EAST 27TH STREET, SOUTHEAST OF NORTH TRYON STREET, NORTH OF THE LYNX BLUE LINE FROM ML-2 (MANUFACTURING AND LOGISTICS 2) TO IMU (INNOVATION MIXED-USE).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said thank you. This site is just a little under an acre along East 27th Street, North of the Blue Line, and just west of the core of NoDa neighborhood, as you can see in the aerial image. The site is currently zoned Manufacturing and Logistics 2, and they are requesting to go to Innovation Mixed-Use, which is consistent with the Policy Map recommendation for Innovation Mixed-Use at this site and the surrounding area. This is a conventional petition, so there is no associated site plan. The site is located along the North Graham/North Tryon Street Corridor of Opportunity area, which aims to revitalize the area with a mix of uses that can provide critical resources and businesses to neighbors. So, this rezoning would allow the site's entitlements to be shifted away from industrial uses, and instead to a more balanced mix of uses that could better align with the goals of that Corridor. The IMU district is intended to be applied to sites such as these, which formerly hosted industrial uses, but are transitioning away to an array of commercial, residential and artisan industrial uses. Staff recommends approval of this petition, and I'll take any questions following the petitioner's presentation.

Russell Fergusson, 933 Louise Avenue said Russell Fergusson here on behalf of the petitioner. This is in alignment with policy with staff's support, and I'm here for any questions you may have.

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

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ITEM NO. 53: HEARING ON PETITION NO. 2023-110 BY SVALEX HOMES, LLC, FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.871 ACRES LOCATED ALONG THE EAST SIDE OF SUSANNA DRIVE, NORTH OF HART ROAD, AND WEST OF ROZZELLES FERRY ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N1-D (NEIGHBORHOOD 1-D).

Mayor Pro Tem Anderson declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-110 is located on the east side of Susanna Drive, north of Hart Road, and west of Rozzelles Ferry Road. The site is approximately 1.8 acres. The site is currently developed with a single-family home. Property is zoned N1-A, Neighborhood 1. The proposed zoning district is N1-D, Neighborhood 1, conventional district. The 2040 Policy Map recommends the Neighborhood 1 Place Type. N1-D is consistent with this Place Type. This petition is conventional and there is not an associated site plan. It would permit any uses allowed in the N1-D zoning district. Staff recommends approval of this petition, as the N1-D district aligns with the Policy Map and development pattern prescribed by the neighborhood 1 Place Type, and permitted by the N1-D zoning district, is consistent with the character of the area. Happy to take any questions following Mr. Fergusson's presentation.

Russell Fergusson, 933 Louise Avenue said yes, Russell Fergusson, here on behalf of the petitioner. As you heard from staff, matches the area plan and has staff's support, and I'm here for any questions you may have, and happy holidays, and thank you for your service.

Mayor Pro Tem Anderson said happy holidays.

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

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ITEM NO. 54: HEARING ON PETITION NO. 2023-115 BY EASTGROUP PROPERTIES, L.P. FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.716 ACRES LOCATED ALONG THE NORTH SIDE OF ENTRANCE DRIVE AND THE EAST SIDE OF GABLE ROAD, SOUTH OF SHOPTON ROAD FROM I-1(CD) ANDO (LIGHT INDUSTRIAL, CONDITIONAL, AIRPORT NOISE OVERLAY DISTRICT) TO ML-1 ANDO (MANUFACTURING AND LOGISTICS 1, AIRPORT NOISE OVERLAY DISTRICT).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-115 is approximately 5.7 acres, located on the north side of Entrance Drive and the east side of Gable Road, south of Shopton Road. Current zoning is I-1 CD. It's within the Airport Noise Disclosure Overlay, and requested zoning is ML-1, with the Airport Overlay carrying forward. The 2040 Policy Map recommends Manufacturing and Logistics Place Type. Petition is consistent with that Place Type recommendation. It's a conventional petition, no associated site plan, and I'll take any questions after petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said good evening, Madam Mayor, Madam Mayor Pro Tem, members of City Council and Zoning Committee. John Carmichael on behalf of the petitioner, Eastgroup Properties. Joe did a thorough presentation, so we're happy to answer any questions that you may have. Happy holidays.

Mayor Pro Tem Anderson said Happy holidays, Mr. Carmichael.

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

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ITEM NO. 55: HEARING ON PETITION NO. 2023-116 BY STANLEY MARTIN HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.003 ACRES LOCATED ALONG THE WEST SIDE OF STEELE CREEK ROAD, NORTH OF LONG TALON WAY, AND SOUTH OF HAMILTON ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A (NEIGHBORHOOD 2-A).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is 10 acres along the west side of Steele Creek Road in an area where there's a number of vacant parcels mixed in with some single-family developments. The site is current zoned Neighborhood 1-A, and they are proposing to go to Neighborhood 2-A, which is consistent with the Adopted Neighborhood 2 Place Type for this area, that's just north of the single-family residential area to the south of the site there. This is a conventional petition, so there is no associated site plan. The Neighborhood 2 zoning district allows for the development of attached dwellings with a lower intensity as compared to the other N-2 districts. Given the Policy Map's consistency and the request for the least intense N-2 district, staff recommends approval of this petition, and I'll take any questions following 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. My name is Bridget Grant and I'm a Land Use Consultant with Moore & Van Allen. I'm pleased to be here tonight with Bob Bennett with Stanley Martin. Staff's done a phenomenal job and it's been a long night, so I am pleased to say this is consistent with the Adopted Land Use Policy, and we're happy to answer any questions.

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

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ITEM NO. 56: HEARING ON PETITION NO. 2023-119 BY LOCKSTAR, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.593 ACRES LOCATED ALONG THE NORTH SIDE OF CANNON AVENUE AND THE EAST SIDE OF NORTH GRAHAM STREET, SOUTH OF ONEIDA ROAD FROM N1-B (NEIGHBORHOOD 1-B) TO N2-A (NEIGHBORHOOD 2-A).

Mayor Pro Tem Anderson declared the hearing open.

Holly Cramer, Planning, Design & Development said thank you. This site is just over half an acre, along the east side of North Graham Street and the north side of Cannon Avenue at the intersection there, and as you can see in the aerial image, this is not a large tract of residential development that the site is situated in, and this portion in North Graham Street Corridor hosts a number of industrial commercial uses among the smaller pockets of residential areas. This site is currently zoned Neighborhood 1-B, and the petitioner is requesting to go to Neighborhood 2-A. The Policy Map calls for Neighborhood 1, so this petition is inconsistent with that recommendation. It's a conventional petition, so again, there is no site plan. Staff believes that given the adjacent commercial and industrial uses, a rezoning for this parcel to a Neighborhood 2 district would not be very disruptive to the existing residential area. Additionally, moderate intensification is appropriate on corner lots such as this. For those reasons, and because this is a request for the least intense Neighborhood 2 district, we believe that, although, inconsistent with the Policy Map, this request is generally appropriate.

Staff recommends approval of the petition, and I'll take any questions following comments from the petitioner.

April Atkinson, 5023 Churchill Drive said Happy holidays. Thank you so much for hearing me, Mayor Pro Tem, members of the City Council, Rezoning Committee, and the entire chamber. I am April Atkinson. I'm here on behalf of Lockstar, LLC. I'm an entrepreneur for the last 15 years and a Charlotte native. So, I've been leasing space all over the City for the last decade, and mostly in the Plaza Midwood area, but as of lately, moved to Graham Street. Once this property became available, I knew I needed to make a purchase to stop paying rent. So, the listing on this property said that it could possibly be rezoned for commercial use, just because there's so many businesses around and it's located on busy Graham Street, on the corner of Graham and Cannon. I also live in the neighborhood, so I did host a community meeting that only three people attended, but I got to meet some neighbors, and I go to all of my Neighborhood Association meetings, because I don't live far, and they are super supportive of what's happening and they've seen the property just open up, because no one lived there, and there were trees and greenery growing. It was covered up, so we've done a lot to just open this space up, and hopefully can benefit the community being there. I'm here for any questions.

Councilmember Johnson said so, this is in District 1, but this used to be District 4. So, I'm familiar with the area, and it's so nice to hear that the residents were supportive, because if it's off Oneida, I think there was a development over there not long ago, where the residents were very engaged. So, it's really good to hear that they are supportive. Do we have a community report in the file?

Ms. Cramer said yes. I can send it to you if you need it. It should also be posted online for this petition's webpage.

Ms. Johnson said okay, and it's also nice that you live in the area. So, it's conventional, and we don't get a lot of detail about it, but you're wanting to purchase it for your office, is that correct?

Ms. Atkinson said sure. So, I have a hair salon that I've had for the last 17 or 18 years, a very stable business, and helpful for the community, and a cultural salon with a curly hair niche, and things like that. So, yes, we're operating a hair salon. We have accessories, we have natural organic products that we retail, home accessories. There are some neighborhoods being built right behind us, so very accessible to the community, and not too far from Uptown.

Ms. Johnson said okay, good, and that Graham area is a nice area. Okay, that's all the questions I have.

Atkinson said yes, changing.

Councilmember Molina said I want to congratulate you. I started my first business on Atando Avenue back in 2007. I bought a second business on Graham Street that's still operational. So, you might see me every now and again. I'm very extremely familiar with the area. I know there's a lot of residential that's right behind here. I'm really glad that I actually know exactly where this house is. If I'm not mistaken, closer to the train tracks, there's a hair salon already there, going up towards Atando.

Ms. Atkinson said there are several salons.

Ms. Molina said there's a few salons. I know I'm not crazy. I'm a little rusty, but I'm thinking closer to the train tracks, I know there's a hair salon there. I can think of various places where we already have this sort of business. So, I just want to tell you congratulations on your leap of faith. I wish you success in your endeavor, and I am absolutely just excited to see this go forward and hear more about it.

Ms. Atkinson said thank you very much.

pti:pk

Councilmember Brown said thank you so much for your time tonight and coming in. Also, with Councilwoman Molina, I'm very excited to see you moving forward with your business endeavors and especially in this area. It's an area that is historic. I was born and raised in Charlotte. So, just good to see that and say congratulations. I'm looking forward to supporting it.

Ms. Atkinson said thank you very much.

Councilmember Driggs said Ms. Atkinson, you did a great job tonight. Good job. Thank you for your patience. I'd also like to acknowledge my constituent, Garland Green, who has outlasted the majority of Council. Garland welcome and happy holidays to you.

Unknown said thank you all for your patience.

Mayor Pro Tem Anderson said thank you, Ms. Atkinson. I echo the sentiments of my colleagues. It's wonderful to see you have the opportunity to open your business in District 1 and be so engaged with the community. I've not heard anything negative about this process, and so that's indicative of the work that you've done to move forward. So, thank you for your engagement.

Ms. Atkinson said thank you so much.

Mayor Pro Tem Anderson said thank you so much. Happy holidays.

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

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ITEM NO. 57: HEARING ON PETITION NO. 2023-121 BY CHRISTIAN BROTHERS AUTOMOTIVE FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.72 ACRES LOCATED ON THE WEST SIDE OF STEELE CREEK ROAD, SOUTH OF SHOPTON ROAD, AND NORTH OF INTERSTATE 485 FROM CG (GENERAL COMMERCIAL) TO CG (CD) (GENERAL COMMERCIAL, CONDITIONAL).

Mayor Pro Tem Anderson declared the hearing open.

Joe Magnum, Planning, Design & Development said this petition is approximately 1.72 acres, located on the west side of Steele Creek Road, south of Shopton Road, and north of Interstate 485. The current zoning is CG. The requested zoning is CG Conditional. It might look a little funny. We'll get to the proposed use in just a minute. The 2040 Policy Map calls for Commercial Place Type, so it's consistent with the Place Type recommendation. The proposed use is a minor vehicle repair facility. That specific use in the UDO requires a conditional rezoning, which is the reason for the request. It is consistent. Staff recommends approval. I'll take any questions after the petitioner's presentation.

Christian Olteanu, 3475 Corporate Way, Suite A, Duluth, Georgia said good evening, everyone, Mayor Pro Tem, City Council members, everybody here present and staff. My name is Christian Olteanu. I'm with Gaskins LeCraw in Atlanta, representing the petitioner, the future operator of the site, which is Christian Brothers Automotive, Inc. So, a brief presentation. I'm sure that everybody's familiar with the site location. [inaudible] this petition is to request a conditional rezoning to the same existing General Commercial zoning district, but Conditional. In order to have an operation on this site for a vehicle repair facility minor. Based on the UDO there are already six prescribed conditions that we are fully compliant with. Just a brief description of the existing conditions. The site is vacant. It's actually an outparcel, part of the Shopton Square Mall. It's undeveloped. It's vacant. The topography is fairly flat. There are no existing

trees. Based on communication with the various staff and the City of Charlotte, the public utilities are already available, water and sewer. In terms of the zoning, the surrounding zoning is consistent. It's all commercial CG, and then on the east side of Steele Creek, you have some heavy and light industrial.

Just for some overview of the site, I think we're taking some photographs from the site from north, east to west and south, just to outline the presence of the site in the context of the existing buildings for the Shopton Mall. We've also included a preliminary technical site plan. This is it right here. You can see the proposed facility which consists of 10 bays of vehicle repairs. The main entrance will be off the main street, Steele Creek, which is to the rear off of that existing private access easement. There is a certain amount of surface parking provided for the facility that's going to be subject to more refinement as we go with staff before applying for the actual development permits. The number of parking spaces is somewhere in the mid-range, and that, as you may be familiar with the Christian Brothers Automotive facilities.

Councilmember Brown said I'm not going to try butcher your name, but Mr. Christian, thank you so much for your presentation, and hanging to be the last person. I'm very familiar with the area. I live there. Is this going right near the CVS on the corner by the Goodwill?

Mr. Olteanu said it's going next to the Waffle House, I think it is the location, yes ma'am.

Ms. Brown said so, beside the Waffle House or behind the Waffle House?

Mr. Olteanu said the side.

Ms. Brown said right there in the parking lot?

Mr. Olteanu said that's correct.

Ms. Brown said okay, alright. What's the proposed [inaudible]?

Mr. Olteanu said it's a vehicle small repairs facility, CBA (Christian Brothers Automotive). They do small vehicle repairs, and the facilities are building that will look mostly like a residential structure, if you take a look at the elevations, and it's to fit the context. So, it's a small structure that has 10 garage bays. That's pretty much what it is.

Ms. Brown said you said you're going to have 10 garage bays?

Mr. Olteanu said yes, ma'am, five on each side.

Ms. Brown said okay. Well, thank you so much for answering my questions.

Mr. Olteanu said thank you.

Ms. Brown said I can walk to your shop. I live very close there.

Mr. Olteanu said oh, you are? That's great.

Councilmember Molina said I've got a quick question. I'm showing that the community meeting, there were no attendees.

Mr. Olteanu said that's correct. We scheduled that and published it for November 1, 2023, but there were no attendees.

Ms. Molina said okay, and I know that we have a very engaged Council member, and we all are going to be her teammates as she continues to work through this process and understand the intimacies of making these decisions, and she's already all over it, because she's native to Charlotte. She knows more than most of us in some cases, but

I want to make sure that, as far as the community meeting is concerned, is it adjacent to any type of residential area?

Mr. Olteanu said not really, no.

Ms. Brown said out of those four corners?

Mr. Olteanu said not that much, no. The whole zoning is CG.

Ms. Molina said I'm sorry, I didn't mean to interrupt you. The meeting would have only really involved businessowners.

Mr. Olteanu said for the most part, that's correct, yes.

Ms. Molina said well that's all I have.

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


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ADJOURNMENT

Mayor Pro Tem Anderson said Happy holidays. Have a wonderful Merry Christmas, and Happy Holidays everyone.

Motion was made by Councilmember Driggs, seconded by Councilmember Johnson, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 9:36 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 4 Hours, 30 Minutes
Minutes completed: September 24, 2024