

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, July 17, 2023, at 5:05 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Danté Anderson, Tariq Bokhari, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, Marjorie Molina, Victoria Watlington, and Braxton Winston II.

ABSENT: Councilmember James Mitchell.

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Mayor Lyles said I want to call this meeting to order. I believe we have almost every Councilmember in, and others will be joining us at some point. I want to begin with introductions. Thank you all for joining us whether you're in attendance in the Government Center or watching us on the City's Channel or YouTube as well. So, thank you. We begin our meeting with an expression of inspiration followed by the Pledge of Allegiance. We do this with respect to those of you who may not choose to have a faith and so participate as you need to.

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INVOCATION AND PLEDGE

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

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Mayor Lyles said before we begin our meeting, I wanted to say a few words about the loss of Rolfe Neill, former publisher of the Charlotte Observer. When you come in and around our City, you see it as it stands today. It's vibrant, attracting people from across the nation; however, we have to remember that there was a group of people that came before us that helped make this City what it is today, who shaped it and we honor those visionary leaders who shaped our City during the 1960s and 1970s. One was Rolfe Neill. We owe Rolfe a great deal of gratitude because his contributions to our community and at the Charlotte Observer made a tremendous impact on who we are today. They're countless stories that attest to Rolfe's profound influence in Charlotte. I had the privilege of experiencing his mentorship on two memorable occasions. As a young woman that had just come to Charlotte from Columbia, South Carolina, a little town down the road, Rolfe, then publisher of the Charlotte Observer graciously invited me to tour their newsroom. Whether he saw it as an investment or simply an opportunity to demonstrate the importance of having a vision for our City's future, I will always cherish that experience and the belief that he instilled in me that I could play a meaningful role in this City. Another special memory is when Rolfe sent me one of his meticulously crafted laminated headlines from the Charlotte Observer upon me winning my first election as Mayor. This is a gift that I've kept for a very long time and cherish. Rolfe's legacy will continue to inspire generations to come and we're grateful for his dedication to building a prosperous and inclusive Charlotte. So, to the family, we know that he has gone through a great life and for that we really want to say to him, farewell and good-bye, but what you've done in the past will always be remembered. Thank you very much.

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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, Planning Committee Chairman said thank you Madam Mayor. My name is Douglas Welton. I am the Chairman of the Zoning Committee of the Planning Commission. Joining me tonight are fellow members of the Committee as well. Will Russell, Terry Lansdell, Shana Neely, Clayton Sealy, Rick Winiker, and Rebekah Whilden. The Zoning Committee will meet on Tuesday August 1, 2023 at 5:30 p.m. and on Thursday August 3, 2023 at 5:30 p.m. At these meetings, the Zoning Committee will discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome to those 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 input. You can find contact information and information on each petition on the City's website, Charlotteplanning.org. Thank you, Madam Mayor.

DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Driggs, and seconded by Councilmember Bokhari to defer: a decision on Item No. 6, Petition No. 2021-198 by Nest Home Communities, LLC to September 18, 2023; a decision on Item No. 7, Petition No. 2021-209 by Coastal Acquisition Entity, LLC to August 21, 2023, a decision on Item No. 8, Petition No. 2022-048 by Tribute Companies, Inc. to August 21, 2023; a decision on Item No. 9, Petition No. 2022-060 by Providence Group Capital to August 21, 2023; a decision on Item No. 10, Petition No. 2022-099 by Levine Properties to August 21, 2023; a decision on Item No. 11, Petition No. 2022-109 by Urban Trends Real Estate, Inc. to August 21, 2023; a decision on Item No. 12, Petition No. 2022-134 by Muhsin Muhammad II to August 21, 2023; a decision on Item No. 13, Petition No. 2022-147 by SouthPark Towers PropCo, LLC to August 21, 2023; a decision on Item No. 14, Petition No. 2022-156 by Greystar Development East, LLC to August 21, 2023; a decision on Item No. 15, Petition No. 2022-160 by Penler Development, LLC to August 21, 2023; a decision on Item No. 16, Petition No. 2022-193 by Brown Group, Inc. to August 21, 2023; a decision on Item No. 18, Petition No. 2022-152 by Vinroy Reid to August 21, 2023; a hearing on Item No. 19, Petition No. 2022-076 by Sam's Mart to August 21, 2023; a hearing on Item No. 20, Petition No. 2022-092 by Sam's Mart to August 21, 2023; a hearing on Item No. 21, Petition No. 2022-079 by Well Pappas Corporate Parcel Owner, LLC to September 18, 2023; a hearing on Item No. 22, Petition No. 2022-096 by Kairoi Residential to September 18, 2023; a hearing on Item No. 45, Petition No. 2022-218 by Mattamy Homes to August 21, 2023; and a hearing on Item No. 52, Petition No. 2023-019 by Charlotte Truck Center, Inc. to August 21, 2023.

Councilmember Johnson said I'd like Item Number 5 pulled for a separate vote.

Mayor Lyles said alright, Item Number 5 would be pulled for a separate vote. Alright. Any other discussion?

Councilmember Mayfield said thank you. I have a question for number 17.

Mayor Lyles said Petition 17? Is 17 on the list of deferrals or withdrawals?

Ms. Mayfield said no. It's not.

David Pettine, Planning, Design & Development said it's just on for a regular decision.

Mayor Lyles said okay. So, you're okay?

Ms. Mayfield said yes.

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

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CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 3 AND 4 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Anderson to approve the consent agenda as presented.

Councilmember Mayfield said I had a question for staff for both. It's the same question for both items. I'm just verifying. Are both of these multi-family projects, are these both market rate? Has it been identified as far as any conversation?

Mayor Lyles said are we allowed to use market rate, to ask that question about market rate for a petition?

Terrie Hagler-Gray, Senior Assistant City Attorney said the market rate should not be a consideration for a land use decision.

Ms. Mayfield said so, I can't ask the question or I'm not supposed to use it for consideration?

Ms. Hagler-Gray said you shouldn't use it for consideration.

Ms. Mayfield said okay. Not my question, but okay. Thank you.

Councilmember Johnson said I have a question as well. This is a question for staff. For the 2022-084, there was some concern about historic designation. Do you have any information on that?

Mayor Lyles said which petition are you on?

Ms. Johnson said Item Number 3, 2022-084.

Mayor Lyles said item 3. Alright, let's go to Item 3.

David Pettine, Planning, Design & Development said let me go back and take a look in the file. I do believe there was some initial concerns about historical landmark, but I believe that's been since withdrawn. I know the petitioner may be able to weigh in on that a little bit more, but I don't believe that there's any additional pursuit or consideration by Chelsea for that property to be designated.

Ms. Johnson said that's my understanding also. I just wanted that on the record. Okay, thank you.

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

The following items were approved:

Item No. 3: Ordinance No. 567-Z, Petition No. 2022-084 by Mission Properties amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 20.85 acres located along the south side of Ridge Road and north side of the Interstate 485 interchange from N1-A (Neighborhood 1 - A) to R-17MF (CD) (Multi-family Residential, Conditional).

The Zoning Committee voted 4-2 (motion by Gaston, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be 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. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed plan would add to the variety of housing options in the area. The proposed building forms of triplexes and quadraplexes are consistent with the Neighborhood 1 Place Type. The petition proposes streetscape improvements including a 12-foot multi-use path on Ridge Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion. 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) 191-192.

Item No. 4: Ordinance No. 568-Z, Petition No. 2022-187 by Vista Residential Partners amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 14.8 acres located on the west side of Krefeld Drive, east of Monroe Road, and west of East Independence Boulevard from R-6MF (CD) (Multi-family Residential, Conditional) to R-22MF (CD) (Multi-family Residential, Conditional).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Russell) 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 map recommends 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 site is located in an area recommended for multi-family uses. There are other multi-family developments in the area. The site is less than ¼ mile walk from bus stops for Route 17. The site is adjacent to McAlpine Creek Park and greenway. The proposal dedicates a portion of the site adjacent to the park to Mecklenburg County and provides a connection to the park. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 193-194.

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DECISIONS

ITEM NO. 18: PETITION NO. 2022-152 BY VINROY REID AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.87 ACRES LOCATED ON THE SOUTHEAST SIDE OF CHAR-MECK LANE, NORTH OF MONROE ROAD, AND EAST OF NORTH WENDOVER ROAD FROM N1-C (NEIGHBORHOOD 1 - C) AND OFC (OFFICE FLEX CAMPUS) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee voted 5-1 (motion by Gaston, seconded by Gussmen) 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 plan recommends the Neighborhood Center Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition limits the number of uses to be allowed on the site by right and under prescribed conditions. The petition attempts to balance the provision of commercial services with protection of

residential areas. Adaptive reuse of an existing building will protect and enhance the existing character. The petition is compatible with adjacent uses considering the existing building and character will be retained. Neighborhood Center Place Type from the 2040 Policy Map calls for the development of pedestrian friendly, mixed-use environments that provide nearby residents with convenient access to goods and services. The proposed conditional plan and use limitations help to provide better alignment with the goals of the place type. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 – Minute Neighborhoods. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood Center place type to Commercial place type for the site.

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

1. Following the Zoning Committee meeting, there was some conversation at the meeting about outdoor entertainment. The petitioner did commit and add a note stating that all music and entertainment would take place in the outdoor seating and dining area of the restaurant on the patio. So, that was an addition that was made following the Zoning Committee vote. We did discuss it at the Zoning Committee meeting, but they did formalize that and that's what's in front of us this evening.

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

Councilmember Watlington said I just want to make sure I'm clear. This is saying that all the music and the noise is going to be on the outside?

David Pettine, Planning, Design & Development said confined to the patio area of the restaurant. So, there was a concern from the community about this potentially having a stage built, and having music and entertainment in the parking lot. So, this brings it down to just the area that would be designated as a patio outside similar to other restaurants you see, but it wouldn't allow it to be on a standalone stage or in the parking lot for a music festival or some type, it just confines it all to one space.

Ms. Watlington said this is allowed within the zoning. Suppose 10 years from now, somebody forgot that someone wrote this.

Mr. Pettine said correct. Yes, it would run with the property whether this petitioner is the owner or if it's 10 years from now, it would still be a conditional zoning that could be enforced.

Ms. Watlington said okay thanks.

Councilmember Molina said Mr. Pettine, can you describe this neighborhood that you're talking about this petition in. How many houses are in this area?

Mr. Pettine said there are some single families on the other side of Char-Meck Lane that are on Crater Street. So, there are some properties who the front of this property would look into the backyards of Crater Street and then we do have some multi-family townhomes that are being built on the rear of this property adjacent. That was part of a new development that was approved through a rezoning petition a year or two ago. So, there is residential on either side, front and back and then towards Monroe Road is where all the business uses along Char-Meck Lane are.

Ms. Molina said so, is this something that we intend to update as far as a Place Type in what we consider zoning? So, what we're saying right now essentially is that in this 100

percent residential neighborhood, we're going to allow one of the residents to turn his house into a business as long as he doesn't play loud music outside? That's what we're saying?

Mr. Pettine said so, the Place Type for most of this frontage on Monroe Road and some of the properties that go down Char-Meck Lane and some that have frontage on Crater Street are part of the Neighborhood Center Place Type. So, that would allow EDEE (eating/drinking/ entertainment establishment) that would allow retail uses, it could allow residential uses. So, the Neighborhood Center is one of our less intense Activity Centers which is what this area is long term designated to be. This use would be an EDEE use along with some other uses that would be allowed in B-2 but there's a pretty strong list of prohibitive uses that get it a little bit closer to getting away from the auto dependent uses that are found in B-2 and getting them more conducive to that Neighborhood Center outcome that the Policy Map has in place for it.

Ms. Molina said so, are there any existing businesses in this area right now?

Mr. Pettine said there are.

Ms. Molina said that are proximate to this residential neighborhood where the house is going to be turned into a business?

Mr. Pettine said so, there is one use that's on Crater Street and Monroe that backs up to the houses on Crater, but there aren't any that go this far down Char-Meck Lane. This is the last parcel down that private drive.

Ms. Molina said Madam Mayor, I would like to if you would allow me, I'd like to read an email that I recently got from a resident, and I'll read the short version.

Mayor Lyles said I want to make sure on the ruling because we've already had a hearing. I just want to check in with Ms. Hagler-Gray.

Terrie Hagler-Gray, Senior Assistant City Attorney said yes, we've already had the public hearing and you're allowed to ask questions of the staff and of the petitioner direct questions before you make your decision.

Ms. Molina said okay. So, there was an email sent today from a resident, just today about this and my pause is with relation to there being a complete resolution between then and now that it seems completely way off scale. Is it that this one resident is now confirmed, and this is something that we're willing to update and say yes to?

Mr. Pettine said there've been a lot of emails on this question. I don't recall a particular one this afternoon.

Ms. Molina said okay. So, there was one today and since I can't read it to you, I can't really describe it to you because I can't read it to you. So, I'm reluctant to say yes to this at this moment because I don't know where the residents in my district sit on this. So, right now as it stands based on what I know and what has come to me and what's been brought to me with regards to the people that are in that district, I need to get comfortable before I say yes because right now, I'm an absolute no. So, if it helps for it to go back to Zoning so that we can continue to have these conversations and make sure that this is 100 percent secure before we vote on it as a Council, then that's fine, but I'm not prepared to vote on it right now.

Mr. Pettine said so, we've got two kind of steps right now. Right now we're considering the change after Zoning Committee, which would be a vote to not send it back. If we don't send it back to the Zoning Committee, then we would then take action on the petition and that could be if the desire is to get more information and have more time to talk through it. Deferral is always an option that the Council can take. Obviously, you can deny the petition at that point, but if it's to try to get more time to work some of these items out, then a deferral is probably the best route to go to allow the petitioner

and the neighborhood to continue to work through some of the items. We did request some additional clarification on some conditions that the community had asked for and we have not received a reply on some of those as well. So, again, the petitioner has to agree and consent to the conditions and if they don't choose to incorporate them then that's when the legislative decision of the Council comes into play, and you have to weigh what was provided and what wasn't and whether or not that's satisfactory. At this point, if there's more questions than answers, then the options are deferral or denial of the petition, but right now we're just talking about not sending this particular change back and then we would take action on the actual petition after that.

Mayor Lyles said thank you Mr. Pettine because what we're doing now is saying whether or not you want to send it back. The other options as Mr. Pettine was describing will be in the next motion on the petition.

Councilmember Ajmera said yes. So, to not muddy the water here, I'd like to go ahead and make a motion to defer this because there are still outstanding concerns clearly based on district Councilmember Molina's comment. I think what email she's referring to, we all received especially around restaurant and outdoor music and entertainment in a residential neighborhood and there are quality of life concerns, especially for neighbors that live right next door. I think we have to be mindful of that. So, I'd like to go ahead and make a motion to defer this.

Mayor Lyles said we have a motion on the floor to not send it back to the Zoning Committee and that motion has not been acted on.

Ms. Ajmera said we already had that motion and seconded it.

Mayor Lyles said yes, but in a discussion. So, let's go to the motion of not sending it back to the Zoning Committee first.

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

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

NAYS: Councilmember Mayfield

Motion was made by Councilmember Ajmera, and seconded by Councilmember Molina to Defer Item No. 18, Petition 2022-152 by Vinroy Reid.

Councilmember Winston said I don't really see why we would defer this. Honestly, I don't see why we would reject this petition. The neighbors' concerns are less about a land use issue and more about a noise ordinance issue. The petitioner has made notes that would limit the amount of time that noise could be made on this property, where that noise can be made. By deferring or rejecting this, you are taking away any types of concessions. So, the neighbors who are concerned about noise would have no kinds of concessions made and no protections about the noise. The fact of the matter is noise can be made at this property right now. Noise would be able to be made at this property in the future. So, in a lot of senses by deferring this and denying this petition we are working against the constituents who want some type of protection from the noise. I don't know if there is going to be any further room outside of this allowing the ability to make noise on this property which it doesn't seem like it is a possibility. So, I think this is one of the situations where sometimes we might be professing that we're trying to work with the community, but the community is actually arguing against itself in actuality. So, this has been on our desk for many months now. I've had some conversations myself with the community members and had conversations with the petitioner, conversations with staff. This does seem like that there's a common ground approach forward. Again, I'm just not sure why we would continue to push this down the road.

Ms. Watlington said so a couple of things. I look at this one very similar to some of the issues that I see in Wilmore and I do think there's a component of land use just because of how the noise ordinance is enforced being that it has to be a particular distance away and a particular decibel level. As I think about some of the things that we're trying to implement to alleviate some of Wilmore resident's issues, they go back to what's allowed on the property and proximity to the housing. So, I do think that it's a land use discussion as it relates to the compatibility with nearby uses. I do want to make sure that I'm clear because I think I heard it said that this property can already make noise and we would somehow lose concessions by deferring. I just want to make sure I understand what are the circumstances here? Today I see office and N1-C versus what would be essentially a district that would enable a restaurant with music and entertainment.

Mr. Pettine said right. This really gets into hours of operation until I think 8:30 p.m. which is more restrictive than like a current noise ordinance, I think runs to 10:00 p.m. or 11:00 p.m. So, we've got restrictive hours of operation, restrictive hours of when that entertainment can occur which in any by-right scenario, those don't exist. Those just then fall further to later hours or noise ordinance provisions. So, I think that's where that conversation of what could happen now versus what's in the conditional notes. Like I said, the conditional notes add more restrictions on when those times can be. So, even if somebody would be allowed to do it until 10:00 p.m. or 11:00 p.m. by-right, this would only allow that until 8:30 p.m. on certain nights. So, that's where it gets to be a little bit more dialed in and restrictive than just a by-right type of scenario and even if the property isn't zoned for all the uses that could potentially have music or anything else, there's still the opportunity for folks to just have some type of outdoor party or entertainment on their property and not have to adhere to these hours of operation by-right. So, as Mayor Pro Tem said, it does get us to a point where we can know what those expected outcomes are for as far as noise and outdoor entertainment music in that area.

Ms. Watlington said thank you. I can understand that. So, what I'm hearing is you might have somebody having a quinceañera up until 1:00 a.m. once a year versus people playing music as part of a restaurant establishment three nights a week. I'm uncomfortable with the idea of I don't think that's an even trade, especially when I think about our enforcement mechanism being our police officers because I know how few resources we have in Wilmore and other areas that hire specific to entertainment because essentially the only recourse the neighbors have is to call officers to come out and try to do a report out or a reading. That just hasn't been deemed effective. So, I say all that to say I want to be clear. My question is for the motion maker, what would change between today and a deferred date? What are you looking to accomplish in the meantime?

Ms. Ajmera said so really this gives an opportunity to the District Council member to continue to negotiate with the petitioner to see what hours would the community be comfortable with and what hours would the petitioner be willing to accommodate. I think it's just additional time to continue the negotiation. Clearly there has been progress that's been made, but I would like to really let the District Council member continue to negotiate.

Ms. Watlington said okay, whatever your pleasure.

Ms. Molina said thank you for that Dr. Watlington. I think you bring up an amazing point. Think about it, this is a very small area. It is a dead-end street. Even in our notes it says that there is a concern about the traffic pattern. Right now, you've got a few people going home on a dead end street. If you open that up to a restaurant with outside facilities, now you've got a jammed up dead-end street with people who live on that dead end street not being able to go in or out. We had a resident stand here and say that he could feel the music in his chest, we all heard it, sitting in his living room. That is ridiculous. So, I'm thinking about this from a few perspectives. A precedent. I wouldn't want my neighbor to decide because they own their house that they now want to open a restaurant because now my neighborhood and the composition of my neighborhood is

going to change dramatically. I think if it's not where staff has anything to stop that yet or we don't have anything that says consistently, which we don't, we still have a lot of work to do, but this is another one of those what I feel to be outliers in that our residents that are proximate to this very small area have spoken to us. I feel like, me in particular, because it's the residents that voted for me, I have a responsibility to speak up on their behalf and it broke my heart to read one the last emails because the resident was really crying out to us saying, "I don't understand this process, but I know what I see, I know what I feel. Here is how I describe it." So, it is my job to then take that, transcribe it and use what we know to best assist them as best as we can. So, if there is any justice in allowing this to go forward, it is to put absolute definite restrictions on this and see if the neighborhood even has an appetite for it, but from the emails that I've read and from the correspondence that I've had with them, it seems as though, and if I could read the email I'd show you the language where one of them actually described feeling like they were being bullied. So, I feel like that's an unfair position to put our residents in when they're dealing directly with someone who knows this process a lot better than they do, to feel as though they're being pressured into a decision.

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

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

NAYS: Councilmembers Mayfield and Winston

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ITEM NO. 5: PETITION NO. 2022-177 BY APPALOOSA REAL ESTATE PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.52 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF MALLARD CREEK ROAD AND GALLOWAY ROAD, WEST OF LEXINGTON APPROACH DRIVE FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles said the petitioner has withdrawn this petition.

Motion was made by Councilmember Johnson, and seconded by Councilmember Mayfield to deny the withdrawal.
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Councilmember Johnson said I have a question for staff. Dave, can you describe or advise Council and the public what is the impact of denying a petition?

David Pettine, Planning, Design & Development said Terrie is that something you want to answer?

Mayor Lyles said is this a denial to a petition to be withdrawn?

Ms. Johnson said yes, I know that but I was asking Dave Pettine the impact of denying a petition.

Mayor Lyles said I think we're going to go with the attorney. We're going to go with Ms. Gray.

Terrie Hagler-Gray, Senior Assistant City Attorney said if a petition is denied, there is a two-year black out period unless it falls within an exception where the Council can vote to allow a resubmission if it falls within certain criteria in the ordinance.

Ms. Johnson said and the criteria is what?

Ms. Hagler-Gray said the criteria, I can read them for you. One of these four. A similar or more intensive change in zoning of an adjacent property, a change in policy related to how the site should be developed, new infrastructure that can accommodate the intensity proposed and other substantial change in conditions or circumstances that justifies a waiver of the two-year restriction on resubmittal.

Ms. Johnson said okay. So, I've been doing some research on this for over a month now and it's my understanding from staff that the two-year block limits the density that can be developed on that land. Is that correct?

Ms. Hagler-Gray said well it's not as clear because you're now under the UDO (Unified Development Ordinance). So, this petition was filed under the old or Legacy Zoning Ordinance. So, if you vote on it tonight, they would've gotten a reclassification to an old zoning district. The old Zoning Ordinance had language about the hierarchy of zoning classifications, however, the UDO does not have that language and a resubmittal would be governed by the UDO because you can no longer ask for an old zoning district.

Ms. Johnson said so, the UDO does not have the language that limits the density?

Ms. Hagler-Gray said about hierarchy. Asking for another classification.

Ms. Johnson said okay. So, I know that denial of a withdrawal is unusual, but it's not illegal or unprecedented. So, the residents are asking for denial of this withdrawal so that we can deny the petition and I serve at the pleasure of those residents and I'm going to be making that request. I also did some research, and this Council has denied three petitions since 2019. So, I think we, as a Council, should be willing to send a message that we're willing to listen to the residents and if there is a way that allows us to strategically manage the growth in a particular area especially that off Mallard Creek adjacent to a single family neighborhood and can help to maintain quality of life, I'm willing to do that. So, I'd like to make a motion to deny the withdrawal and close the discussion.

Substitute motion was made by Councilmember Winston, and seconded by Councilmember Bokhari to accept the petitioner's withdrawal.

Councilmember Molina said just for clarity and for the public's understanding because again a lot of times we're speaking, and they may not understand what we're talking about. So, the withdrawal itself is the petitioner saying that they no longer would like to engage. They would no longer like to petition this and just for clarity what I'm getting from the District Representative is that she wants to ensure that they don't come back right away to repetition and bring density. I guess I'm asking you, you're denying it with a concern, and you'd like to send a message.

Ms. Johnson said right, and not just this petitioner, but if there is a way to limit the density at that location, that is what the residents have asked and I'm the voice for the people and I agree. If we can maintain the quality of life in certain areas and if this is a tool that we have then I'd like to utilize it and I'm asking for my colleagues to support that.

Ms. Molina said I just want to make sure. They're actually withdrawing the petition? So, they no longer would like to go forward with the petition?

Mayor Lyles said they already have withdrawn it.

Ms. Molina said they already have withdrawn the petition.

Ms. Johnson said so, they've withdrawn the petition and I've asked for clarity from the staff, again, it's been a while. You all have no idea. You would've thought I'd asked to change the colors of the State flag. The push back that I'm receiving for requesting to

deny the petition. We've had three denials in the past four years and it's simple. We're the Council, we approve, or we deny. Yes, the developer has withdrawn, but I'm seeking to deny in order to limit the development going forward.

Councilmember Bokhari said yes, just real quick so everyone understands. We have never in my time here and I believe probably modern history tried to withdraw or try to vote down what somebody is trying to withdraw away. We may have voted down something three times that was going to not get approval, but never before has that happened, not to mention that the City Attorney has just said this was pre-UDO which means one of the four criteria that would enable somebody to come back and do it anyway is triggered. So, it wouldn't actually even accomplish the thing that we've never done. So, I would say just call the question and just move on.

Ms. Johnson said before we do that, we should be factual.

Mr. Bokhari said yes, that's what I just said.

Ms. Johnson said if we've never done it, according to James Mitchell who's been here longer than anyone this has been done before. So, it's not unprecedented.

Mayor Lyles said maybe we should check with the staff on the number of times instead of our memories. Mr. Pettine, do you have any record of how many times we've actually done this?

Mr. Pettine said with a denial of a withdrawal request, not in my tenure here. I know Terrie's served longer. I don't think we have any recollection collectively among staff that's been here for 20 years. We've denied petitions, absolutely we've done that, but a request to withdraw the petition, I'm not aware of one.

Councilmember Winston said yes, I think it is true that legislative bodies have the ability to create precedent, but I think we also have the ability to create dangerous precedent. Government provides practices and policies that everybody has a right to participate in and that is what we do here on our rezoning nights. Both the petitioner, landowners, land holders as well as neighbors have the ability to work out their differences and participate in the process to hopefully come up to a common ground path forward. That's exactly what has happened here. The landowners or potential landowners came here with a rezoning, a change in policy, a change in land use to allow something else to be built. There was vociferous objection from the community as well as staff and as well as from people behind this dais.

That petitioner could have tried to work for as long as they wanted, waited people out, waited the neighbor out, waited elected people out, but they didn't do that. They said, "You know what? We heard the community, we heard the staff, we heard you. We're going to make a tough decision and move together to not do this and to do something else." That is an option in our process. Now it's a common ground path forward. So, for us as a body to just decide we're not going to take that common ground approach, we're going to make a very political decision based on the voices of a small portion of our community to kind of go above and beyond and kick some extra dirt over a party in this process, that is not something that is a good thing. So, I think we should just go ahead and have the common ground approach and approve this withdrawal. It's in the best interest of everybody.

Councilmember Watlington said you have to vote to approve a call [inaudible].

Councilmember Driggs said I seconded the motion to call the question and we have to vote on that.

Mayor Lyles said yes, if we have a motion. So, we're speaking to that.

Ms. Watlington said you have to vote on that but from a procedure standpoint, everybody who would like to speak has a chance to speak before you can even call the question. So, the motion was really out of order per our rules of procedure.

Mr. Bokhari said I would like to withdraw my question Madam Mayor.

Mayor Lyles said you're withdrawing your motion.

Mr. Bokhari said the call to question. Just let her talk and we can just do this.

Ms. Watlington said I just want to make sure. I'll explain to you why what I believe Mr. Winston had said does not apply in this situation. It's because in this one particular situation the UDO has been enacted in between time and so the result of withdrawing this petition is not that Council then chooses not to deliberate or compromise. The actual result is that the developer can then by-right do something with higher density which I believe is not in good faith with the conversations that have been happening. If the UDO hadn't been enacted in the in between time, then what you said would make sense, but in this case by withdrawing the petition particularly after the hearing which then requires a Council approval for that very reason that you want people to operate in good faith, if that were to happen tonight, then the developer could by-right build with even greater intensity than what the rezoning was there. So, for me that is an absolute 180 degree departure from the intent of coming to the table which is why withdrawals are allowed as I understand it before the public hearing notice is made but then when the conversation becomes part of the public's hearing and they have an opportunity to weigh in, it must be approved by Council to withdraw because that's like showing your hand and deciding you don't like what's in the other person's hand and you pull out. That for me is absolutely opposite of what the intent is.

Mr. Winston said I'd just ask staff is that an accurate rendition of the policy?

Mr. Pettine said so, even denial of a rezoning petition doesn't prevent by-right development.

Ms. Watlington said correct.

Mr. Pettine said so, they could develop now under the N-1A zoning district which I believe is what they translate to which would allow single family duplex, triplex units and in some places quad units.

Mayor Lyles said okay.

Councilmember Mayfield said I just had a follow up question to Mr. Pettine with what he just said. So, one of the challenges, this is a withdrawal after the hearing. That's a different conversation, that's a precedent. If we were to move forward and this withdrawal was denied, now that we have new language that has been implemented, would they be able to submit a whole new proposal and start all over under a new proposal if this petition withdrawal, because we're just saying for this petition number 2022-177 would that preclude them from starting the process all over with a new petition number?

Mr. Pettine said a new petition could be submitted if it was just withdrawn, that would go through the same process that we've just gone through. Community meetings, public hearings, Zoning Committee. So, that would just essentially start the process over, but it would have to go through that same legislative consideration by Council.

Ms. Mayfield said so, for clarification, regardless of what happens, it is only a conversation for this petition number whether or not we will support the withdrawal, but have we had a period where we've received withdrawals after the hearing? Like tonight, we went through a number of deferrals and withdrawals. Do we receive a lot of withdrawals after the hearings?

Mr. Pettine said we get a mix of both, some that come in before, some that come in after the hearing. A lot of times the petitioner in a case similar to this will realize that their petition doesn't really have a good shape to get approved and they decide they don't want to maintain. You have to also think about the contractual obligations between the petitioner and property owner. A lot of those are contingent on a rezoning being approved. If they know that that's not going to be the outcome, they start that process with the property owner of also saying, "Hey, I've got to get out of this obligation," which is something else you have to factor into this type of decision. There's other parties than just the petitioner that are involved and that's part of the reason why. They may also see it because that contract may not be able to be carried out in some way. It may not have to do anything with public opposition, it may just be the project isn't financially feasible and they need to think about another route, and they decide to withdraw the petition that may come after the hearing. It could also come after Zoning Committee, we've seen that as well. So, they come in different times throughout the process.

Ms. Mayfield said so, thank you for that clarification because I want us to make sure that I was remembering correctly that this process can come at any time during the process.

Mr. Pettine said correct.

Ms. Mayfield said also at the end of the day, Council has the ability to either vote in support or vote against any motion that comes before us and that is the conversation we're having right now.

Mr. Pettine said that's correct.

Ms. Mayfield said thank you.

Ms. Johnson said okay, so, Dave, we met in June 2023 regarding this. I asked for clarification in writing, and I would say that I just got a clear answer today at 4:30 p.m., and I told the residents when you asked for this, the push back that I'm receiving for this is just unbelievable. I'm fighting for you all. I want you all to know that because these are engaged and informed residents and this is what they're asking for. It's not political. I agree that we should be strategic, and that multi-family does not just go anywhere. We don't just plop it down and pray that it works. You all know I feel like that. So, as far as Council having the ability to approve or deny whether or not anyone else remembers it, but Councilmember Mitchell which I trust, we do have the ability. Moving forward, the UDO and this is one thing I've learned in this process, the UDO removes the ability for Council to vote on a withdrawal after the public hearing.

Mr. Pettine said it still maintains that.

Ms. Johnson said so, that's not what I was told by you all. Help me out.

Mr. Pettine said it still maintains. It says that if a withdrawal is requested, it's a very similar language. If it comes in before the public hearing that just goes through staff. There's really no need for Council action at that point because it hasn't gone through public hearing. After that time, the City Council shall decide whether to allow the withdrawal, it says on the date scheduled for the hearing whether to allow the withdrawal. We've had a lot of conversation. I think part of the reason that we were slow in getting some of that information is we're in a little bit of uncharted territory with this. We've also realized that our ordinances are a little bit unclear in how that process works. So, I think that's been a good tough lesson for us to learn from all of this and I would anticipate we want to consider looking back at that and making some clarification on it, but for now that's where it is and there's really not any change from the UDO language.

Ms. Johnson said okay. I will say that that's what the City Attorney told me, that the UDO changes the ability for us to vote on the withdrawal after the public hearing. So, Terrie you can comment if you like. Is that correct?

Ms. Hagler-Gray said it's accurate that there's language that has been removed from the UDO that was available in the Zoning Ordinance that dealt with withdrawals and so it makes the language in the UDO less clear about what can happen with withdrawals.

Ms. Johnson said okay. We can address that later. As far as 2022-177, now I am asking to deny the withdrawal and again I told the residents the discussion and the controversy because I want to deny a petition is just unbelievable. The public accuses us of rubber stamping and this is the kind of push back that you get when you want to deny a petition. I stand on my motion. I know there's a substitute motion on the floor. So, move to close.

Mayor Lyles said Deputy Clerk could you read the motion that's on the floor?

Billie Tynes, Deputy City Clerk said the substitute motion by Winston, seconded by Bokhari was to accept the withdrawal.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Molina, and Winston

NAYS: Councilmembers Anderson, Graham, Johnson, Mayfield, and Watlington

Mayor Lyles: Tie Breaker vote of Nay

Mayor Lyles said I just got a briefing on this today. I obviously have not had the opportunities that everyone has had. When I look at this, I want to say this. I want to make sure Terrie you've got me right. This is what I understand, if we deny this today, it would be the first time that we've actually overruled a denial in your 20 years' experience.

Ms. Hagler-Gray said yes ma'am.

Mayor Lyles said alright, the second thing that I was told is that if it is denied that they could come back under the UDO and apply and start the process all over again which would be like next week, if they chose to do that.

Ms. Hagler-Gray said correct. They could come back. Of course, the Council has to make a determination about whether to allow a resubmission if it falls within one of those criteria.

Mayor Lyles said I'm sorry I couldn't hear you.

Ms. Hagler-Gray said yes, they can make a resubmission and the Council would make a determination about whether it was a significant of a change or not or fell within one of those other criteria that I read and you can allow the resubmission.

Unknown but they do have to come back to us.

Mayor Lyles said alright. So, they do have to come back to the Council if denied?

Ms. Hagler-Gray said yes.

Mayor Lyles said okay. So, let me ask this other question. Is that in the criteria that you said today, similar more intense policy, new infrastructure, other changes. Is that the requirement for coming back?

Ms. Hagler-Gray said yes.

Mayor Lyles said so, it is not without definition. It has a definition of what you have to come back for.

Ms. Hagler-Gray said that did not change from the Zoning Ordinance.

Mayor Lyles said okay. So, if I would support the idea that they should have that criteria and they have to come back and do that, that would mean it would be denying the petition as it is today?

Ms. Hagler-Gray said yes.

Ms. Mayfield said I'm making sure I'm hearing you, the question you're asking.

Mayor Lyles said okay. The question that I'm asking, if there is the criteria that you have given me that says you have to come back to the Council with similar or more intense policy, infrastructure changing, is that accurate under the denial?

Ms. Hagler-Gray said if you, right now [inaudible].

Mayor Lyles said haven't they already withdrawn the petition?

Ms. Hagler-Gray said no, right now you would be [inaudible].

Mayor Lyles said I know what we're voting on, but who asked for the withdrawal and when they said they were withdrawing it, what did we say to them? Yes?

Ms. Watlington said well that's what we're voting on now.

Mayor Lyles said I get that but I'm asking the question when the people sent in the email or whatever and said the document says the petitioner has withdrawn this petition, what was our response to them? Has the petitioner withdrawn this petition? How did I get this in the book if it's already been withdrawn?

Mr. Pettine said we acknowledge the request, and we carried the request forward to Council for action.

Ms. Watlington said they're not authorized to make a decision at this point.

Mr. Pettine said all we can do is essentially say we got your request, and we will make that request to Council on the withdrawal.

Mayor Lyles said so, tomorrow if they said, I withdraw my withdrawal, what would you say then? Come to the Council, right?

Mr. Pettine said they would go back to Council for action on the petition itself, yes.

Mayor Lyles said so, in my opinion, that as long as Council has something to say and do about this, then it's not a problem to have a withdrawn petition because they would come back to us. If it's withdrawn, they have to come back to this Council to start the process all over again. Am I getting that correct Ms. Hagler-Gray?

Ms. Hagler-Gray said that's correct.

Ms. Watlington said the caveat Madame Mayor, is that.

Mayor Lyles said okay. Ask Ms. Hagler-Gray what the caveat is.

Ms. Watlington said I don't have a question for her. The caveat is that what Ms. Johnson is indicating is a desire to deny this petition itself. The issue is that [inaudible].

Mayor Lyles said right. They couldn't come back without the changes, then [inaudible].

Ms. Watlington said if they wanted to rezone.

Mayor Lyles said if they wanted to come back, they would have to meet the conditions and come back to the Council.

Ms. Watlington said right. It's possible that they don't want a rezoning, they'll just build.

Mayor Lyles said [inaudible] they will just start it over, right?

Ms. Mayfield said Mayor, just so I'm also understanding what your question is, which is that was the question that I asked Mr. Pettine. 2022-177, if we move forward since at this point since it's five and five, you're the deciding vote. If we support our Council colleague who is the representative saying that we're going to deny this withdrawal and then if there's a proposal and whatever that proposal is, however, it moves forward, if this petition is denied, then we don't have this conversation anymore. They would have to start all over again with the whole process of a whole new petition, but right now because if I understood Mr. Pettine, please help me to make sure I'm clarifying, because we are in this middle space, this gray area of previous zoning and new language, this right here was under previous language. So, once this ends anything that comes forward for this location would now have to be under the new language.

Mr. Pettine said correct, yes. The effect of the withdrawal and the effect of the denial of the petition 2022-177 just goes away altogether.

Ms. Mayfield said right.

Mr. Pettine said anything new would be a brand-new petition, but the difference is the timeline.

Mr. Bokhari said either way it doesn't matter.

Mr. Driggs said [inaudible].

Mayor Lyles said I'm going to say that because that's what I heard.

Ms. Johnson said it does matter.

Mayor Lyles said well, okay. I'm hearing it because what would happen is that they came in under the existing zoning rules, they can come back even if you say two years, if you come back with it, they can still come back under the UDO which is the same thing. You'd have to submit the petition, the Council would have to approve it, then you have the ability to say I'm going to deny it. We're doing this rolling thing. So, really the vote on the five to five doesn't really matter, it's a statement, but I'm going to support the statement for this Council, and I'd expect that what we'll have to do again is figure out how to be more clear when we're doing this and what happens. So, I'm going to support the motion to deny.

Mr. Driggs said so, you're going to not support [inaudible].

Ms. Mayfield said go ahead and capture that on record. That's your sixth, capture that.

Mr. Driggs said no on the substitute motion?

Mr. Winston said so you're a no on the substitute motion.

Mayor Lyles said I am supporting with Ms. Johnson for denial.

Ms. Johnson said yes.

Mayor Lyles said I'm telling you what I'm doing. I didn't say I was voting for it, I'm saying that I will support this motion. Alright. So, now we vote again because it was a tie. Is that correct? Do we have to vote if I break a tie again?

Unknown said no, if you break the tie.

Unknown said we already voted.

Mayor Lyles said I'm voting. So, it makes it six to five. Alright. There we are.

Mr. Bokhari said we're not done. Substitute motion failed, we're back to the original motion.

Mayor Lyles said it's going to be five to five again, I guess. So, that's fine, one way or the other. Alright, read the motion Madame Clerk.

Ms. Tynes said the substitute motion, or do you want me to go back?

Mr. Bokhari said the original motion.

Mayor Lyles said the original motion.

Ms. Tynes the original motion was to deny the withdrawal.

Ms. Johnson said okay.

Mayor Lyles said okay.

Ms. Johnson said did you [inaudible] deny the petition or is that a substitute?

Mayor Lyles said the substitute motion was what Ms.?

Unknown said she just said deny the [inaudible].

Ms. Johnson said I know. Motion to deny the petition.

Ms. Tynes the substitute motion was to accept the withdrawal. That was by Mr. Winston.

Mayor Lyles said that was five.

Ms. Tynes said the original motion was to deny the withdrawal made by Ms. Johnson. Seconded by Ms. Mayfield.

Mayor Lyles said and I support the motion. I have an equal amount. I am supporting the motion by Ms. Johnson and that's how it should be recorded. Alright, thank you.

Ms. Ajmera said there needs to be a vote.

Mayor Lyles said wait a minute, it was five to five. What's the point of having a tie, if I don't break it?

Mr. Bokhari said the first one, Madame Mayor. We only voted on the substitute motion.

Mayor Lyles said that's what I'm saying. It had to go six one way or the other if you want me to break the tie.

Mr. Winston said yeah, you voted no on the substitute motion. So, that didn't carry. So, we have to go back to the original motion.

Ms. Ajmera said the original motion and have an official vote.

Mr. Driggs said it's the same thing, but we have to raise our hands.

Mayor Lyles said okay, you have to raise your hand again. Okay, so let's raise your hand if you support the denial of the petition being withdrawn.

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

YEAS: Councilmembers Anderson, Graham, Johnson, Mayfield, and Watlington

NAYS: Councilmembers Ajmera, Bokhari, Driggs, Molina, and Winston

Mayor Lyles: Tie Breaker vote of YEA

Ms. Hagler-Gray said I need clarification.

Mayor Lyles said I'm sorry.

Ms. Hagler-Gray said so that was [inaudible].

Mayor Lyles said I would have to have a motion to not approve the petition.

Ms. Hagler-Gray said read it.

Mayor Lyles and not change the Statement of Consistency as reflected in the dialogue, I mean you guys will have to work it out, right.

Mr. Pettine said so, the Consistency Statement, again staff and the Zoning Committee both were not supportive of this project. So, you can adopt the Zoning Committee's statement of consistency as your own and deny the petition if you want. If the motion would be to approve, then we would need a new Consistency Statement.

Mayor Lyles said we have a motion.

Ms. Johnson said so moved.

Mayor Lyles said that needs to be read into the record Ms. Gray.

Ms. Hagler-Gray said so, is there a motion to deny the petition?

Mayor Lyles said there's a motion to deny.

Ms. Hagler-Gray said we need to just make clear for the record that there's a motion to, first of all, there was a, so, Mayor you voted to deny the withdrawal, right. So, now we are moving on to an up or down motion on the petition.

Mayor Lyles said we voted to deny the petition when Mr. Graham did the denial of the petition. Is that correct? No, you did.

Mr. Winston said nobody's made a motion to deny.

Motion was made by Councilmember Johnson, and seconded by Councilmember Watlington to deny the rezoning petition 2022-177.
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The vote was taken on the motion and recorded as follows:

YEAS: Councilmembers Ajmera, Anderson, Graham, Johnson, Mayfield, and Watlington

NAYS: Councilmembers Bokhari, Driggs, Molina, and Winston

Mayor Lyles said now we are done.

ITEM NO. 17: ORDINANCE NO. 569-Z, PETITION NO. 2021-213 BY GOLDBERG COMPANIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 42.85 ACRES LOCATED ON THE SOUTH SIDE OF PINEVILLE-MATTHEWS ROAD, EAST OF HUGH FOREST ROAD, AND WEST OF REVERDY LANE FROM R-12 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO R-12 MF (CD) SPA (MULTI-FAMILY RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: The 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 increases the total number of units from 266 to 478, a net increase of 221 units. The overall density of the development will be 11.15 units per acre, within the limits of the existing R-12MF zoning category. The petition redevelops the western portion of the site containing 66 units with the construction of 278 new units. The site plan maintains the existing berm along Hugh Forest Rd. except as necessary to be removed for site access. The petition provides a 260 ft building and parking setback along Hugh Forest Rd. The petition maintains the existing buffers along the southern and eastern property lines. The petition makes improvements to the intersections of Hugh Forest Rd and Highway 51 and Echo Forest Dr. and Highway 51. The site is located on a major thoroughfare in an area with a mix of residential housing types and institutional uses. The petition will provide additional housing options to the area.

Motion was made by Councilmember Driggs, and seconded by Councilmember Molina to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: The 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 increases the total number of units from 266 to 478, a net increase of 221 units. The overall density of the development will be 11.15 units per acre, within the limits of the existing R-12MF zoning category. The petition redevelops the western portion of the site containing 66 units with the construction of 278 new units. The site plan maintains the existing berm along Hugh Forest Rd. except as necessary to be removed for site access. The petition provides a 260 ft building and parking setback along Hugh Forest Rd. The petition maintains the existing buffers along the southern and eastern property lines. The petition makes improvements to the intersections of Hugh Forest Rd and Highway 51 and Echo Forest Dr. and Highway 51. The site is located on a major thoroughfare in an area with a mix of residential housing types and institutional uses. The petition will provide additional housing options to the area.

The ordinance is recorded in full in Ordinance Book 66, at Page(s)

Councilmember Driggs said I just briefly wanted to thank the petitioner, the residents, Kurt Bock, the representative of the petitioner for working diligently over a period of a year and a half to achieve improvements in this petition that made it satisfactory to all concerned. I think this is a very good outcome. I hope we can all support it. Thank you.

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

PUBLIC HEARING

ITEM NO. 23: HEARING ON PETITION NO. 2021-256 BY NVR, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 150.78 ACRES LOCATED ON THE NORTH SIDE OF OLD CONCORD ROAD, EAST OF NORTH TRYON STREET, AND SOUTH OF WEST ROCKY RIVER ROAD FROM N-1A (NEIGHBORHOOD 1 - A), N-1B (NEIGHBORHOOD 1 - B), AND R-6 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL) TO MX-2 INNOV (MIXED USE, INNOVATIVE) WITH 5-YEAR VESTED RIGHTS.

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2021-256. It's about 150 acres pushing 151 off Old Concord Road. It is currently zoned N-1A, B and R-6 conditional. They are proposing a zoning district of MX-2 innovative with five-year vested rights. The Policy Map does call for Neighborhood 1, it also calls for Neighborhood 2 down along Old Concord Road just to the east of Bailey Park Drive and west of Fairhaven Drive. The proposal is broken up into three development areas. Development Area A, which is the main portion north of Old Concord Road. I don't know the name of the road off the top there, but that's single family detached being proposed there, 310 single family detached dwellings. Minimum lot size would be 51 feet by 120 feet deep as well as 41 feet wide by 120 deep. They also have a proposal for a public park potentially located in Development Area A. You can see that there as dedication of MCPR (Mecklenburg County Parkland Reserves) for public park. Development Area B is really just a small area just on the west of Fairhaven. That is single family detached only. There's nine of those proposed as single-family detached dwellings. Those would be 100 feet wide by 127 feet deep, generally trying to match the lot widths of the ones on the east side of Fairhaven and then to the west of that, you have Development Area C which is a proposal for up to 330 dwelling units. That could be a mix of single family attached or a combination with some multi-family. A maximum of 154 out of those 330 may be multi-family dwellings. Then a maximum of eight multi-family dwelling units may be located in a single building in Development Area C. Also have some innovative standards that have been requested in this petition, mainly the minimum setback in Development Area C will be 20 feet from the back of sidewalk. Staff does recommend approval of this petition. We do have some outstanding issues related to land use to get resolved. It is primarily consistent with Neighborhood 1 Place Type. Neighborhood 2 Place Type would be consistent for parts of development Area B and C, mainly just the portion that you can see here on the map where we've got Neighborhood 1. That's primarily where we have townhomes and some multi-family, but again a lot of this area down here is recommended for Neighborhood 2. So, generally consistent and of course this area up here is consistent with Neighborhood 1 being that it's all single family detached. So, with that, we will take any questions you may have. We have both the petitioner and the public speaking on this one this evening. So, we'll be happy to take any questions following their presentations. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, members of City Council and the Zoning Committee. I'm John Carmichael here on behalf of NVR. With me tonight are Scott Munday and John Eskridge of NVR, Eric Lalone of CESO, the landscape architect working on this matter and Andrew Eagle of Ramey Kemp and Associates. The site contains about 152 acres. It's located on the north side of Old Concord Road between Heathway Drive and Rockland Drive. This is an aerial of the site. Old Concord Road is to the bottom of the site. The site's currently zoned N-1A, N-1B and R-6 CD. The parcels to the west of this site are zoned ML-1 and ML-2, which are industrial districts and manufactured housing here. The parcels to the north, east and the south of the site here are zoned N-1A and then across Old Concord Road, you've got some I-2 CD and ML-1.

The petitioner is requesting that the site be rezoned to the MX-2 innovative zoning district to accommodate a residential community on the site that would contain up to 319 single family detached dwelling units and up to 330 dwelling units that would be comprised of single family attached townhome units and multi-family dwelling units. A

maximum of 164 of the 330 dwelling units could be multi-family dwelling units and the intent is that those dwelling units would be for sale condominiums. The maximum density of the northern portion of the site would be three dwelling units per acre. The overall density of the entire 152 acres would be 4.27 dwelling units per acre, a minimum 6-acre portion of the site would be dedicated to the County for a public park.

The petitioner held two official community meetings and also had numerous meetings with residents on Rockland Drive and we appreciate the time they devoted to us and their hospitality. As a result of those meetings, there were several changes made to the rezoning plan. They include the reduction in the overall number of units from 683 to 649. Reducing the number of single-family detached homes on the northern portion of the site from 390 to 310, 51-foot-wide lots were added to the northern portion of the site so that 41-foot-wide lots and 51-foot-wide lots would be a part of the northern portion of the site. Then the depths of those lots were increased from 96 feet to 120 feet. Additionally, a 40-foot-wide landscape buffer planted to the standards of a Class C buffer would be established along the northern and eastern boundaries and northern portion of the site, that would not be required under the ordinance. Then linear green areas and common open space areas were added to Development Area A.

So, this is the entire 152 acres. This is the northern portion of the site that would be about three units an acre and all single-family detached homes. This is the southern portion of the site. The northern portion of the site is referred to as Development Area A. This portion of the site is referred to as Development Area B and then this is Development Area C. There will not be a vehicular connection between the northern and southern portion of the site. There would be bike and pedestrian connectivity. There's streams on this site and the streams are represented by these blue lines. The yellow lines are the greenway trails that will be constructed by Mecklenburg County. So, this is a zoomed in site plan from the northern portion of the site. The 51-foot-wide lots are in dark green here. They would be an age targeted product. The lighter lots are the 41-foot-wide lots. The 40-foot landscape buffer that I mentioned would be along the northern and eastern boundaries of the site. The six-acre park would be here. The eastern most two acres would be an active neighborhood park. The western most four acres would be a passive park. These are the central amenity area and then these are the linear greenspaces that have been added to the plan. Once again, the blue lines represent the streams, yellow lines represent the greenway trail. The southern portion of the site is divided into two development areas. Once again, this is Development Area B. It would be nine single-family detached homes on lots with a width of 100 feet and a depth of 127 feet. The setbacks would match the setbacks across Fairhaven Drive and then the garages would have to be side loaded or rear loaded garages. The purpose of those restrictions are to make these single family lots more consistent with the lots located on the east side of Fairhaven. Access to the southern portion of the site would be by way of Old Concord Road and Fairhaven Drive. I failed to mention, by the way, that the access for the northern portion of the site would be by way of three streets. Heathway Drive, Wilson Street, and Rockland Drive.

So, the southern portion of the site once again are the nine single-family detached lots and then you've got the multi-family component here, a maximum of eight units in a building. These would be condominiums. Then townhomes would wrap the multi-family component. Once again, access would be from Old Concord Road and Fairhaven Drive. The 2040 Policy Map has the northern portion of this site in the Neighborhood 1 Place Type. The single-family detached homes are consistent with the Neighborhood 1 Place Type. The eastern portion of the southern portion is in a Neighborhood 2 Place Type. So, this portion of the site is consistent with that Neighborhood 2 Place Type.

The western portion here is not consistent, it's in the Neighborhood 1 Place Type; however, this is located between a Neighborhood 2 Place Type and then industrial zoning to the west of the site if you recall the zoning map which I'm going to try to pull up now. It's inconsistent, but it's between industrial zoning and the Neighborhood 2 Place Type. We appreciate the Planning staff's recommendation for approval. There are only two outstanding issues which are very minor which we will work to address this week. Under this plan, the petitioner has placed single family detached homes in close

proximity to existing single family detached homes and the proposed development provide a variety of housing product at differing price points to serve the community. We're happy to answer any questions that you may have.

Matthew Sadinsky, 929 Foxborough Road said thank you Mayor Pro Tem and members of Council. I'm new in this neighborhood having bought this house in November 2022. I'm on the Foxborough Road and enjoyed the 150 acres and wondered how long it would last. So, I'm not opposed to the development, but I have some questions specifically about the schooling. I saw the CMS (Charlotte Mecklenburg Schools) School recommendation. It says, "That the adequacy of existing school capacity in this area is a significant problem." We're particularly concerned about rezoning where school utilization exceeds 100 percent since the proposed development may exacerbate this situation. Approval of this petition may increase overcrowding and/or reliance upon mobile classrooms at the schools listed above. The Newell Elementary School that is currently at 109 percent of utilization, the Martin Luther King School is currently at 101 percent, and the Julius Chambers High, at 137 percent presume that these 600 homes in these 150 acres are only going to add 270 children, 600 homes and only 270 children coming out of those 600 homes. I think that while there are mathematical calculations on the average student yield for single family detached and attached homes, I think clearly it could easily be double the number of students in the school making an already crowded school situation much worse. Additionally, the petitioner in the CMS Schools estimate about \$10.5 million of expense to expand the schools to deal with what they estimate about 271 students, but with 540 students between these three schools, it could easily be an additional \$20 million, doubling the amount of the cost. The other thing I notice is that under the UDO there's different standards than under the old zoning standard, but for 150 acres it would seem that there was a standard that would provide for 10 percent of a set aside for project area, yet the park area here contemplated in this design is six acres of park. So, I'd ask the question of the staff and/or the petitioner, why only six acres of park set aside? There has been discussion in the documents coming forward that said there would be a tremendous tree save effort but it was all with permissive language that there would be best efforts made. I'm curious what tree save efforts would go in this development. We know that we're facing a time of increasing global warming and the need to have this very wooded area, this timber land preserved, basically wiped out for these 600 homes.

So, I'd ask the developer and the staff what they intend to do with that because this land, as pointed out by the petitioner is between Toby Creek and Doby Creek that is a known flood zone. What would the impact of these 600 homes be? I looked for the Environmental Impact Statement to talk about the remediation that these two creeks wouldn't become a flooding problem and was not satisfied that I understood that the buffers and the management going forward. So, I'd ask the petitioner and staff if they could comment on those four or five question areas.

Joe Speidel, 7011 Rockland Drive said City Council and Reneé Johnson in particular from District 4. I think I'll capitalize on a couple of things.

Mayor Pro Tem Winston said can you identify yourself please for the record?

Mr. Speidel said my name is Joe Speidel and I live at 7011 Rockland Drive which is the closest most adjacent property to the development in question. I want to just quickly acknowledge that NVR and Ryan Homes have been very open to us for discussion on this topic and they've been very helpful in guiding us through our learning process as we've started to understand how all of this comes together and works. I filled out the form over there and I had to check a check box for or against and I find that I'm kind of neither because if I'm against, what I'm basically saying is that I don't want you to approve this petition on behalf of NVR which means everything would revert to UDO and I think that would be even more horrific than what we're faced with the proposal that they've put forth here. If I checked for, I'm basically saying that I support the development, which I don't. I do not support the decimation of this 150 acres. You have to imagine this canopy and the home for the deer, the foxes, the hawks and the species of owls that we've lived with for going on 30 years. So, one thing that these maps don't

really capture is the beauty first of all and the fact that this is among probably the last 150-acre tract of land within the Charlotte City limits that is about to be destroyed when there are other acreages like Eastland Mall which our community can't understand the resistance or the inability to develop instead of this pristine and virgin forest that we're talking about destroying.

Meanwhile, I just have to add to the list of concerns like the schools. C-DOT (Charlotte Department of Transportation) has been in our opinion woefully inadequate and City Council by association as well in its assessment for the expected increase in traffic volume on this tiny country road that is our home, Rockland Drive. Somehow in the process of these discussions, C-DOT approved the removal of a second entry and exit way, Donna Drive and that was removed with the justification that Rockland Drive, which is barely two lanes wide, can handle the increase in volume. C-DOT, by its own assessment, by its own admission has indicated that there will be an eight to 10 fold increase in the traffic volume and the only area infrastructure improvements that have been proposed have been a stoplight at Old Concord Road and Rocky River Road, some turn lanes to help with traffic flow and camera technology to synchronize lights. No viable design has been added for Rockland Drive. This astonishes me, but the closest that C-DOT gave us to a "plan" was to wait and see what happens once these 310 homes on the northern end and more on the southern end are in place and the surrounding communities take advantage of the open roads that are available that drive traffic to Rockland. We'll wait and see if there are problems, deaths, accidents.

Mayor Pro Tem Winston said just so you know, Mr. Hamons only has two minutes.

Mr. Speidel said okay. I'll defer. We'll figure it out then basically is what C-DOT says and I can't imagine that City Council can allow us to move forward with that plan. Thank you.

Scott Hamons, 7619 Batavia Lane said good evening. I'm Scott Hamons. I live on Batavia Lane. This is quite an enlightening entertaining evening to say the least. Thank you and bless you for all your contributions and sitting through this, you get to sit through it weekly. Just to add a little bit amendment. The Newell School is directly behind me where I live on Batavia Lane, which is a new school that was developed about six years ago and it's already quite over full and has many outsourced classrooms already. In addition to that 150 acres that is being proposed for the development along the Development Area A, the larger portion of it which is essentially a landlocked parcel that doesn't have any access other than the narrow roadways and private drives. Narrow roadways that are a maximum of 16 feet in width which is not within the C-DOT requirement for traffic. So, everyone is aware of the aggressive plan from 2011 of the 50 by 50 tree canopies by 2025 and Mr. Councilmember Ed Driggs, if I may use some quotes that were from recent meetings and interviews that you saw it as a challenge for that 50-50 because it was an aggressive challenge but it's a great aspiration. It would be wonderful. We're below that now, yes, we are, at 45 percent, and don't see the tree canopy increasing in percentage terms. So, just we need to be very intentional, and I agree that we do need to be very intentional in saving and trying to acquire a 50 percent tree canopy.

Mayor Pro Tem Winston said thank you very much.

Mr. Carmichael said thank you very much Mayor Pro Tem and members of Council and the Zoning Committee. In terms of the park, the park is just the dedication of six acres to the County, the conveyance of the land for a future public park. There's more open space than the six acres. A minimum of 10 percent of the whole site has to be dedicated to open space. So, the six acres was just the conveyance of the land to the County for a future park.

The schools, I'm not going to look you in the eye and tell you that schools aren't an issue out here because they are. I will tell you that there are development rights here and then according to CMS, I certainly don't have the capability to check their numbers,

but according to the CMS report this proposal generates 28 less students than the by-right development of the site.

In terms of tree save, the development would have to meet the tree save requirements of the ordinance which is 15 percent. In terms of the traffic, they would put a traffic signal at Old Concord Road and Rocky River Road and do some turn lane improvements as well. We have been working with C-DOT and the traffic study was approved and we have our Traffic Engineer here if there are any questions that need to be addressed in that regard. Finally, as to the stormwater, the development of the site would have to comply with the post construction control ordinance. So, that would mean stormwater detention, cleaning the stormwater and that sort of thing. So, that would be part of the development of the site and there once again three connections to the northern portion of the site through Heathway, Wilson Street and Rockland Drive. Thank you for your time and our team is happy to answer any questions that you may have.

Councilmember Ajmera said thank you Mr. Carmichael. A couple of questions. So, you addressed some of the concerns some of the speakers had asked about specifically school overcrowding, park allocation space, but you said you're required to only do five acres?

Mr. Carmichael said well the park was a request. So, they requested six acres be given if that's what you're asking me.

Ms. Ajmera said yes.

Mr. Carmichael said yes, the County asked.

Ms. Ajmera said so, the County's ask was for six acres?

Mr. Carmichael said right, but that's not the entire open space.

Ms. Ajmera said how many acres is the open space?

Mr. Carmichael said it's 10 percent. How much is it Eric?

Ms. Ajmera said 15 acres?

Eric Lalone, 4601 Park Road, Suite 650 said we've got 50 percent. Well, we have 50 acres [inaudible].

Mayor Pro Tem Winston said if you want to respond please go to the microphone.

Mr. Carmichael said yes, the County, Council member, asked for a six-acre donation and that was what was agreed to.

Mr. Lalone said [inaudible].

Mr. Carmichael said six acres?

Mr. Lalone said no, 50 acres.

Mr. Carmichael said not, there's not 50 acres of open space.

Mayor Pro Tem Winston said can we keep the questions from the dais to the lectern please?

Mr. Carmichael said I'm sorry.

Ms. Ajmera said yes. Mr. Carmichael is showing open space and the park space here.

Mayor Pro Tem said can we pull up the petitioner's presentation please?

pti:mt

Mr. Carmichael said the park site is here, the six-acre park site.

Mr. Lalone said then pull up the open space.

Mr. Winston said can you identify yourself please?

Mr. Carmichael said state your name.

Mr. Lalone said my name is Eric Lalone with CESO. I'm the Landscape Architect working on the project. So, we've got the six-acre park is here. The open space would be the pocket parks that you see spread throughout, the linear park's running through and then we have the tree save which runs all the way through along in these areas which is where the flood plain is in as well. So, all of that tree save area would run through here. Then you have the amenity area and the area that runs along the outside, that 40-foot buffer all the way along there and likewise through here. So, that's all one contiguous area that ties this whole piece together.

Mr. Carmichael said the County's building greenways within the portion of the open space.

Ms. Ajmera said okay. Is this connected to a greenway that they're building up there, connecting to Reedy Creek Park?

Mr. Lalone said I don't know where it's connecting.

Mr. Carmichael said well there's an existing greenway on Lochmond.

Mr. Lalone said it runs through. The County is going to extend this greenway which exists now back down through and along through here.

Mayor Pro Tem Winston said so, it shows on our petition that it's part of the Cross Charlotte Trail. Is that correct? The Cross Charlotte Trail is going through.

Ms. Ajmera said so, do you know how many acres is the tree canopy? I know the tree save is 15 percent, but what is the tree save for this development?

Mr. Lalone said we have approximately 27 acres of tree save.

Ms. Ajmera said 27. That's significant for this site, more than required. One of the speakers, I think Mr. Sadinsky asked about there are two creeks on this site. Where is the retention pond? I know they are concerned about flooding and that's rightfully so.

Mr. Lalane said sure. So, these areas you see in blue are the proposed stormwater management ponds.

Mr. Carmichael said show them the streams.

Mr. Lalane said the streams run here and runs across. So, that's the one stream and then the stream going north.

Ms. Ajmera said is this being filed under the new UDO or is this under the old?

Mr. Carmichael said this is the old ordinance Council member.

Ms. Ajmera said it was probably last year.

Mr. Carmichael said we filed this probably 18 months ago.

Ms. Ajmera said yes, okay. One of the speakers had brought up infrastructure requests specifically around C-DOT. Could we get a list of infrastructure improvements that's already scheduled or planned and funded for this area as part of the follow up? If you

could also share that with three speakers. I have Mr. Sadinsky, Joe, and Scott. If you could share that list with them, that would be great. Mr. Carmichael, I'd like to speak with you specifically after this meeting. I'd like to speak with you about park allocation and see if that acreage could be increased because we had similar developments of this size where we had seen much higher park dedication land and see if that can be increased. Okay, that's all I have. Thank you so much.

Mr. Carmichael said thank you.

Councilmember Johnson said I want to thank the developer. They have met with the residents at least three times. I've attended two of those meetings and I want to thank Jennifer and John and the gentleman that spoke. Was it Matt or Mike?

Unknown said Matt.

Ms. Johnson said Matt, okay. Thank you, and the other gentleman as well. We don't have your names. These residents have been very engaged and very informed and they've asked for more traffic improvements, specifically I believe it was Donna Drive. Is that correct? I believe it was Donna Drive. Is there anyone from C-DOT that can speak please to this petition?

Jacob Carpenter, C-DOT said good evening, Jake Carpenter with C-DOT. So, as a part of the evolution of this petition, the connection to Donna Drive I believe is no longer a part of the petition. So, there's no improvements to Donna Drive as part of the project.

Ms. Johnson said they were requesting improvements to Donna Drive or at least an egress from Donna Drive. Is that a possibility?

Mr. Carpenter said so, initially the connection to Donna Drive was included in the petition and I think there were topography and other issues, and that connection was removed.

Ms. Johnson said so, is there anything from a C-DOT perspective to prohibit that entrance or that improvement?

Mr. Carpenter said I think it's something that C-DOT is open to, but would not require as part of the petition. It's my understanding again that the stream crossing and other issues really prohibit the petitioner from making that connection.

Ms. Johnson said okay. Yes, if you go out there, this is a beautiful wooded area. It's beautiful. We know the City's changing, and the residents recognize that as well but they are asking for just more consideration or more thoughtful development. I will say that the petitioner has been very open, but I still think there's more room for negotiation. Someone mentioned the school impact, I was going through the book. I think it's Julius Chambers High, 137 percent to 143 percent. School impact is something that I always talk about. These numbers are not cumulative. If you look through the book there's another petition, District 4 that I think the numbers are the same. Then they're two petitions in District 4, because it's a conventional petition, school impact is not considered. So, we are really not looking at the impact on infrastructure. We had our first infrastructure meeting in December 2022, this Council, we'll still waiting on follow up from that. So, you're absolutely right when you bring up this concern, we do need to have a more balanced approach, the growth and the infrastructure. You've heard me say that from this dais repeatedly.

As far as this petition, I do think there's more negotiations. John, if there's a way that we can look at the entrance or exit off Donna Drive, that's a concern of the residents. When you talk about the tree canopy, Councilmember Ajmera, we know that we're looking at numbers, our tree canopy, they're not current. The numbers that we're currently looking at. So, we really don't know how much the tree canopy has been affected in this City. So, I just think that we as a Council really need to take a more responsible look at zoning, and you know I've said that as well and I'm sorry that the developers feel the

impact, but that's what the residents are feeling. They're not feeling the impact from one petition, it's the cumulative effect, the cumulative impact of the traffic, the schools, the reduction in tree canopy. So, as far as this petition, you all have worked wonderfully and I appreciate that, but I do think that there's more room and I look forward to further conversations.

Unknown said thank you.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2022-036 BY MPV PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 31.94 ACRES LOCATED ALONG THE EAST SIDE OF INTERSTATE 485 AND WEST SIDE OF DUTCH CREEK DRIVE, NORTH OF ROCKY RIVER ROAD FROM CC (COMMERCIAL CENTER) TO CC SPA (COMMERCIAL CENTER, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-036, just shy of 32 acres off Rocky River Road. Currently zoned commercial center. They are pursuing a site plan amendment to the original entitlements that were granted on this property under that Commercial Center District. The Policy Map does recommend Commercial Place Type for this site. We'll get into that in just a minute. The proposal is to reduce the nonresidential square footage from 191,000 square feet to 150,000 square feet and then increase the residential dwelling units from 515 to a total of 739. There have been some units that have been entitled and allocated. So, the total would then be 739 but I believe there's been a significant amount that have already been built in this area and so they're again looking to decrease non-residential and increase the residential uses. It does remove some language referencing other development areas that would no longer be development areas as a result, should this petition be approved. It does remove language referencing townhomes and replaces that with multi-family units. It does eliminate a movie theater as an allowed use that would be down there more in that non-residential area closer to Rocky River. They did modify some of the architectural standards and then amended a note that would apply a 35-foot building and parking setback along Rocky River Road. It does provide open space and amenity areas in the multi-family portion that's being proposed, a minimum 8,000 square feet of improved open space would be provided in a central area of that multi-family development. So, that would be convenient for residents of the community. Staff does recommend approval of the petition.

We do have some outstanding issues related to site and building design, but we do recommend approval. It is inconsistent with that Commercial Place Type. I think this would actually take it to more a Place Type that's aligned with the existing entitlements and previous entitlements, more of a mixed-use Neighborhood Center outcome. So, staff didn't have any significant concern with that inconsistency and thinks that if this petition would be approved and that Place Type changed, it actually gets us to a Place Type that better aligns with what would be on the ground. So, with that, we'll turn it over to the petitioner and take any questions you may have following their presentation. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 4700 said good evening Mayor Pro Tem, members of Council, members of Zoning Committee. Keith MacVean with Moore and Van Allen assisting MPV Properties on this petition. With me tonight representing the petitioner is Jim Merrifield and also Hattie Pavlechko Reiter with Land Design who is the Land Planner for the site. I appreciate Dave's presentation. I think he's covered it very well. It is a site plan amendment for a portion of the Farmington mixed-use

development, 70 acres in Charlotte. There's another additional 110 acres in Harrisburg. It was originally approved in 2017 and has been under development since then. This site plan amendment is really to adjust the proposed uses to reflect today's market reality in terms of retail services. It reduces the amount of commercial space slightly from 191 to 150 as Dave mentioned and increases the number of allowed residential units by 224. On this portion of the site, there are other residential uses that are already under development on the remaining portion of the site in Mecklenburg County as well as in Harrisburg that are not part of the subject to the SPA (Sales and Purchase Agreement).

As Dave mentioned, the 2040 Plan does call for commercial, however, what was already approved for Farmington and what is being developed for Farmington as Dave mentioned really fits better into the NC or the Community Activity Center category, which the approval of the rezoning will verify. This is the original approval back from 2017, mixed-use nature, open space, commercial uses. This is the revised plan, and as Dave said a slight reduction in commercial and a slight increase in multi-family. We're happy to answer questions.

Councilmember Molina said can you go back a slide? I'd like to have a better understanding. So, you said this was originally approved in 2017?

Mr. MacVean said yes ma'am.

Ms. Molina said when you say it's not adjusting to the times, can you explain that?

Mr. MacVean said so, the original approval in 2017 called for a theater to be part of this mixed-use development, but with the onset of COVID and the change to theater attendance and theater development, the idea is to remove that use and then convert some of that space that would've been used for the theater and the associated parking to additional residential uses. So, that's the change to the petition based on the conditions in the market today for retail and in this particular case, a theater use.

Ms. Molina said okay. Mr. Pettine, you said there were some concerns around the commercial mixed-use Neighborhood Place Type?

Mr. Pettine said no, I was saying we didn't have concerns with the Place Type change. It is inconsistent. It's designated right now as commercial but the entitlements and what you saw on the screen from Mr. MacVean's presentation does create more of a Community Activity Center and a Neighborhood Activity Center there. So, this rezoning, should it be approved would take it to a Neighborhood Center Place Type which we think better aligns with that, but a lot of our CC zoning is heavily commercial based. So, that's why the Place Type designation was commercial, but it does function as more of an Activity Center which would be the result should this petition get approved. That would be the Place Type on the ground.

Ms. Molina said can you help me understand what's the rationale behind deciding which ones become a Neighborhood Center Place Type as opposed to others?

Mr. Pettine said so, the Commercial Place Type is strictly retail, non-residential uses, it doesn't allow any residential. So, when we see a mix of retail residential, that becomes more of a mixed-use zoning district which is more akin to Neighborhood Center, Community Activity Center. So, that would be what the Place Type would be on the ground should the rezoning be approved.

Ms. Molina said I guess with the plan right now, there's no need for the Council to oversee that process at all so that we can develop some type of consistency when it comes to that?

Mr. Pettine said so, this rezoning process will do it for this particular property. So, when the rezoning is inconsistent, if it gets approved it changes the map through that action.

So, we're essentially looking at a map amendment while we're looking at a rezoning with this as well.

Ms. Molina said okay. I guess my concern is if there is any, not particularly with this but just making sure that we develop some level of consistency going forward. What is our rationale? Right now, we're kind of doing all this situation by situation developing a precedent or not, doing something somewhere and then maybe not doing it somewhere. I think we really are jumping into dangerous waters when we're starting to do this on a case-by-case basis because you really have no way to determine based on how we decision it. It may look good here, but then the rationale behind how we come up with that right now for me, it's not very clear. So, I don't know. I guess that's a feedback piece as to how we can develop some level of consistency when we're making decisions like this to update that Neighborhood Center Place Type or the different Place Type opportunities that we have.

Mr. Pettine said yes, we can try to work through that. I know that's on our list of things to have more of a map amendment and criteria for this type of scenario, but again, I think the commercial Place Type didn't necessarily reflect what was entitled on the ground originally. It really is more of a Neighborhood Center even from the 2017 petitions. So, but that CC zoning district got captured in a lot of that Policy Mapping as a commercial Place Type.

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

Councilmember Mayfield said Mr. MacVean, thank you for the presentation. A couple of questions for you. The 139 townhomes from when we're looking at the new proposal, 139 townhomes, 275 apartments. Are those townhomes for sale product or for rent as well?

Mr. MacVean said they're for sale. They're currently under develop. They're not actually part of the site plan amendment that are in this area of Farmington and in the northern part along here.

Ms. Mayfield said so, the townhomes are not a part of this site amendment?

Mr. MacVean said not of the site plan amendment, correct.

Ms. Mayfield said those have already been developed?

Mr. MacVean said yes ma'am, they're under development currently. They're being constructed as we speak.

Ms. Mayfield said so, the follow up to my question is you did mention that some changes are being made now because of the economy.

Mr. MacVean said yes ma'am.

Ms. Mayfield said we also see a major change with lack of for sale housing product in our City. We are seeing a large number of multi-family and even single family for rent product. Have you spoken with your clients or do you know if there's any conversation regarding creating more for sale in this expansion versus more multi-family?

Mr. MacVean said not at this time. My understanding is the new development would be additional multi-family units on the Mecklenburg County side of the development. This is the County line right through here. So, the 70 acres on Mecklenburg County side, there's another 110 acres in Harrisburg. It all acts as one unified development and I'll have to ask Mr. Merrifield but I believe those are all for sale townhomes.

James Merrifield, MPV Properties, LLC said yes.

Mr. MacVean said so, all the remaining townhomes on the Harrisburg side are also for sale townhomes. You can see there's a preponderance of those on that portion of the site.

Ms. Mayfield said so, on the Harrisburg side, they get for sale product and on the Charlotte side, we get multi-family?

Mr. MacVean said well, we got both on the Mecklenburg County side, there's also for sale townhomes as well as apartments. So, there's a mix of residential, but it's a bigger site on the other side of the County line. So, there's a balance, yes ma'am.

Ms. Mayfield said that will be a great consideration to think about. Again, looking at the changes, we've made changes because what you thought would be beneficial as far as entertainment, that's shifting, even though I still go to the movies because I'm counting down. Thinking about more opportunities on the Charlotte side to consider because the Harrisburg side looks a little different. So, just wanted to get some clarification.

Councilmember Ajmera said I live right down the street from here and I see there has been a lot of activity here especially with Chick-fil-A has opened up and I see more development coming. I know at some point a couple of years ago when Council had approved this, we had a theater as part of the development plan. Is that still the case?

Mr. MacVean said a Harris Teeter?

Ms. Ajmera said no, a theater.

Mr. MacVean said there was a theater planned.

Ms. Ajmera said so, has that been changed now?

Mr. MacVean said yes, the theater is no longer part of the proposal, that's correct.

Ms. Ajmera said oh, I was looking forward to that. So, what is going on with that theater now?

Mr. MacVean said so, this would be other commercial uses of the retail in commercial uses in this area. The Chick-fil-A I think you mentioned is down here.

Ms. Ajmera said yes.

Mr. MacVean said this area of the site is still left. There's a hotel possibility and then 150,000 square feet of retail restaurant and other commercial uses. The theater has been eliminated as a use due to the change in the market primarily.

Ms. Ajmera said right, well theaters across the nation are struggling. So, I don't blame you for that. So, the change, I was just going through this rezoning package and really significant changes increasing the residential unit count and reducing commercial square footage.

Mr. MacVean said that's right. Reducing the commercial by about 40,000 and increasing the number of residential units by 224.

Ms. Ajmera said 224 units. Is that multi-family?

Mr. MacVean said yes, it would be multi-family, that's correct.

Ms. Ajmera said so, all 224 will be multi-family?

Mr. MacVean said yes ma'am.

Ms. Ajmera said could you tell me where exactly this 224 is?

Mr. MacVean said it's these buildings right here. These four buildings, one, two, three, four are the new multi-family unit buildings and then there's a new Publix. There's a street that comes through here, then the commercial picks up here and then there's commercial and office uses on the Harrisburg side to start to compliment the residential uses as well.

Ms. Ajmera said where is the hotel at?

Mr. MacVean said Jim you have to help me.

Mr. Merrifield said it's right there.

Mr. MacVean said I think right there?

Mr. Merrifield said well not, back a little bit.

Mr. MacVean said right there.

Mr. Merrifield said there you go.

Mr. MacVean said currently that's where the hotel would be planned right in this area.

Ms. Ajmera said got it. Okay, really what you are seeking is just the change in an already approved rezoning that was done a couple of years ago?

Mr. MacVean said correct. Yes ma'am, that's correct.

Ms. Ajmera said okay.

Motion was made by Councilmember Ajmera, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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ITEM NO. 25: HEARING ON PETITION NO. 2022-168 BY NICK ARMSTRONG FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.55 ACRES LOCATED SOUTH OF TUCKASEEGEE ROAD AND EAST OF ENDERLY ROAD FROM N-1C (NEIGHBORHOOD 1 - C), MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) AND MUDD-O SPA (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-168, half an acre on Tuckaseegee and Enderly currently zoned MUDD -O at the corner of Tuckaseegee and Enderly an N1-C and the proposed zoning is to take all of that to the MUDD district with optional provisions. The Policy Map does recommend Neighborhood 1 for this area. The proposal would be to allow all uses in the MUDD district with the exception of some uses like animal crematorium, automotive service stations, bus and train terminals, adult establishments, offices, laboratories, etc., It does request the following optional provisions. Some are carryovers from the original rezoning of the corner at Enderly and Tuckaseegee which was MUDD-O and that would be parking and parking and maneuvering would be allowed between the building, Tuckaseegee and Enderly Road. The development would not be required to comply with the Zoning Ordinance section regulating building street walls and also the changes to existing buildings shall not increase nonconformity. It does propose to demolish a duplex constructed in 1926 which is also identified as a historically significant site by the Charlotte-Mecklenburg Historic Landmarks Commission. It would expand parking area from that previously approved petition which was 2019-142. That would also now include a driveway off of

Enderly Road to access that parking. It would implement an eight-foot planting strip and six-foot sidewalk along both frontages as well as construct a six-foot privacy fence to buffer against that residential use there to the south on Enderly, and also would provide a 2,740 square foot area right there on Enderly Road as a buffer against that adjacent residential use.

Staff does not recommend approval of the petition. It's inconsistent with the Policy Map for Neighborhood 1. We've had some similar petitions in the past that recommended or were proposing parking encroaching into single family neighborhoods that we weren't supportive of. I believe one was 2019-060 and that was over the Park Road area. This is a similar scenario where we would have parking encroachment into that Neighborhood 1 Place Type. It's inconsistent with that Policy Map recommendation. We did have some concerns raised by the Historic Landmarks Commission about the loss of that house. Again, that's all up to property owner, but did want to communicate that as part of the conversation on this petition as well. So, with that, we'll turn it over to the petitioner team and we will take any questions you may have following their presentation. Thank you.

Kennedy Howard, 3011 Tuckaseegee Road said hello everyone. The reason why we bought this duplex back in 2020 was simply to add additional parking because that's what the entire neighborhood wanted. They didn't want cars parking in front of their home and crowding the streets. We've been working on this parking lot for over three years with the Planning Department and that's been thousands of dollars in research, planning, architectural and engineering designs. It's important to note that when we purchased our commercial space we were already thinking, putting a plan in place for parking. We were committing to Enderly Park that we were here to stay and be a part of the community, and we've done just that, not only buying and owning the commercial building, but we own the duplex and land that we're wanting to rezone and expand. It is also important to note that our properties were purchased prior to the release of the 2040 Policy Map in coordination with the rezoning of the main parcel for development, that the idea was to provide parking in addition to the requirements of the rezoning ordinance, in order to concentrate patrons within the site of the Marquee instead of having patrons parking down the neighborhood streets. In regard to existing duplex, that would need significant work to remain a functioning duplex. I also point out the street parking within the neighborhood would erode the edge even more than additional parking. We're providing additional screening and have located the tree save replanting area on the neighborhood side of the street to create a buffer for the neighborhood. The church that previously existed on the other side of the street and is now a vacant lot, reaches further into the neighborhood than the proposed.

Until the agenda came out on Friday, we were under the impression that we had staff approval. We have been working with them on several changes to the plans to help create separation from the neighborhood. Examples are we added additional shrubs and separation as buffering along the fence and the rear, locate tree save to create buffering between existing houses, moved dumpster location to border commercial site rather than that corner backing up to the residential. Lastly, the streets in the neighborhood are narrow and not conducive to a lot of street parking. This proposal will help alleviate parking within the neighborhood. In addition, we spent additional money trying to improve the neighborhood and will continue to do so. Do we have those Marquee pictures? Just wanted to show you the inside of the Marquee which is our tapas lounge and restaurant and where we would need the parking. These are a couple of photos. You will see the actual dining area, the waiting area, the actual lounge upstairs for seating and holding private events. So, you can see we put a lot of thought and effort into this facility and neighborhood and will continue to do so. We're proud of this neighborhood. So, we're committed that's why we purchased everything in the neighborhood. You want to say anything?

Nick Armstrong, 1230 West Morehead Street, Suite 304 said Nick Armstrong, I'm the Landscape Architect who worked on the plans with Kennedy. Just to clarify, the overall building and parking that is existing was rezoned back in 2020. That's already developed and is actually opening next month. There are seven existing parking spaces

and to make a good faith effort with the community, Kennedy and his team have purchased the additional area to try to prevent his patrons from overflowing into the neighborhood and taking away possibly their street parking.

Mr. Howard said again, when we initially purchased the first commercial space, one of the biggest issues was parking. They were like, "Oh, where are they going to park? Can we add additional parking?" We did just that.

Councilmember Mayfield said Mr. Pettine, can you pull back up the map because unfortunately there's are just inside pictures. I'm trying to get an idea of where this buffer is going to be, the 2,740 square foot perpendicular buffer.

Mr. Pettine said yes. So, it would just be right in this area here, the single-family house buffer would be there.

Ms. Mayfield said so, Mr. Pettine you may or may not be able to help me with this one but I'm trying to get a clear picture. So, we have a number eating and established entities popping up all in historical residential communities and neighborhoods but noise travels. So, I've shared with you previously right off of Freedom Drive you have a night club. Even though there was a ravine, there was also a lot of trees that separate it from the residential. The trees were pretty much the buffer. Something happened that they were able to clear cut the trees. So, there's no longer a buffer there. Do we think that this perpendicular area is enough to protect the residents? Whereas, if they're in their home or even if they're in their yard, whether they're in their front yard or their back yard, and there's an event going on at this space and if this parking lot were to be extended. Here's the reality. People stand out especially after they've been drinking and have a whole conversation in the parking as if it's 2:00 p.m. in the afternoon. That's the reality. Noise travels, volume travels. Is this really enough of a buffer to protect the quality of life for the residential that's close by?

Mr. Pettine said that's a tough question. I would think the buffer itself, it does have a fence, it would be required to be planted. Does that stop or silence noise carrying over? Not necessarily. We all know what those privacy fences do and don't prevent as far as hearing neighbors and other things. So, it's a good effort to try to mitigate some of that. Does it solve all of it? I don't know if I could say one way or the other 100 percent whether that satisfies a concern. I think it's still a concern of ours just given that interface between parking and adjacent single family residential. So, that's one of the reasons that we are in the position of recommendation that we are currently. So, but that's always a tough interface to solve.

Ms. Mayfield said so, when we're thinking about the new language that we just approved, do you remember if there's any language in there regarding materials to use for a buffer because a planting strip, once clear cutting happens, once it's concrete, waiting 20 years for a new tree to be fully developed, that's not necessarily going to be the answer for an immediate quality of life. Do we have any language in there as far as what the expectations are?

Mr. Pettine said so, this would need to be planted to one of our buffer class standards, but again part of the beauty of conditional petitions is we can make requests that go beyond that. So, if there's a better vegetative planting standard that we could look into or consider if they're all going to be some type of evergreen buffer versus hard woods, there's other ways that we can work through planting requirements. We can request that it be planted to a standard that we come up with as a City or as neighbors and that's something that the petitioner would have to consider and then ultimately either agree or disagree to. I think that still gives us some ability to say we'd rather see these types of plantings over just a standard tree and shrub every 10 feet. Maybe it's an evergreen hedgerow or something that goes in there to help with further dampening of noise and headlights and all of that, but that's part of the conditional process. We can work that any angle that we really feel we need to.

Ms. Mayfield said so, Mr. Pettine, if you can have staff go to the page that shows that the site is split zoned between N-1C and MUDD-O. Yes, that one. Question for you all as our petitioners. Is there any opportunity to look at increasing that buffer from the residential? It's a catch 22. At one part of a conversation, we said we don't want to have a whole lot of excess parking because we want to reduce. We are trying to have 10-Minute Neighborhoods, people come in to utilize it. At the same time, you're asking for the ability to create more parking. So, two part. Is there opportunity to potentially reduce that perpendicular tree save area and two, is this going to be paved or gravel parking? Because even that has a different impact on the environment.

Mr. Armstrong said it is proposed as of now as concrete parking. It's kind of an extension of the existing parking lot in the currently zoned MUDD-O region there. The buffer we're proposing is more than what currently exist between the existing MUDD-O development which we mentioned is opening next month and the duplex that is there currently. That was part of the back and forth with the planning department over the last few months in our resubmissions, to try to create as much of a buffer as we could along all of those areas.

Ms. Mayfield said just for clarification Mr. Pettine, when they're talking about the buffer at the duplexes, that's a different conversation because you have residential right on top of residential. I'm asking staff to make sure that I'm understanding, what the proposal is, is to remove that residential to now create just a giant parking lot.

Mr. Pettine said yes. So, the request would be to take this area that's outlined here and make that the extension of the existing parking. It would bring that to that 2,740 square foot buffer area here. Interesting orientation, this residence is actually facing this direction. Their front door doesn't face Enderly, their front door actually faces this lot.

Ms. Mayfield said so, the way that particular resident's home is located, they will be looking into a parking lot and all the vehicles that egress/regress.

Mr. Pettine said yes, the front door is there. Of course, there's a proposed privacy fence and some buffering. So, they would essentially be looking at the privacy fence. There's one there now, there's one in this area which is protective of this residence. That would essentially just continue and carry that privacy fence. Remove it from here and place it here with that buffer there.

Ms. Mayfield said okay. I would love to have continued conversations regarding this particular project. I'll go drive by so that I can take a look at it.

Councilmember Graham said same thing. I would love to come by and visually see it. I want to thank you guys for bringing some economics to the community, but at the same time there has to be a balance in towards working and being good neighbors. So, Dave is there any way for you and staff to get to the communication where you can seek approving this?

Mr. Pettine said I think the challenge that we have got is just historically when we start to see encroachment of more commercial parking lot uses into Neighborhood 1 Districts. That gives us a little bit of pause. So, there's always going to be that policy disconnect even though we've requested the buffers. We've requested things to help to offset that, but when we have to look at it just on a pure policy standpoint, that starts to get to be a little bit of a gap that we may not be able to always close or remedy. We will certainly continue to with them and see what kind of solutions that can be posed and if that changes our viewpoint of it. We certainly recognize the concerns from the previous petition were parking based and there were some concerns about how that would function. So, certainly understand this might help remedy some of that, but I think from just that policy standpoint, that's something we need to continue to look through and see if there's some ways we can remedy that gap.

Mr. Graham said a lot of these lots in these historic areas, the lot's big enough to do a development, but not big enough to do a development and the necessary parking. So,

it's a combination of how do we accommodate both. So, if you would continue to work with them to see if there's a satisfactory solution. I too would like to come out and lay eyes on this site. I think we've done that before when you guys originally came before Council. So, I would like to come back again and just kind of see the extension that you're talking about.

Mr. Howard said can I talk?

Mr. Graham said yes.

Mr. Howard said thanks. Yes, we would love for anyone of you just to come out and look at what we're doing. It's not a huge parking lot. It goes with the actual commercial space, an extension and it has nice curb appeal as well. It will be beneficial for you to come out and take a look at it as well. Another thing I want to mention. We had a meeting with the neighborhoods. They were all onboard with it, even our next-door neighbor. Two questions that she did have were who would clean up the parking lot area because it's right next to her house and I said, "We'll be responsible for that. We clean up the neighborhood every week." So, that's not an issue as well. Also, one of the trees was intruding on her house. We took care of that as well. So, the neighborhood and not only the neighbors, they were fine with it once we addressed their questions.

Mr. Graham said that was the question I was going to ask you. The resident that is in close proximity to the lot, she's supportive of it?

Mr. Howard said they're very supportive. Absolutely.

Mr. Graham said okay. Well, I'll follow up with you and would love to come back out there again.

Mr. Armstrong said sure.

Mr. Graham said again, this is a situation where we can find common ground because I think you do bring a lot of value to what's happening over there.

Mr. Howard said yes, again. We addressed all the neighborhood's concerns as far as what we thought, and the main concern was the parking. We're very sensitive and we were very accommodating and doing everything with the City and the neighborhood. So, we feel very confident about that.

Mr. Graham said thank you and I'll communicate with you.

Mr. Howard said thank you.

Councilmember Ajmera said I struggle with this one. Ms. Mayfield made a good point about an additional buffer, especially for residents that live nearby. While I understand we need to bring opportunities in every corner of our City, especially services that all our residents need, but at the same time we need to be mindful about our quality of life. I just agree with staff on this one. I cannot support this in its current form. I hope that you'll go back and address some of the concerns that staff has raised. Even though some residents might be okay with it, it's hard to project what's coming when you've never experienced that next door. So, I know staff is looking out for the best interest of our residents and unless there is some change in this, I can't support it. Thank you. Mr. Kennedy you have my email address. You can reach out to me. I'd love to sit with you and figure out how we can garner support from the staff because I think for me that is very important. Thank you. That's all I have.

Mr. Graham said can you talk to me a little bit about the quality of life over there from your perspective?

Mr. Howard said yes. Since we actually redeveloped that corner, that property at 3131 Tuckaseegee I don't have the exact statistics, but I can just tell you what we can see

because we're over there every day. By the bus station, there used to be a lot of crime, used to be a lot of hangouts, used to be a lot of drug activity. It has 95 percent diminished. In fact, there's not more hanging out there, the church is demolished, that's gone, and the neighborhood is just a great neighborhood, but that is the main thing. The quality of life has improved. You got the last home sold for \$800,000 about 800 feet from where we're at. Homes are going up there for \$568,000 minimum. Lots in back of it are being sold for \$750,000. If it was a poor quality of life there, those lots wouldn't be selling. So, it's changing, and the main thing is the crime rate is diminishing and there's not hangouts. So, that corner, what we did right there, it's awesome as far as quality of life goes and it's growing. It's continuing to improve, but if I had to put a percentage on it, it's 95 percent.

Mr. Graham said thank you.

Ms. Mayfield said I just need to make sure we have as much transparency as possible. The idea of saying that in the area, a home sold for \$800,000 that is not necessarily the goal of the win. So, as the former representative for that area for eight years and attending the majority of the neighborhood meetings, working hard to get the round-about, what you saw was the impact of generations of neglect in a community. What you saw is investments that were not happening in certain parts of our town and then once we identified that area as an opportunity zone, and we started investing a lot more money, those investments did not necessarily create as many opportunities as I would have liked to have seen for the residents to actually stay there. So, I want to make sure that we have a clear understanding that you were allowed and you were given the ability to do the development that you were able to do because of the investments that we made that were decades long overdue for the community. So, yes, we had challenges over there and yes, I've reached out to the residents because they are a very active neighborhood association, but I want to make sure that we don't have anything on record that gives an impression or an appearance that it was just by design of you making an investment or a couple of other people making an investment that we now have this. Those \$800,000 homes are also happening off of Freedom Drive, are also happening off of Columbus Circle, are also happening off of Marlow, are also happening off of Camp Green. That has also created a whole lot of displacement in areas that were predominantly working class, overwhelmingly Black Americans that were doing well but could have been doing a lot better had we made the investments over there as a government, that should have been made.

So, I just wanted to make sure that while we're having these conversations. Yes I have concerns about an additional parking lot, but I'm also going to reach out to the president and to the residents in greater Enderly Park because if this is something that they see as a benefit, then I'm going to give them the opportunity to share that. I just want to make sure that when you walk out, you have a clear understanding of the history of that community and recognize that that was a very thriving part of our City and through no fault of the residents, that did not continue. So, now you're seeing a resurgence but that resurgence needs to be a part of uplifting the neighborhood not being the one that's displacing the neighborhood and therefore creating the neighbors that you think you want. Thank you.

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

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ITEM NO. 26: HEARING ON PETITION NO. 2023-002 BY JAY COX FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.77 ACRES LOCATED ON THE SOUTH SIDE OF MCKEE ROAD, EAST OF WEDDINGTON ROAD, AND WEST OF SAVANNAH HILLS DRIVE FROM N1-A (NEIGHBORHOOD 1 - A) TO R-8 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2023-002, 1.77 acres on McKee Road east of Weddington. It is currently zoned N-1A, proposed zoning is R-8, conditional. Adopted Policy Map does call for a Neighborhood 1 for this area. The proposal is for a total of 14 dwelling units, two triplex units and two quadruplex units. Those would each be on individual lots. So, you'd have a total of four lots with those 14 units. It would extend existing Marville Courts which is a public local street through the site to the western property line that would then potentially continue that street network over through the next property over and then there's a potential road connection off the map here just to the west. It does propose a 12-foot multi-use path, an eight-foot planting strip along McKee Road. Would specify that construction entrances would be from McKee Road as allowed by NCDOT (North Carolina Department of Transportation) and that construction traffic on Marville Court would be limited to paving and utility work just related to the street extension. It does provide architectural standards in the petition of five- to six-foot-high opaque fence along the western and eastern property lines is being proposed as well, and would also limit freestanding lighting to a maximum of 15 feet in height. Staff does recommend approval of the petition. We do have outstanding issues and technical revisions related to land use and site and building design. While it's inconsistent with the Policy Map, those triplex and quadplex units can be compatible and be appropriate infill and the triplexes are allowed by-right in the N-1 Place Type and zoning district. So, again, staff does support the petition upon resolution of those issues and we'll take any questions following the presentations this evening. Thank you.

Jay Cox, 1116 Sunnyview Circle, Matthews said thank you Mayor Pro Tem, thank you Council. In respect for everyone's time tonight, we'll be brief here. Pretty much echo what he said. We're going 14 two-story townhomes, extending Marville Court across the lot of 2101 McKee. We hope in the future we're able to connect that with restoration across 2109 McKee as well. We're working with staff on their conditions to get everything approved in their eyes as well. So, that's all I got.

Matt Langston, 1230 West Morehead Street, Suite 304 said Matt Langston with Land Works Design Group. We had a good meeting with the neighbors a month or so ago. Staff comments, one of the comments that staff had was to work with the neighbors to the south of the property. There's stormwater piping in the rear of some of those lots and connect the stormwater BMP (Best Management Practices) to that pipe. The petitioner has worked and located the property owner and gotten a verbal agreement to make that connection. So, they're working to address the staff comments. We're working to save existing trees on the site that'll be in the interface between the existing homes and the development. We're here to answer any questions you may have.

James Pennington, 2810 Marville Court, Matthews said thank you Mayor Pro Tem and members of the Council. My name is James Pennington. I am a homeowner on Marville Court. I'm accompanied with several other people on the road as well. We oppose the proposal to go to a R-8 because it's inconsistent with everything that's in the region, both the neighborhood that you see on Marville Court and Savannah Hills being all single-family homes and on the west side there as well, you've got another group of single-family homes. The major concern that we all have is the ingress and egress utilizing Marville Court. It's a small residential road with I think four out of the five homes all having children. So, our main concern is with the large density of new residential places being built that that's going to cause a lot of traffic that could potentially be harmful both to the area and to the kids.

Some of the concerns that were raised I guess during the meeting with the developers not long ago, I wasn't there for that personally, but one of the concerns I guess they had was the grading plan and the potential for floodwater coming down from the property if it's developed. As it is now, it slopes, but if they're going to build the townhomes there, it's going to have to be graded. So, the concern in what's going to be happening with stormwater. I guess they have addressed that somewhat with their new plan. Another concern that was there, they don't yet know a price range. So, what type of townhomes exactly are going to be going there? How is it going to interface with the surrounding area? One concern, half of the townhomes backs are going to be facing McKee Road

which is the primary road through the area. So, the concern is it's not going to be very appealing. We also have a concern about parking in the area. There doesn't appear to be a lot of parking for 14 townhomes.

We are not necessarily opposed to developing that property. It's not necessarily a very nice property now, but the main concern that we all have and we have a lot of people in the neighborhood, it's just the current proposal of going in and out of Marville Court and the unknowns about what they're going to be doing with the current pricing and the parking in the area because we can't really put a lot of parking on Marville Court. So, that's all I have.

Mr. Langston said one of the things that I failed to mention earlier when we were talking with the neighbors, they had concerns about construction traffic. We committed to having construction access come off McKee Road. When we were looking at the site thinking about whether we make a driveway connection to McKee or not, we felt that connecting to Marville without connecting to McKee would cut down on cut through traffic. One of the other benefits is we're providing a turnaround because right now I believe trash trucks would have to back all the way up the street to get out. So, with our development they'll be able to turn around safely. We also, like most projects you have stormwater controls that'll match post construction runoff to preconstruction. So, that's not an issue there. In terms of building orientation, the existing homes that are McKee face away from McKee with a buffer between them and the street. We're matching that building form. So, thank you.

Mr. Cox said one last thing on the parking. Each townhome will have a two-car garage and a two-car driveway. So, four parking spaces per unit.

Councilmember Mayfield said thank you. For the petitioner, follow up on the two-car garage, two parking spaces. One of the things that I'm noticing in a number of new developments, you may have a two-car garage, unfortunately since homes aren't built like they were in the old days where you actually used your attic for storage, a lot of people use their garage. So, they don't necessarily park in the garage or only one vehicle is in the garage. We're seeing where the average person has three plus vehicles. So, the parking will block the sidewalk of which the City of Charlotte has an ordinance regarding not blocking the sidewalk. I've attended a number of neighborhood meetings recently where that's been one of the challenges. Is this also big enough for on-street parking? We can have a sign saying no overnight on-street parking, unfortunately it's either one or two things. They're parked on the street, or they're parked in the driveway but at an angle where they're blocking the sidewalk. So, if you have people jogging, walking, pedestrians needing access to it, they're having to go out into the street. So, have y'all looked at addressing that or even considered it?

Mr. Langston said I don't know if you can pull up the site plan from the slide presentation. You know, when we do these layouts for attached product like this, you see a lot of them, the very dense ones where they've got the five-foot drive aprons. We try to make sure that we've got guest parking. In this case, because this is a less dense scenario, we made sure that we've got driveways. So, people can park on the lot. There's going to be 20 feet between the back of the sidewalk and the face of the garage so the cars will fit and not overhang. With that driveway scenario, as you see, that doesn't leave room for extra guest parking, but we think we've accommodated it on the site for each unit. If there were drive aprons, the short ones, I think we would definitely need guest parking, but we've got to accommodate here.

Ms. Mayfield said so, the way you're calculating, because you made longer driveways, you can potentially see two or four cars in the driveway?

Mr. Langston said two in the driveway, two in the garage.

Ms. Mayfield said so, I'm never going to have a guest, that's what you're telling me? Because that's the reality. If you have graduation, you have an event, while we're building new we have the opportunity to think of it a little differently, thinking about not

the what ifs but the realities that we're seeing in community as is. So, if you have the individuals that maybe one vehicle realistically is actually parked in the garage and not two and one is in the driveway, if you have a guest over, if you have a graduation celebration, birthday, drop in, whatever, that individual nine to 10 chances is going to be on the street or is there going to be accessible parking for them. Just things to think about based on what we're already seeing as we are continuing to infill thinking about the impact for the residents. Because for the other residents that are now having to zigzag for the mailman, for our sanitation workers when they're picking up there once a week, how are we maintaining this and if there is a HOA (Homeowner Association), how long would it be? Which we can follow up with that, before it turns over because I have one neighborhood, the community is four years old, it still hasn't been completely turned over. The final paving of the road hasn't been done. So, when we give these five, seven-year vested rights, the impact of that is for the residents. I'm thinking mainly owner occupied, but for those who are living there, the impact of these things can create challenges. So, just trying to think about the what ifs on the front end to try to avoid as many as possible. So, I would gladly follow up. You can reach out. You know how to find me. You can reach out to the staff.

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

ITEM NO. 27: HEARING ON PETITION NO. 2023-060 BY HABITAT FOR HUMANITY OF THE CHARLOTTE REGION FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.33 ACRES LOCATED ON THE EAST AND WEST SIDES OF CARYA POND LANE, SOUTH OF HICKORY GROVE ROAD, EAST OF NORTH SHARON AMITY ROAD FROM R-17MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO N-2B (NEIGHBORHOOD 2 - B).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is a little over 8 acres located on the south side of Hickory Grove Road. The current zoning is R-17 multi-family, conditional and they are proposing to go to N-2B. It says N-1, but that's just a typo. It is to go to N-2B. I will also note that R-17MF when there isn't a conditional site plan did automatically translate to N-2B on June 1, 2023. It is consistent with the Policy Map recommendation of Neighborhood 2. With that, I'll take any questions.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council. Bridget Grant, Land Use Consultant with Moore and Van Allen. I'm here on behalf of Habitat For Humanity. We've got Jennifer Morrell and Bob Glusenkamp also with us. As staff mentioned, it's a conventional rezoning. So, we're happy to answer any questions.

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

ITEM NO 28: HEARING ON PETITION NO. 2023-072 BY MERANCAS HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 17.99 ACRES LOCATED ON THE NORTH SIDE OF GRIER ROAD, WEST SIDE OF EAST W.T. HARRIS BOULEVARD, AND SOUTH SIDE OF DISTRICT DRIVE, EAST OF NEWELL-HICKORY GROVE ROAD FROM N-1A (NEIGHBORHOOD 1 - A) TO N-2B (NEIGHBORHOOD 2 - B).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said it's 17.99 acres on the north side of Grier Road, west of East W.T. Harris Boulevard and the south side of District Drive and east of Newell-Hickory Grove Road. The site is currently vacant. It's recommended for a Neighborhood 2 by the Policy Map. Staff recommends approval of the petition. It's consistent with the Policy Map. I'll take any questions.

Bridget Grant, 100 North Tryon Street, Suite 4700 said again, Bridget Grant, Land Use Consultant with Moore and Van Allen. It is a pleasure to be here tonight on behalf of Merancas Holdings as well as Liz Ward with Give Impact. Again, given the nature of the conventional zoning, I'm happy to answer any questions.

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

Councilmember Johnson said thank you. I have a question for staff. I realize this is a conventional zoning and I'm looking at the school impact. It says, "The impact on schools cannot be determined." So, for conventional rezonings we don't gather that information?

Mr. Kinley said so, the Neighborhood 2 zoning classification would allow a very broad range of densities. So, if it were to develop as residential it would be pretty hard for us to determine what the exact impacts to the schools would be. So, that's why we put cannot be determined.

Ms. Johnson said so, one of the challenges of the City is the growth and the impact on the schools and we talked about that earlier in the zoning meeting. So, we are not measuring effectively the impact of all the growth. So, I realize that it can't be done at this stage in the process. Is there anything that we can do as a City to gather this information so that we are managing this growth responsibly, especially for our children in overcrowded, failing schools?

David Pettine, Planning, Design & Development said so, we're working on some formulas for our Neighborhood 1's and Neighborhood 2 Districts as y'all are aware, the old districts R-3, R-4, R-8, R-17 were all density based. We could do an easy calculation of how many units would be allowed across the acreage. So, N-2B as Mr. Kinley had mentioned does allow a range of uses from single family to multi-family. Also, they could allow retail uses. So, it is a little bit more challenging from a conventional perspective on calculating the number of units. We are working on that formula, and we should have that hopefully in place here over the next month or so. I'd like to be able to give that information a little bit more accurately than we were able to do for this round, but that's just the nature of not having density based zoning districts. We just have to understand that they could allow all single family per Neighborhood 1 for example, you could have all single family, you could have all triplex uses. So, we just need to get comfortable. We are working with our partners and CMS (Charlotte Mecklenburg Schools) to try to come up with some of those metrics as well that we could use for these conventional petitions because we will see more of them and we do need, as you mentioned, a better way to capture some of that.

Ms. Johnson said okay. Thank you.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2023-010 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.094 ACRES LOCATED ON THE NORTH SIDE OF MINERAL SPRINGS ROAD, WEST OF INTERSTATE 85, SOUTH OF UNIVERSITY CITY BOULEVARD FROM R-12MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO N-1C (NEIGHBORHOOD 1 - C).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2023-010 by the City of Charlotte. It's 0.094 acres at the end of Mineral Springs Road and Equipment Drive currently zoned R-12 MF, conditional and the proposed zoning is for N-1C. As you mentioned it is consistent with the Neighborhood 2 but it would bring Neighborhood 1 to just a small portion of this parcel. So, we don't have any concerns about going down to that Neighborhood 1 Place Type or the inconsistency. This would be for a City of Charlotte project. I believe infrastructure for Charlotte Water and it's a conventional petition so we don't have any site plan or any outstanding issues to communicate, but we'll take any questions that you may have for us.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2023-075 BY CITY OF CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.33 ACRES LOCATED ON THE SOUTH SIDE OF REAGAN DRIVE AND WEST SIDE OF TOM HUNTER ROAD, EAST OF WEST SUGAR CREEK ROAD FROM CG (GENERAL COMMERCIAL) AND N-1B (NEIGHBORHOOD 1 - B) TO N-2B (NEIGHBORHOOD 2 - B).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2023-075, 4.3 acres Tom Hunter Road, Reagan Drive just on the south side of I-85 exit ramp and the highway itself. As mentioned, currently zoned commercial as well as N-1B. Proposed zoning is N-2B or Neighborhood 2-B. You can see we do have that zoning district present across the road there. The Adopted Place Type does recognize the existing zoning primarily in the existing use. It does recommend a Commercial Place Type here. We do feel that N-2 is also an appropriate Place Type classification. We do have that again present on the other side of Tom Hunter Road. This petition is, as mentioned, inconsistent. We do recommend approval of it. It does help support one of the goals of the Charlotte Corridors of Opportunity Program by reducing the number of motel rooms at the interchange of Sugar Creek and I-85. Proposed zoning would also help to increase some of the housing availability in the area. One thing I do want to clarify. We did have in the staff analysis a neighborhood meeting not being held. It wasn't a requirement although there were multiple community meetings for the Corridors Program that did discuss this project and they did have a pretty good attendance at all of those. So, just wanted to clarify that. We do have Ms. Monica Holmes here with us from our Corridors Program if you have any questions specific. Thank you.

Monica Carney Holmes, 600 East 4th Street said since there are no other speakers, unless you have questions, then I will forego a presentation.

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

Councilmember Johnson said I just to clarify. So, this is changing the use? Is this a compliment or a necessary amendment because of the hotel purchase by the City recently? Is that what this petition is for?

Ms. Holmes said yes. Currently we have a request for proposal out for for sale affordable housing for this property. The N-2B will allow that to be developed as such. So, it is aligning our goals with the zoning.

Ms. Johnson said okay. Alright. Thank you.

Councilmember Anderson said that was actually going to be my comment that this will enable us to build multi-family, single family attached homes and as we're targeting for sale. So, it is a part of the overall playbook initiative to take that next step from the motel purchase that we approved back in April 2023.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2023-093 BY CHARLOTTE PLANNING, DESIGN, & DEVELOPMENT FOR A TEXT AMENDMENT PROPOSING TO MAKE SINGLE-FAMILY AND DUPLEX DWELLINGS LEGALLY CONSTRUCTED UNDER THE O-1, O-2, O-3, B-1, AND B-2 LEGACY ZONING DISTRICTS PRIOR TO JUNE 1, 2023 ALLOWED USES WITH PRESCRIBED CONDITIONS IN THE CG AND OFC ZONING DISTRICTS, AND DEEM THEM LEGALLY CONFORMING. THESE DWELLINGS WILL BE SUBJECT TO THE STANDARDS OF THE N1-D ZONING DISTRICT, AS WELL AS OTHER APPLICABLE PROVISIONS OF THE UDO (SUCH AS, BUT NOT LIMITED TO, THOSE GOVERNING ACCESSORY STRUCTURES). WITHOUT THIS TEXT AMENDMENT, THE UDO WOULD MAKE THEM NON-CONFORMING USES. STAFF HAS IDENTIFIED A SMALL NUMBER OF EXISTING NEIGHBORHOODS WHERE SINGLE-FAMILY AND DUPLEX DWELLINGS HAVE BEEN LEGALLY CONSTRUCTED UNDER THE O-1, O-2, O-3, B-1, AND B-2 LEGACY ZONING DISTRICTS PRIOR TO THE JUNE 1, 2023, EFFECTIVE DATE OF THE UNIFIED DEVELOPMENT ORDINANCE (UDO). THESE ZONING DISTRICTS TRANSLATED TO THE CG (GENERAL COMMERCIAL) AND OFC (OFFICE FLEX CAMPUS) UDO ZONING DISTRICTS THAT DO NOT ALLOW RESIDENTIAL USES AND WOULD MAKE THESE DWELLINGS NONCONFORMING USES.

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said we'll run through this quickly here for you. So, again, why is the amendment needed? As you explained, we did have some single-family residences that were constructed prior to the UDO in our B-1, B-2 office districts as well. As of June 1, 2023, those single family uses aren't allowed in the districts that they translated to, that CG and OFC. So, we had some single-family houses that were legally constructed that became now non-conforming uses which could limit a property owner's ability to make changes to it such as expansions. It could creation challenges in the sale or transfer of property. If you get a bank looking at it, they may look at it and say it's a non-conforming use and there may be some issues with that transaction. That was actually brought to us by a property owner that ran into that type of situation. So, that kind of put it on our radar as one of those unintended consequences of zoning translation. So, the proposed amendment would essentially say that any single-family homes and duplexes built before June 1, 2023, in those districts, those B-1, B-2, O-1, O-2 districts that translated to CG and OFC would be conforming uses. So, essentially, they would recognize them as permitted uses. It would not allow new residential uses to be built in those districts, just recognizing those that were existing before June 1, 2023, as legally conforming.

So, you can see the text amendment red line, this is what the use table and matrix would look like in Chapter 15. You would see that under CG and OFC dwelling duplex and dwelling single family would be allowed under prescribed conditions and those conditions would essentially be that they had to exist legally prior to June 1, 2023.

So, this is one of those clean up text amendments. This is also a bit of a stop gap clean up amendment. The ultimate goal would be to recognize where those lots may be and identify them. Then through the process of potential alignment zonings down the road, we would take them to the actual Neighborhood 1 or Neighborhood 2 district, whichever is applicable to them and the surrounding lots. This would be a temporary kind of stop

gap amendment to help some of those property owners that would currently have a non-conforming property, then become legally conforming and not having any issues with expansions or transfer of property. So, again one of those unintended consequences, but we feel that this does address, and we do have some more long-term remedies for it, but this gives us kind of an immediate fix to that issue. So, impact would be minor. There are a limited number of homes that have been built under this scenario and under those old business and office zoning districts, but we just want to make sure again that property owners are able to make those changes such as adding or expanding on to their homes without any real issues. So, with that, we'll be happy to take any questions you may have.

Councilmember Mayfield said Mr. Pettine, I'm actually going to need you to go back to your slide because I didn't receive this slide. So, you can go back to the houses so that I have a better understanding. Based on our new language because this text amendment will protect the current homeowners if they were to sale or do an addition or expansion on their home.

Mr. Pettine said that's correct.

Ms. Mayfield said what this amendment also did was create this space where if the neighbor to the left of me or the neighbor to the right of me sells, and they sell to a developer, that developer can then build and box me in based off of the new language versus does this text amendment protect this entire neighborhood so that the new designation cannot be built on the left or the right of me?

Mr. Pettine said that's a good question. I'm going to look over to the UDO team to see if there's any clarification on that because I understand what you're saying. If they're allowed under prescribed conditions in OFC and CG, what then happens if that house gets torn down and goes into [inaudible]. I believe that they would then fall under just the OFC and CG District overall and you wouldn't be able to construct it, but I would just turn over to Laura with the UDO team to clarify some of that. Thank you.

Laura Harmon, Planning, Design & Development said these homes were actually built in zoning districts either office or commercial that already allowed office or commercial and residential. We're just bringing that to the same level with this text amendment. So, we're not making any change. We will be though as Dave said, with the alignment rezoning going back in and changing these to a residential district. That'll be coming up in about a year and a half, but what we were really doing is just bringing them back to the baseline of where they were before the UDO.

Ms. Mayfield said let me ask the question differently because I don't think that gave me the answer that I was looking for. So, for the picture of the example that I'm looking at for these homes, this text amendment protects these homes right now because the text amendment gives it a reset. So, they are still considered residential even though commercial could've been built in the area, but for right now dealing with the way our City is growing and the number of changes to neighborhoods and neighborhood Place Types that we are seeing, if the house to the left of me or to the right of me sells under this new language, does this text amendment protect to say if my neighbor decides to demolish the home, another home needs to be replaced when another single family home or is it saying that it can now be commercial, which now would be bringing commercial directly next to residential?

Ms. Harmon said this is not saying that the commercial can't be there nor did the previous zoning before the UDO disallow the commercial. In one of the neighborhoods that we looked into there were deed restrictions that required everything to be residential and I would assume for the newer subdivisions, and we've literally found three subdivisions and some miscellaneous parcels throughout our entire community, but with those recent subdivisions that they would have the deed restrictions which is what would be keeping them as residential. Our challenge was they were required to be residential but no one could add on to their homes or make those kind of changes

because they were non-conforming uses. Now this will make them conforming uses consistent with their deed restrictions.

Ms. Mayfield said so, I would ask for staff to consider as you're looking at unintended consequences, strengthening the language to protect our current neighborhoods because we are losing a number of our neighborhoods with development. So, if we know that there's an opportunity on this front end to create language that potentially could say if you remove residential, you need to replace it with residential. If you remove single family, it cannot be replaced for anything more than a duplex or a quadplex. You can't drop a multi-family right next door to a single family. We have seen on the ground the impact of that along Tuckasegee, Freedom, Berry Hill, West Boulevard, Camp Greene, we've seen how that plays out all along Fourth Street. Maybe we can consider while we're making recommendations for text amendments, amendments that would actually protect neighborhood and what does a residential neighborhood look like versus once commercial and multi-family comes in how close can that really be and what does that do to change the character of that neighborhood.

Ms. Harmon said we'll be glad to go back and look if there's additional language.

Ms. Mayfield said that would be helpful. Thank you very much. I appreciate it.

Mayor Pro Tem Winston said my understanding if I'm correct that if this text amendment takes affect the land use sticks if that parcel is sold. So, it's not going to automatically revert to the surrounding OFC land use. It's still going to have that residential land use attached to it until if somebody decides to rezone it to something else. Is that correct?

Ms. Harmon said that's correct.

Mayor Pro Tem Winston said alright.

Councilmember Johnson said thank you. You mentioned a map of these areas. Do we have a copy of that map?

Ms. Harmon said what I mentioned, and we can get you a copy, is we've identified three subdivisions since the late 1990s. We could get you the information on those three subdivisions. So, we think that this is a very small number of parcels. We also know that they're a few miscellaneous parcels around town. Some have been brought to our attention. There may be others that we're not aware of but we think this will be fixing a problem with them as well.

Ms. Johnson said do you have the names of those subdivisions?

Ms. Harmon said I can tell you one off the top of my head and we'll get the other two for you. Brianna Way.

Ms. Johnson said are any of these neighborhoods identified in vulnerable neighborhoods or vulnerable for displacement?

Ms. Harmon said we'll have to look and see. I don't have that off the top of my head, but we'll be glad to get you that follow up information.

Ms. Johnson said thank you.

Motion was made by Councilmember Winston, seconded by Councilmember Bokhari and carried unanimously to close the public hearing.
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ITEM NO. 32: HEARING ON PETITION NO. 2022-068 BY BARBARA A FREEMEN FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.03 ACRES LOCATED AT

THE NORTHEAST INTERSECTION OF SOUTH TRYON STREET AND WRIGHT'S FERRY ROAD, WEST OF STEELE CREEK ROAD FROM N-1A (NEIGHBORHOOD 1 - A) TO CAC-1 (COMMUNITY ACTIVITY CENTER).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2022-068, 2 acres Wright's Ferry Road, South Tryon Street. Currently zoned Neighborhood 1-A and the proposed zoning is for Community Activity Center 1. The Adopted Place Type is Neighborhood 1. I do want to stay on this slide for just a moment if we can take a look at the Community Activity Center that's all north here on Targert Lane, Wright's Crossing Drive. We also have that across South Tryon Street and on the other side here of this road. Essentially this Community Activity Center, as we're going through the community area planning process we've talked with folks on our long-range team. The intended outcome of that community area planning process would be to square up the Community Activity Center recommendation and Place Type with this corner. So, this Neighborhood 1 area would have that blue color that you're seeing next to it and across the street. So, this petition looks like it's Neighborhood 1 and it is and then the CAC request is going to eventually be what is the intended outcome for this corner of South Tryon and Wright's Ferry. So, again, it would just bring that Community Activity Center over. This would be kind of an early jump into that. The rest of the mapping process would come through after community area planning is concluded some time next year but that is the intended outcome is to bring that activity center recommendation squared up with the intersection here. So, while the petition is currently inconsistent with that request long term, it does line up with what the anticipated Place Type change would be through that process and through some of those conversations in community area planning.

So, with that we do recommend approval as mentioned. It's a conventional petition. We don't have any outstanding issues or site plan to discuss. We'll be happy to take any questions that you may have following any information that Ms. Freeman would like to share with y'all this evening. Thank you.

Barbara Freeman, 13500 South Tryon Street said my name's Barbara Freeman and I'm the property owner for this petition and I'm just here to answer questions for you.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2022-115 BY URBAN TRENDS REAL ESTATE, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.84 ACRES LOCATED ON THE SOUTH SIDE OF TOM HUNTER ROAD, WEST OF NORTH TRYON STREET, AND EAST OF MONTEITH DRIVE FROM N-1B (NEIGHBORHOOD 1 - B) TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said it is 1.84 acres on the south side of Tom Hunter Road, west of North Tryon Street and east of Monteith Drive. The site is currently developed with one single family home and its current zoning is N-1A and the proposed zoning is UR-1, urban residential, conditional. The Policy Map does recommend Neighborhood 1 for this site. The proposal would allow up to 10 single family detached dwelling units and a new private street would be constructed along the side of the property providing frontage and access to those lots and provides a six-foot sidewalk and eight-foot planting strip along that private street and dedicates right of way and fee simple to the City of Charlotte along Tom Hunter and provides architectural

standards including building materials for the units. The petition is consistent with the 2040 Policy Map recommendation for a Neighborhood 1 and staff recommends approval of the petition. I'll take any questions after the petitioner's presentation.

Matt Langston, 1230 West Morehead Street, Suite 304 said thank you Mayor Pro Tem, members of the Council. Chris Ogunrinde from Urban Trends wasn't able to be here tonight. We proposed a more dense site to start with and in conversations with staff we changed to this plan which has single family and private street and it fits in well with the site and here to answer any questions you may have.

Councilmember Anderson said thank you for going back and revising the site plan to fit more with the character of this neighborhood, single family dwellings. I'm interested in any feedback or communication with the community. I see we only had two people attend the public meeting. Have you been in conversation with some of the community resident associations in that area? This development will directly affect other single-family homes.

Mr. Langston said right. Unfortunately, I was not at the neighborhood meeting. Chris and his colleagues handled that. I'll reach out to him and have him get up with you to conform who he's spoken with in terms of community leaders if that's alright.

Ms. Anderson said that would be helpful. I just want to make sure. We all know the mystical nature of seeing that big blue Z come up in your neighborhood. Not everyone is fully scrubbed into what that means, but I just want to make sure that the community has an opportunity to engage and have a voice in what's going into this space. So, I would appreciate that follow up.

Mr. Langston said we'll follow up, yes ma'am.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2022-148 BY THIRD & URBAN LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 15 ACRES LOCATED ON THE SOUTH SIDE OF STATE STREET, NORTH OF TUCKASEEGEE ROAD, AND EAST OF BERRYHILL ROAD FROM ML-2 (MANUFACTURING AND LOGISTICS - 2) AND MUDD-O (MIXED-USE DEVELOPMENT DISTRICT - OPTIONAL) TO IMU (INNOVATIVE MIXED USE).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said this is approximately 15 acres on the block bounded by State Street, Gesco Street, Tuckaseegee Road and Berryhill Road. There's several parcels involved in the rezoning. Their current zoning is ML-2 and then also MUDD-O, Mixed-Use Development-Optional. The proposed zoning is IMU, Innovative Mixed-Use. The 2040 Policy Map recommends Innovation Mixed-Use Place Type for the site. So, this petition is consistent with the 2040 Policy Map and staff recommends approval.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you Mayor Pro Tem, Council members. This is in an area that has been redeveloped kind of at the center of several neighborhoods and what you'll know, most of the site, is this is the concrete plant and there had been a lot of discussion as we've had infill around this site, of are these new uses coming incompatible with the compatible with the concrete site. So, as you can see is the bulk of this rezoning petition. So, we're bringing this in, bringing this to a new zoning district. This is a conventional petition. So, I don't have a site plan, but I can generally tell you Third & Urban has led a lot of the adaptive reuse of some of these old

buildings. So, we think this will be better than the industrial zoning. It'll allow some

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

innovative uses in there. So, this is near Councilmember Graham and Watlington's

district. We've had a number of meetings with Councilmember Watlington to keep her in the loop. Happy to answer any questions.

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ITEM NO. 35: HEARING ON PETITION NO. 2022-157 BY LEON & JENNIFER CHISOLM FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.2 ACRES LOCATED ON THE NORTH SIDE OF GALLOWAY ROAD, EAST OF MALLARD CREEK ROAD, AND WEST OF GARRISON ROAD FROM N-1A (NEIGHBORHOOD 1 - A) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2022-157 is on Galloway Road. It's just over 4 acres. Currently zoned to N-1A, proposed zoning is UR-2 CD. You can see we do have some UR-2 adjacent across the street from this petition from a recent approval I think some time last year. Adopted Place Type is Neighborhood 1 for the site. The proposal is for up to 28 single family attached townhomes that will provide an eight-foot planting strip and eight-foot-wide sidewalk along the frontage on Galloway Road, also a 15-foot Class C buffer with fence on the eastern and western side of the property. It's a commitment to a minimum of 10,500 square feet of usable common open space with amenities. Also commits to not having a dog park in the allowed open space or as an amenity on the site. It does provide guest spaces and also provides architectural standards including things like building materials. Staff does recommend approval of this petition. We do have some technical revisions related to site design to continue to work through, but we do again recommend approval and be happy to take any questions you may have following presentations by both the petitioner and the public. Thank you.

Anthony Fox, 620 South Tryon Street, Suite 820 said Mayor Pro Tem, members of Council, members of the Zoning Committee and staff. Good evening. I'm happy to be before you tonight to talk about this important project. This project is generated by a couple that happens to live in the abutting neighborhood there. This is on Galloway Road. I know you've got a lot of active rezoning occurring there. This is more of an infill development. I'm Anthony Fox with Parker Poe. I'll be joined by Matt Langston with Land Words Design Group, and I mentioned the developer for this project is a couple, Leon and Jennifer Chisolm. Now this property and the site consist of 4.2 acres. It's currently zoned R-2. It is currently used as a single-family residential property. We are asking for UR-2 CD and the proposed use would be a townhome community. This is the site, and you can see there's an adjacent property owner that holds a substantial property single family use adjacent to us. I'll show you across the street from this site is a very important project that this Board considered a year ago and decided to approve a similar use. That was Rezoning Petition 2021-226. That is directly across the street from this site. That property consisted of a townhome community infill development very similar to this development. That property was 48 townhomes that was approved by this Board on the eight-acre site, approximately 16 units per acre. The proposed development that we are here tonight for is substantially less. It's actually 28 units. Actually, we've lost another unit on the 4.2-acre site. So, it's about 14 DUA (Dwelling Units per Acre). Matt, do you want to talk through the site plan and orient the Council to the site plan?

Matt Langston, 1230 West Morehead Street, Suite 304 said sure. Thank you. So, as you can see with the site, one of the things that we did was we pushed the tree save towards the back. There's a drainage channel that runs across the site and bisects it.

We thought it was a perfect opportunity to not cross the creek and take development back that way. So, what we're proposing in the back is tree save and some passive open space to support the community that we're designing. When we met with the neighbors, we had a really good turn out for the neighborhood meeting. Had a good conversation. They had a lot of interest in fences along the property line. So, it was as big as you can get all the way around. So, on three sides we're going with six-foot fence and then eight-foot fence towards the back to help provide some screening that the neighbors requested. We tried to have the units where it supports a nice streetscape for Galloway Road, create sort of a central green space and like I mentioned, there's a significant amount of open space and passive recreation in the back. The site sort of breaks in two ways. So, we've got two small stormwater basins. Here to answer any questions you may have about the site.

Mr. Fox said thank you Matt. As I'll continue to point out with regards to this request, there's actually some design concepts that I'll quickly go through. We actually not only held the required community meeting, but we actually held an informal community meeting that was well attended. About 20 residents from the neighborhood attended that. Then we had the required community meeting and again, a fewer number attended that. We heard their concerns about the use of the open space in the rear of the property. We heard their concerns about its abutting against the residential property and in need of fencing. We've addressed and committed to the fencing on three sides of the property rear and two sides. We have agreed to restrict the use of the open space that would be located at the rear of the property to not use what we originally thought would be a dog park. We heard the concerns about the neighbors that they were opposed to that and therefore we removed that and conditioned the use so it would not be a dog park located there. There was some issues about stormwater and drainage and obviously we'll commit to meet City regulations with regards to sedimentation and erosion control as well as stormwater and runoff and we've committed to do that. So, that's where we are and if there's any questions, I'm happy to be here to address them.

Mayor Pro Tem Winston said thank you very much. Arnold Lewis if you're present you have 10 minutes to speak in opposition. Is Arnold Lewis here? Seeing as Arnold isn't here, are there any questions from Council members?

Councilmember Johnson said yes.

Councilmember Ajmera said we have a speaker against.

Ms. Johnson said he's not here. There's no other speakers right?

Mayor Pro Tem Winston said we have no other speakers signed up.

Ms. Johnson said okay. Thank you. Thank you for the presentation. I think we met about this petition?

Mr. Fox said yes we did.

Ms. Johnson said yes, okay. So, I think what you feel and I say this consistently, is the cumulative impact of all of the growth on Mallard Creek. When we look at the school numbers, these numbers if you go back all year the entire year, these are probably the numbers that we've been using. So, when you feel the opposition to development in this area, much of that is from the overall effect in the traffic and the stormwater impact and all of that that neighbors in this area feel. There are specific concerns because this is adjacent to the single-family development. So, I would like to talk more about that and hopefully we can come to a happy medium. So, I look forward to it. Thank you.

Mr. Fox said alright, thank you for those comments.

Motion was made by Councilmember Johnson, seconded by Councilmember Anderson, and carried unanimously to close the public hearing.
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ITEM NO. 36: HEARING ON PETITION NO. 2022-173 BY TRYON 49 LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.33 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF SOUTH TRYON STREET AND NEVADA BOULEVARD, EAST OF GENERAL DRIVE FROM ML-1 (MANUFACTURING AND LOGISTICS, 1), ML-2 (MANUFACTURING AND LOGISTICS, 2) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is a little over five acres located on the south side of South Tryon Street. I will say that this corridor in general you'll see that there's a number of industrial uses. This portion of South Tryon Street is really dominated by light to general industrial uses with some amount of commercial and office mixed in there. The current zoning of this site, it is split zoned between ML- 1 and ML- 2. So, the proposed zoning is to take this all under one district. It is consistent with the Adopted Place Type which is ML. As I mentioned, most of this area is Industrial. So, that matches the development that we already see there. The proposal itself, there is no site plan but we do have a number of prohibited uses. This is really to limit the more noxious uses that you would associate with the I-2 district such as animal crematoriums, junk yards, landfills. So, those are not allowed uses in this district. It is a consistent petition, and I will be happy to take any questions after the petitioner's PowerPoint.

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

ITEM NO. 37: HEARING ON PETITION NO. 2022-191 BY RED CEDAR CAPITAL PARTNERS FOR A CHANGE IN ZONING FOR 4.86 ACRES ON THE EAST SIDE OF PLOTT ROAD, SOUTH OF THE PLAZA, AND NORTH OF MEADOWCROFT COURT FROM N-1A, (NEIGHBORHOOD 1-A) TO R-8 (CD) (SINGLE FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2022-191, 4.86 acres on Plott Road currently zoned N-1A. The proposed zoning is R-8 CD, and the Adopted Place Type is Neighborhood 1. The proposal is for a maximum of eight buildings each with four attached townhome styled residential units. So, essentially eight quadrplexes. So, a total of 32 units. Building height would be limited to 40 feet. It would connect Plott Road via a private street with an internal six-foot sidewalk and eight-foot planting strip. It also would install a six-foot sidewalk and eight-foot planting strip along the frontage of Plott Road. Proposes usable porches and stoops as a predominant feature. Does limit maximum blank wall expanse to 15 feet on all building levels. It does minimize visual impacts of garage doors by recessing them a minimum of 12 inches from the exterior wall. Also provides a 30-foot Class C buffer along the north, east and south property lines. You can see that in that dark green around the exterior of the project and also illustrates a tree save area common open space which would include a pocket park as well as stormwater management areas. Staff does recommend approval of this petition. We do have outstanding issues related to environment and site and building design to be addressed. As mentioned, it is inconsistent with that Policy Map recommendation for Neighborhood 1. The R-8 district does translate to a Neighborhood 1 district, but the design itself with all quadrplex units would not be something that would be an outcome we would see in that Neighborhood 1 district. So, that's why we do have that inconsistency, but overall R-8 does translate to Neighborhood 1, just the amount of

quad units would not be something we would typically see under that Neighborhood 1 D zoning district. So, it does provide a variety of housing for this area. So, staff didn't have any significant concerns. Again, we do support the petition with those issues being resolved and we'll be happy to take any questions you may have. Thank you.

Russell Fergusson, 933 Louise Avenue said Mayor Pro Tem, Council, Zoning Committee, Russell Fergusson on behalf of the petitioner. Want to thank staff for working through us with this as we go through the change over from the UDO and thank Dave for the presentation. I think it was pretty thorough and I can kind of go through this overall site plan. There is sort of a topographical crest in the middle which is why there are two stormwater improvement sections. We have gone a little bit beyond City Code on the stormwater notes on this one in an abundance of caution and those are drawn extra large to make sure there's room to accommodate those needs, not because of a site specific concern but there hasn't historically been as much attention on this side of town with that. Some of the key components here. The goal of this project was to try to get the newer housing which provides a variety of housing and a little more density than was there before into the center of the site using a road that does have appropriate planting strips and sidewalks all the way around on both sides, driveways and garages for each lot and that allowed this project to come forward with so much greenspace on the outside we've seen between it and the existing neighborhoods and notably go to the back of it in the rear. A lot of the tree save and retention will be in the rear of the parcel.

We also did a residential height limitation of 40 feet. That's standard with old code residential limits and some other design conditions. I think it's very appropriate in context and to that point I'm the only speaker tonight. There's not someone here. We had two community meetings to go over that with neighbors and these were actually really enjoyable community meetings for everyone I think. They weren't easy on us but we had good talks and left it with everyone feeling copasetic about what we are doing. Across the street is an institutional use already and then the way Plott Road has developed over time has led to a variety of things that are similar in density but don't provide the kind of variety and efficiency that the housing units we're proposing do. So, we think it's kind of a win-win and happy to be here before you and hope we can gain your support next month. Thank you.

Mayor Pro Tem Winston said thank you very much.

Motion was made by Councilmember Bokhari, seconded by Councilmember Anderson, and carried unanimously to close the public hearing.
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ITEM NO. 38: HEARING ON PETITION NO. 2022-199 BY MISSION PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 19.91 ACRES ON THE EAST SIDE OF NORTH TRYON STREET, EAST OF PAVILION BOULEVARD FROM N-1A, (NEIGHBORHOOD 1-A) TO R-12MF (CD), (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-199, just under 20 acres on US 29 North Tryon Street, really just to the east of the Trevi Village mixed-use project and just short of the Cabarrus County line. Currently zoned N-1A, proposed zoning is R-12MF CD. You can see we do have that existing zoning just next door as mentioned to the west of the project. You do see a CC district that's the Trevi Village mixed-use project. We do have R-17 also across the street and just to the south off the map just to the south of the R-12MF CD. We do have some R-8MF CD that was recently approved. So, seeing a continual increase in the types of projects here and just the development pattern has been more trending towards multi-family along this major corridor. Policy Map does recommend Neighborhood 1. We do have some

Neighborhood 2 as well as commercial located just in the general area of this petition. The proposal itself is for up to 200 multi-family dwelling units, would limit building height to 40 feet, would commit to streetscape improvements along North Tryon which would include a 12-foot multi-use path and eight-foot planting strip. Also, would commit to a 50-foot Class C buffer adjacent to single family zoned properties and proposes a minimum of 12,000 square feet of amenitized areas and/or open space. Staff does recommend approval of this petition. We do have some outstanding issues related to transportation to work through, but we will continue to work on those as this trends towards Zoning Committee. We'll be happy to take any questions that you may have following the petitioner's presentation. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you. Moving quickly, as Dave mentioned this is almost to the Cabarrus County Line. We've seen a good deal of development up in that area and this is almost an infill project. There's a major mixed-use development. Trevi here, multi-family here and then as we've gotten into this process, we had conversations with the folks at the Speedway about their future development of this 600 acres. So, this is kind of fitting that in. What we've done with the site plan here, as Dave mentioned, it's surrounded. So, this is our site, this is proposed multi-family zoned here. This is the Trevi development. There is a small piece of single-family homes that are across from us. So, the way the team has laid out the site, if you see here on 20 acres, almost 25 percent, this entire acreage here is about five acres, is being left undeveloped and we set that up so that here if you have a single-family neighborhood, when they exist their neighborhood they do not see development. This is a large piece of undeveloped land that will stay adjacent to them as well as this parcel here. So, we'll have connectivity out to the major thoroughfare lining up with the commercial across the street. Happy to take any questions. Ms. Johnson's certainly aware of the school impacts in the area. It's something we're aware of. I don't have an answer on this to say, "Hey, we've got a school site here," but we're aware of it and working on some others in the area. Happy to take questions.

Councilmember Johnson said have you heard from the community?

Mr. Brown said interestingly, at the community meeting, we had attendees, mostly were commercial folks because they're on the sides of us. So, they were interested on our connectivity to these developments and the Trevi folks, I think they're trying to get their commercial off the ground, their retail going. So, they wanted residents. We have not heard from the folks of the Settlements Community. It's a little bit further down, but we have not gotten any feedback from any single-family neighborhoods.

Ms. Johnson said okay. I'll connect with you because I would like you to make sure we reached out to the subdivisions.

Mr. Brown said sure.

Ms. Johnson said thank you.

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

ITEM NO. 39: HEARING ON PETITION NO. 2022-198 BY ARDENT ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.73 ACRES LOCATED ALONG THE EAST SIDE OF SOUTH TRYON STREET, WEST OF NATIONS FORD ROAD, AND EAST OF WEST TYVOLA ROAD FROM N-1B (NEIGHBORHOOD 1 - B) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-198 is 2.73 acres on South Tryon Street, south of Nations Ford and north of Skipwith Place. It is currently zoned Neighborhood 1-B. The proposed zoning is UR-2 conditional. You do see we have some Neighborhood 2-B also across the street. Adopted Place Type for this area is Neighborhood 1. Again, you can see we do have some Neighborhood 2 just located across off of Parkaire Lane. The proposal is for 33 single family attached units. Building height would be limited to 49 feet. It would propose a mix of rear loaded and front-loaded dwelling units. It does limit the number of units per building to four. It does establish a 14-foot setback from the existing or proposed curb of South Tryon Street. Also commits to some transportation improvements which would include dedication of 61 feet of right of way from the center line of South Tryon. Also limits site access to right-in right-out from South Tryon Street and would implement an eight-foot planting strip and 12-foot multi-use path along the site's frontage. Would also provide an 18-foot Class C buffer with a six-foot wooden fence along the northeastern property boundary. Also commits to raising or lowering residential entrances within 15 feet of the multi-use path and requires all corner end units facing a public or private street to have a porch or stoop or limit blank wall expanses and also limits freestanding lighting fixtures to 21 feet in height and requires that they be fully capped, shielded and downwardly directly. We also do have some guest parking incorporated into this site plan as well. Staff does recommend approval of the petition. We do have outstanding issues related to transportation, site and building design. As mentioned, it is inconsistent with the Neighborhood 1 Place Type, but we do feel it is an appropriate infill opportunity. It's a remnant piece along South Tryon Street. We do have some Neighborhood 2 adjacencies across and that's the kind of context of development pattern generally right now in that general area. So, again staff does recommend approval and we'll take any questions following the petitioner's presentation. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, members of City Council and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner, Ardent Acquisitions. With me tonight are Tyson Reilly of Ardent and Matt Langston of Land Works Design Group. As Mr. Pettine stated, the site contains about 2.7 acres located on the south side of South Tryon Street between Kingman Drive and Southwold Drive. This area of the site you see on the south side of South Tryon Street just to the west of Woodlawn Road I-77 Interchange. The site is currently zoned N-1B. The request is to rezone the site to the UR-2 CD zoning district to accommodate up to 33 single family attached townhome dwelling units. This is a rezoning site. The access into the site would be from south Tryon Street only. It would be a right-in right-out movement. These single family attached dwelling units that are adjacent to South Tryon Street would front South Tryon Street. It would be an eight-foot planting strip and a 12-foot multi-use path located along the site's frontage on South Tryon Street. An 18-foot-wide landscape area planned to the standards of a Class C buffer with a six-foot wooden screened fence would be established along the exterior boundaries of the site. Architectural standards are a part of the petitioner's rezoning plan. Vinyl would not be a permitted exterior building material other than window soffits, doors, trims and railings. Each unit would have a two-car garage. There are a few outstanding issues which we will resolve this week. We appreciate the staff's recommendation of approval, and we're happy to answer any questions that you may have.

Councilmember Mayfield said question for the petitioner. Is there overflow parking in here?

Mr. Carmichael said there's guest parking right here Councilmember, four guests parking spaces.

Ms. Mayfield said so, for 33 units we've identified four guests parking and it's a two-car garage?

Mr. Carmichael said correct.

Ms. Mayfield said the driveway, is the width to hold two vehicles or is it single file?

Mr. Carmichael said so, the garage could be a tandem garage, but the driveways would not accommodate parking. So, you'd have to park in the garage.

Ms. Mayfield said so, there's no parking in front of the unit. You can park in your garage and there's only four parking spaces for 33 units?

Mr. Carmichael said yes ma'am.

Ms. Mayfield said Mr. Pettine?

Mr. Pettine said yes.

Ms. Mayfield said so, with the outstanding challenges that you have, help me understand staff's approval of 33 units with four parking spaces and only parking in the garage mainly thinking about an older development that we have right near Uptown on the back side of Panther's Stadium. There's housing that the development was built with 52, 53 units, 50 parking spaces. It's been a nightmare for residents. We've had to have City staff out multiple times to try to address issues. Walk me through this.

Mr. Pettine said so, they've got required parking in their driveways and garages that meets the ordinance requirements. So, when we get to that point, we can ask for more. They can accommodate whatever they feel they can on the site. So, they are meeting the ordinance with parking on the site itself. The extra spaces were something we typically ask for. Sometimes we see them accommodated and sometimes we don't. We had a petition earlier that didn't have additional parking. So, technically they meet the ordinance. The additional parking spaces are a bit of a bonus over that. We don't have a set number, a threshold we ask for in those situations because again our only thing that we can require them to do is meet the ordinance requirements. The extra is at our request and at their discretion.

Ms. Mayfield said which I do appreciate, but Assistant City Manager, if you can capture a note. When we're looking at again unintended consequences and what our language says is by-right, now moving forward under a UR-2. We can drive through communities today and see where developments have been approved just in the last year. Won't even need to go back five years, where you see the impact of not having enough parking for those who live in a home and/or again it's as if no one's ever going to go visit their friends or family if we're not going to identify parking accommodations. I appreciate the petitioner having the four, but being realistic of who is going to be visiting because yes this is in a great area. If this moves forward, we're getting access to public transportation, but more people drive in Southend than what we really pay attention to and that we calculate. So, somewhere in this language whether it's an additional text amendment or update, it would be helpful if we were looking at real world impact. Follow up. There is no driveway. You either park in your garage or you hope you're one of the few people to get those four parking spots.

Mr. Carmichael said that's correct.

Ms. Mayfield said what happens and what is the plan if you have three neighbors that are in proximity of each other that have guests and there's vehicles parked on the street?

Mr. Carmichael said there's no on-street parking within the site and you're not going to be able to park on South Tryon Street. So, you'd have to figure that out. I don't know that they have a plan in place at this point for that.

Ms. Mayfield said that would be something I would like for y'all to think about.

Mr. Carmichael said okay. I'm just being honest with you.

Ms. Mayfield said right, and I appreciate that, but let's think about it's great to build this but unless you're actually going to be living there, for the residents who do buy in that might not think about this until they come home one day and the neighbor has a family member whatever, somebody stay over and you see that first vehicle. Again, unfortunately just within the last few months, I have had more than one conversation with the community on the impact of on-street parking in neighborhoods, whether they are no overnight parking, no parking on this side of the street signs, that is not being implemented. CMPD (Charlotte Mecklenburg Police Department), that is not our role. We don't have the bandwidth to be driving up and down each street to maintain this. So, if we're building something new, let's just at least have a conversation of the what if.

Mr. Carmichael said okay. Happy to do that.

Ms. Mayfield said thank you.

Councilmember Johnson said thank you. I just want to piggyback off my colleague here. When we talked about cumulative impact, here we go again, and infrastructure. So, the developers are just bringing to this Council what we've allowed. So, it's up to us as a Council to set policies. I think that's a great question. I think your answer was just very honest and very candid. It really is up to us as a Council, how are we going to protect our residents? So, until we have better policies, and we look at cumulative impact and we have parking requirements or whatever that would be, then this is the position that we're going to. If this petition is approved, this is what we're saying to the residents. That growth is more important to us as a Council than figuring these things out, cumulative impact, infrastructure, school overcrowding, all of that.

I do have a question. I asked this about District 4, the Mallard Creek area, and I don't think I got an answer about the number of bus stops, if the bus stops have improved along with the units. I asked that specifically about Mallard Creek. As I was driving down the street I saw one bus stop and we know that we have this explosive growth. So, maybe that's something on this petition that we could take a look at. I mean you can't stay the night so at least if there's a bus you can get there and you can go home. So, I don't know if that's an option to add a bus stop or if we're looking at the bus stops in that area, but I really hope if we want to become a less car dependent City that we are developing the policies that support that and that would be additional bus stops at least.

Mr. Pettine said there is a stop I think on either side of Tryon. One either right at the corner of this project or almost in front of this project. So, I'm not sure if there are any enhancements that are needed, but certainly we can encourage the petitioner to reach out to CATS (Charlotte Area Transit System) to see if there's anything they can do to improve that bus stop that is already out there. Like I said, there is I think one on either side for either direction, either right at the corner of this property or just on the property adjacent. So, it's within probably 50 feet of where we're looking at right now.

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

Mayor Pro Tem Winston said I'd just say really quick, that I live down the street from this place. Parking is not going to fix anything that happens here. You're not going to change anything until you deal with the kind of intersections of Tryon, Yorkmont, Nations Ford and Woodlawn. So, I agree that's something that is a policy discussion, but I certainly don't believe land use is going to deal with that. That's something that if we want to tackle it, we're going to have to tackle it from a mobility standpoint and we have to make investments and decisions in a mobility plan that allows people to move in different ways in every part of the City. We haven't been able or willing to do that over the past few months. So, that's something that we as a Council have to figure out.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2022-200 BY IP P2 CCP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.403 ACRES LOCATED ON THE WEST SIDE OF IBM DRIVE, SOUTH OF BAUCOM ROAD, AND NORTH OF UNIVERSITY CITY BOULEVARD FROM R-8MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-200. It is 12.4 odd acres on IBM Drive, south of Baucom Road and north of University City Boulevard currently zoned R-8MF, proposed zoning is UR-2 conditional. Just looking at the Adopted Place Type Map, you do have Community Activity Center across where there's a recent rezoning to help to infill some of that area with more of a mixed-use and create a little bit more vibrant Community Activity Center. Also, I want to just note that the Neighborhood 1 along Catalyst Boulevard, IBM Drive and Neal Road doesn't capture the actual existing entitlements for these projects. They're all zoned to R-8MF conditional that have multi-family attached and multi-family dwelling units included with it. So, Neighborhood 2 is actually the more appropriate and conducive Place Type that matches with existing entitlements that are on the ground. So, just wanted to point that out as we noted it as inconsistent, but again that Place Type Map doesn't reflect the entitlements that were done in 2020 and 2021 for this general area.

This proposal would add to an existing entitlement, would allow up to 200 multi-family dwellings in two buildings. We can see that on the next slide here. The building height would be limited to 65 feet, would commit to an eight-foot planting strip and 12-foot multi-use path along IBM Drive, as well as an eight-foot planting strip and eight-foot sidewalk along Catalyst Boulevard. Would commit to installing a CATS bus waiting pad on the frontage on IBM. It does provide a minimum of 30,000 square feet of outdoor amenity areas located throughout the site. Also provides an enhanced vegetative landscape area with a minimum width of 10 feet along the eastern property line. Also provides a minimum 20-foot-wide easement between Catalyst Boulevard multi-use path and Mecklenburg County property for a future trail. You can see that just on plan left. Then also provides architectural standards for the project itself. So, this potential project again is really the initial entitlements. Didn't envision this much multi-family, it was more single family attached. I believe there was some updates to the environmental features that were on the site that did open up some additional developable area. The petitioner can certainly get into that in their presentation, but that is why we're seeing site plan amendment to this one. Again, staff does recommend approval of this petition. We do have some outstanding issues related to transportation and environment to work through. The inconsistency again with Neighborhood 1, but the R-8MF CD actually is a Neighborhood 2 zoning district and Place Type along with all those properties to the south of Catalyst Boulevard. So, not significantly concerned with that inconsistency from a staff perspective. We'll be happy to take any questions following the petitioner's presentation. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you Mayor Pro Tem, Council members. Collin Brown on behalf of the petitioner, Catalyst. They are behind me if you have questions for them. As Dave mentioned, here's the site and as you were just talking about mobility other than vehicular, this is one of those sites that works. So, the star is here, obviously a major employment here. We have a complex of CMS schools here in easy walking distance to the site. Now that we have the flyover over 85, this is also a major retail center here. So, we do have a site where you can actually walk to a lot of jobs including the school jobs close to the site. As Dave mentioned and I know Councilmember Mayfield takes us to task for everything that's not consistent, this should be consistent. As Dave mentioned, the current zoning, it is already zoned for multi-family. This is the currently approved plan, we're just amending this in here which already called for multi-family, already called for apartments. So, the site plan, there's a change. Here's the approved plan, here's our proposal. It is not a major change between the two. I think I've got a side by side. Here's what's currently approved, here's

our proposal. If you can see, we're really shifting away from some wetlands. We did have attendance at the community meeting here from adjacent property owners, really folks that live in these single-family homes. Frankly I think they liked what they heard because here is the currently approved plan which had development closer to them. This plan is more compact in multi-family buildings here. It opens up, preserves more of the open space here. As Dave mentioned also, there's a Mecklenburg County Park. We'd provide a greenway connection through the site to really link that up. So, I think we actually had some follow up conversations with the neighbors here. I think the two plans compared. They found this gives them more buffer, more separation and more greenspace. So, they were appreciative of that. Happy to take any questions.

Councilmember Mayfield said question for the petitioner. So, is there any connection to the current residential to the new project?

Mr. Brown said yes.

Ms. Mayfield said I'm looking at the roads and I'm trying to see.

Mr. Brown said let me try to get the best map. This is the current project. So, this is I think being called Catalyst Drive. So, our properties would front on it. So, this is where the change is. These buildings just kind of reorient and yes there's a connection to the new development that this same team Catalyst is developing. So, here are the townhome style and then the multi-family here by IBM and by the employment campus.

Ms. Mayfield said it's not just one in and one out right?

Mr. Brown said no. There's multiple access points.

Ms. Mayfield said okay. So, I was thinking this back access, that one's connecting into the neighborhood or it's just a shared street?

Mr. Brown said we do not connect to the folks behind us, the single family. There's a wetland there that protects this, but there's a lot of interconnectivity and there's a new development going here that'll interconnect. They're building a kind of greenway trail that'll connect up to the school campus, will connect through this development to the park.

Ms. Mayfield said thank you sir.

Councilmember Johnson said I just wanted to ask, this question is for City staff. There's a comment from Charlotte Water and it says the proposed rezoning is in an area of service that will be dependent on the completion of a public infrastructure project and the water has determined to have limited sanitary sewer system capacity. Is there a plan in this area to increase the infrastructure or are there concerns about this project on the sewer system?

Mr. Pettine said I don't believe there's concerns other than just a note that if they move forward and get this approved, and they go into permitting, the timing and issuance of permits will be based on whether or not that public infrastructure project Wayward and Innovation Park is online and completed. So, this wouldn't allow them to go through permitting unless those infrastructure boxes are checked, and that project is either close to completion or fully completed so they have capacity. So, once that opens up, then they'll be able to move through permitting but even if we entitled it and approved it next month, they wouldn't be able to get through that permitting process until that public infrastructure project was complete or they deemed to have enough capacity within their existing infrastructure.

Ms. Johnson said okay, thank you.

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

ITEM NO. 41: HEARING ON PETITION NO. 2022-202 BY SAM'S MART FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.98 ACRES LOCATED ON THE EAST SIDE OF BENFIELD ROAD, WEST OF PROSPERITY CHURCH ROAD, AND SOUTH OF JOHNSTON OEHLER ROAD FROM N-1A (NEIGHBORHOOD 1 - A) TO CAC-1 (CD) (COMMUNITY ACTIVITY CENTER - 1, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-202, it is 1.98 acres and it is on Benfield Road just west of Prosperity Church. It is currently zoned Neighborhood 1-A, proposed zoning is Community Activity Center 1 with conditions. You can see on the Place Type Map that this area is predominantly surrounded by Community Activity Center because this was an existing single-family home on a larger lot. When we went to the policy mapping process, that was captured primarily as a Neighborhood 1 Place Type throughout the City. So, that's why you see some of those pockets like the one we had earlier on 068 and like the one we're seeing here this evening where you've got existing single-family residential. This petition, should it be approved, would continue to bring that Community Activity Center squared up with Prosperity Church Road at the intersection and really kind of make it a little bit more aligned and conducive to having a true Community Activity Center there with that change of that Place Type from Neighborhood 1. The proposal is really just for conditions and restrictions of uses so there's no site plan. The goal of the petition is just to restrict uses. So, certain uses that would be allowed in CAC by-right would not be allowed should this rezoning be approved. It's my understanding that a lot of these conditions were derived from conversations with the community. So, you can see the list that's on the screen here and in your staff analysis. Hotels and motels would be restricted, gas stations would be restricted. Vehicle dealerships that are enclosed, place of worship, domestic violence centers, etc., So, you can see there's a list of things that were in the CAC-1 district that would not be permitted should this rezoning be approved on this site. We feel that those are a good step forward to eliminate some of those additional uses that might create some concerns just because we still have that adjacent Neighborhood 1, but again, Community Activity Center is the predominant Place Type in this area. So, staff does recommend approval of this petition. We do have some outstanding issues related to land use, mainly just some clarification making sure that uses are listed in the same fashion that they are in the UDO use table. Again, staff does recommend approval and will be happy to take any questions following both the petitioner and public presentations. Thank you.

Anthony Fox, 620 South Tryon Street, Suite 820 said Mayor Pro Tem and members of Council, the Zoning Committee and staff, appreciate the opportunity to be before you tonight on behalf of Sam's Mart to talk about their desire to rezone this property to a use that would not include a gas station because the neighborhood was opposed to a gas station at this location but would take advantage of the uses that are currently shown in this area. This is the property that contains 1.98 acres. It is actually three tracts of property that go to the corner of Prosperity Church Road. Currently zoned R-3, single family. We're proposing a Community Activity Center 1, CD and the proposed and anticipated use would be some type of restricted retail that will occur on that site. You can see the property highlighted in yellow on the presentation. I will point out to you that the property here across from it has undergone a recent rezoning and is also a mixed-use development that includes a multitude of uses including a convenient store that's going to be situated in that area as well as some retail uses that are going to go along there. This is your 2040 Policy Map and I show this to point out to you as Mr. Pettine has done, this is the property here. It lies in a sea of blue and the sea of blue is the Community Activity Place Type designation that your staff has indicated for this property. I would submit that the Policy Map got this wrong. It should've been within a blue designation as well as it is a Community Activity Center designation.

In order to address some of the community concerns as we heard them, we decided to limit the particular uses that would go as a right under the CAC-1 use to restrict those

uses that we heard may be offensive or not in keeping with the development in that area and that is we would not develop the property consistent with this restriction for a hotel, motel, vehicle dealership of any type, a place of worship, domestic violence center, live performance center, restaurant that includes a drive-through, correctional facility, a vehicle repair facility, addiction treatment facility, alternative correction facility, domestic violence center, drug treatment center, halfway house or homeless shelter. We did hold the required community meeting on June 9, 2023, at Stonebridge. I believe that's the name of the church that was there. No one attended that meeting. We have again met with some members of the community. I fielded calls with others as well. I'm prepared to answer any questions you may have.

Garrett Capuzzi, 4938 Kotlik Drive said good evening. My name is Garrett Capuzzi. I've lived on Kotlik Drive for 20 years and I've been an HOA board member for five. I've got to probably change things up a little bit just because I thought Sam's Mart was building a gas station there. That's what we all thought, but we're still not real sure. From what you just said, I'm still not sure exactly what you're doing there. If you look on the map, it's still in very close proximity of all the houses that are right there. Just to point out to everybody, I measured it with my own tape measure. It's only 75 feet from the front door to the property line and that's it. That's the actual front door not even my property line to their fence. That's a very close proximity for whatever they're planning on building there. There's 24 homes adjacent to that property and like I said I slept in that front bedroom for 15 years. You can hear everything from over there. So, if anything commercial goes in there with a lot of activity, you can hear everything. You can even actually hear people's conversations from that house right there. You can hear the lawnmower, dogs, everything. It wakes you up all the time. I grew up in a house with five kids, I've lived in Army barracks, fraternity houses, college dormitories. I can sleep through anything. You can just hear it. It just echoes right through there. So, sound is definitely a key issue. I imagine this nonstop traffic or whatever is going there it's a concern for everybody. I've talked to everybody, the other board members, other members, all the other residents. Everyone's very concerned about what exactly is going there. I'm still not even sure what you guys plan on doing. Not to mention there's large trees right there and a lot of vegetation that's adding a sound barrier. Is that going to stay there to be more of a sound barrier? So, we just need to address exactly what we're going to do with this because I'm not even sure myself yet. So, definitely a gas station or anything like that is definitely out of the question. So, I'm just asking everybody to show some empathy. You're building a commercial property literally 75 feet from people's front door. So, that all needs to be considered. That's pretty much it. One other thing too, just talking to everybody, the other concerns people have is diminishing the property value from whatever goes there. Another uphill battle we have as an HOA is Mallard Creek High School is right up the street and teenagers constantly loiter in our area. So, whatever goes there, that might add fuel to the fire. Talk to CMPD. We're constantly having to deal with that. Teenagers smoking whatever there. It's an uphill battle all the time. So, anything you put there is probably going to add fuel to the fire too on that uphill battle that we're having. That's pretty much it.

Mayor Pro Tem Winston said thank you very much Mr. Capuzzi.

Mr. Fox said I'd like to thank the gentleman for his comments. We'll certainly be sensitive to those concerns. I'm willing to go out and meet with the HOA members if that would help in the future. Councilmember Johnson, I'm also available to meet with you to discuss plans and options for this property. Keep in mind though that the purpose of this and why we've restricted this is to take advantage of the CAC-1 designation but the focus of my client in this would be to look at retail uses that will compliment the neighborhood in this area and in keeping with the CAC designation would provide for the transitioning of properties to focus more on pedestrian type uses. Thank you.

Councilmember Johnson said thank you. My question is for Mr. Capuzzi. Thank you for coming out.

Mr. Capuzzi said I appreciate it.

Ms. Johnson said thank you for engagement. Which HOA are you a member of or the president of?

Mr. Capuzzi said Prosperity Place under Cedar Management.

Ms. Johnson said okay. Alright, I'd like you to reach out to me. I'd like to have more discussion.

Mr. Capuzzi said okay, I'll stick around.

Ms. Johnson said okay, I'll make sure you get my information. Okay, thank you. Thank you for coming out.

Mr. Capuzzi said thank you Council member.

Ms. Johnson said then I have a question for City staff. This is another one. It says, "the conditional district allows a variety of use, therefore the impact on local schools could not be determined." I understand that, especially if we're looking at commercial development, but we just heard from the resident about the school in the area. We know that Mallard Creek High School was in the news not so long ago, we know the overcrowding and just the issues with CMS. So, I'd just ask that all of our development take that into consideration, the cumulative impact on the area. I look forward to having more discussion Mr. Fox. Thank you.

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

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ITEM NO. 42: HEARING ON PETITION NO. 2022-209 BY THE KEITH CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.62 ACRES LOCATED ON THE EAST SIDE OF EAST MOREHEAD STREET, SOUTH OF SOUTH MCDOWELL STREET, AND WEST OF BAXTER STREET FROM NC (NEIGHBORHOOD CENTER) TO MUDD-O PED (MIXED USE DEVELOPMENT, OPTIONAL, PEDESTRIAN OVERLAY).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2022-209 it's 1.62 acres on east Morehead Street, south of McDowell and west of Baxter really on the back end of the Innovation District. This is currently zoned NC and the proposed zoning is for MUDD optional with a pedestrian overlay. The Adopted Place Type does call for a Community Activity Center in this area. This petition would then be generally consistent with that. It does propose up to 275,000 square feet of office uses and up to 15,000 square feet of retail, EDEE and personal service uses. It does commit to provide at least 8,000 square feet of EDEE and personal service uses on the ground floor. It does prohibit automotive service stations, warehousing within an enclosed facility for a self-storage facility, and also uses with accessory drive-through windows. The optional provision being requested is to allow a maximum building height of 225 feet. That would primarily be in the area of Area B and that also is generally in alignment with what was approved for the Innovation Park for Atrium where that building height and that building line of differentiation between 225 feet and 100 feet is the same for the parcels that were involved in that rezoning as well. So, we do have some consistency with the overall heights between those project.

It does specify a maximum height of 100 feet for the first 115 feet off East Morehead. That's that spot that says Area A and then proposes additional standards for parking spaces. Twenty percent of parking spaces offered would be EV (Electric Vehicle) capable, 10 percent of the parking spaces will be EV ready, and 2 percent of those will

have EV charging stations. It does commit to LEED (Leadership in Energy and Environmental Design) Silver building standards. Access would be through a right-in right-out on East Morehead Street and also via the future public/private street that's being constructed by others at the rear of the site. Also provides a 24-foot setback along East Morehead Street and 16-foot setback at the rear of the site along that future public/private street, eight-foot planting strip and 12-foot multi-use path would be provided along East Morehead and also architectural standards have been worked into the petition. Staff does recommend approval of this petition. We do have one outstanding issue related to site and building design we'll continue to work with the petitioner on. It is consistent with the Policy Map recommendation. We'll be happy to take any questions. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 4700 said thank you Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean with Moore and Van Allen assisting The Keith Corp. We will work with Dave to resolve the one remaining issue. Actually, there will be a condition added committing the petitioner to make a Housing Trust Fund contribution of \$150,000 as an additional public benefit. With me tonight representing the petitioner is Jay Coleman as well as Ryan Lewis, Jordan Rosenfeld and Laura Reid with Kimley-Horn. Laura is the Traffic Engineer for the site and then Ryan and Jordan are working on the civil site design aspects of the petition.

As Dave mentioned, rezoning from NC to MUDD optional to allow an office building with ground floor retail, consistent with a Policy Map recommendation of CAC-2. The MUDD District will translate to CAC-2 if it's by-right zoning. There is actually some CAC-2 zoning already on the ground nearby. As Dave mentioned, this plan proposes the same height allowances as was approved for the Atrium Pearl Innovative District with 225 feet at the rear and 100 feet along the frontage of Morehead Street. Dave covered this in terms of the allowed uses. We will be adding a condition regarding a 10-foot step back for buildings over 80 feet along Morehead. Something that was also consistent with the Atrium petition. Proposed office building would sit here, access off of Morehead as well as a new road at the rear. [INAUDIBLE] plane of the site, two retail buildings, the core of the office and then some images of what the building might look like. These are conceptual. This would be a building that would be designed in the future once a tenant is identified. Streetscape as Dave mentioned, it's a 24-foot setback with an eight-foot planting strip and a 12-foot multi-use path. We'll be happy to answer questions.

Councilmember Anderson said I'd like to thank the petitioner for the conversations we've been having around this project in the way that it will fit into the Innovation Corridor which is a part of District 1 and certainly all of the new development around The Pearl. I also would like to say that I've had a lot of feedback from the Dilworth community around parking and when commercial buildings and properties come up in the neighborhood, the parking is encroached upon within the actual outline of the neighborhood, and it makes it difficult for some neighbors and residents to find parking. So, I am happy to see that we have some parking that's associated with the build including increasing walkability of the neighborhood as well to take part in the new commercial aspects that will go into this. I do have one question. Have you interfaced with the DCA (Dilworth Community Association) on this particular project?

Mr. MacVean said we have. We've had a specific meeting with DCDA (Dilworth Community Development Association) and then they've had some follow up conversations with us about the petition and they're aware of the conditions. They asked us to add that step back provision that we had not originally included. So, we were willing to do that and they acknowledged that we were following the same height restrictions that had already been approved along Morehead and were appreciative of that.

Ms. Anderson said excellent. I just wanted to make sure that the DCA is involved and you have their stamp of approval.

Mr. MacVean said yes ma'am. Thank you.

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

Mayor Pro Tem Winston said I have one question. Actually, it was around parking, that it is close to Innovation District and there will be public parking and public parking structures available. Just wondering how that affects the use of this site? Are you relying on that for parking or is that impacting the allowed uses at all?

Mr. MacVean said I would say that in terms of parking, the site plans to park about 3 per 1,000 for the office.

Mr. Winston said three per what?

Mr. MacVean said 3 spaces per 1,000 square feet.

Mr. Winston said okay.

Mr. MacVean said then some additional parking for the retail restaurant uses. I don't think it's relying solely on the public parking that's part of the Atrium petition. The development is looking to provide parking on site to meet the needs of the future tenants.

Mr. Winston said you said 3 per 1,000 square feet. How much parking is that?

Mr. MacVean said well it depends on how large the building is. I don't have the number right off the top of my head, but it's 3.3 spaces per 1,000 square feet.

Mr. Winston said alright, 275,000 square feet of office use seems like a lot of parking.

Mr. MacVean said between 500 and 600 spaces.

Mr. Winston said okay. Thank you.

Mr. MacVean said somebody did the math for me real quick, thank you.

Mr. Winston said thank you.

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

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ITEM NO. 43: HEARING ON PETITION NO. 2022-212 BY CHIPOTLE MEXICAN GRILL OF COLORADO, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.86 ACRES LOCATED IN THE NORTHWEST QUADRANT OF THE INTERSECTION OF PARK ROAD AND EAST WOODLAWN ROAD, SOUTH OF DREXEL PLACE FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO MUDD(CD) (MIXED USE DEVELOPMENT, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is a little under 1 acre at the intersection of East Woodlawn Road and Park Road. It's surrounded by a number of commercial uses as well as multi-family residential, some single family residential to the north and west there. It's really a mix of uses in this area which is also shown in the Community Activity Center Place Type. The current zoning is B-1 conditional which allowed for a gas station and convenient store, and they are proposing to go to a mixed-use development district, conditional. The Place Type as I mentioned is Community Activity Center, which is what we see for most of that Park Road corridor there reflecting that mix of uses that we see existing and that we expect to see in the future. The

proposal itself is for up to 3,000 square feet of retail EDEE and commercial uses, along with a walk-up window for ordering for those EDEE uses. It prohibits a number of uses that wouldn't be in alignment with that Community Activity Center Place Type such as car washes and drive-throughs and self-storage facilities. It provides a number of transportation provisions including that it will commit to construct ADA (Americans with Disabilities Act) compliant curb ramps and relocate the existing pedestrian signals and reserve space for future bike lanes by locating the future back of curb eight feet from the existing curb line along both frontages. It is consistent with that Community Activity Center recommendation. There's one remaining outstanding issue related to transportation that the petitioner is working through with C-DOT now and just a couple of minor technical revisions that we expect to have wrapped up shortly. I'll be happy to take any questions after the petitioner's PowerPoint.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you. Collin Brown on behalf of Chipotle. As Holly's covered, we are taking out a convenience store gas station and replacing with a Chipotle although almost all of Chipotle's new prototypes include a drive-through, I hope you've noticed this one does not. So, after consultation with staff and others in the community, they've opted to move forward with this prototype, bring the building to the corner and have a walk-up window. So, I think this is a great addition and hopefully a move in the right direction.

Councilmember Anderson said thank you Mayor Pro Tem. This will definitely be a better addition to the neighborhood than what was previously there. So, I'm glad that the use of this particular parcel will enhance and fit in with the overall aesthetic of that Park Road intersection there. I live very close to this area. So, I'm very familiar with it. Collin, in the petition it mentions that there will be an expansion of the east side turn on to Woodlawn. Do you have detail around what that would look like for that traffic flow in that corner?

Mr. Brown said I'll show you the design. If you can look at here, this is the street frontage that we're improving, the access point's here. We are still in discussion with C-DOT on the distance of these right of ways, but I think we're seeing a significant reduction in the amount of open curb cut driveways in that area coming down to two and then bringing this building to the corner and then enhancing there. I'm happy to follow up and have you on with our design team to get [INAUDIBLE] if you'd like.

Ms. Anderson said yes. Let's follow up and have some conversations around there. That intersection can get particularly busy as we have had discussions around the Chick-fil-A that's on the other side that's diagonal to this particular location. So, we'll just have some follow up conversations Collin. Thank you.

Mr. Brown said sure.

Motion was made by Councilmember Anderson, and seconded by Councilmember Johnson to close the public hearing.

Mayor Pro Tem Winston said glad to see the walk up window and showing that different functions can exist and work.

Mr. Brown said I hate to give you this example, but glad you're pleased. Thank you.

Mr. Winston said absolutely.

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

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ITEM NO. 44: HEARING ON PETITION NO. 2022-214 BY LIBERTY SENIOR LIVING FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.35 ACRES LOCATED

NORTH OF SLEDGE ROAD AND EAST OF STEELE CREEK ROAD FROM N-1C (NEIGHBORHOOD 1 - C) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development, said alright, 2022-214. It's just over 16 acres, 16.3 acres on Sledge Road, Steele Creek Road, zoned N1-C. You can see we do have some UR-2 just adjacent to this as well as some MX-2, M-3 as well. Those are all. The MX-2 is a recent rezoning petition. The MX-3 was rezoned a couple of years back for a larger mixed residential project. The UR-2 component also contains I believe some age restricted component that's complimentary this petition as well. So, overall, the Policy Map does call for a Neighborhood 1. We did have some petitions recently that have taken that since to Neighborhood 2, particularly the petition just to the south. This proposal is for an age restricted continuing care retirement community comprised of 26 duplex units and quadraplex units. Those are on plan left. One hundred skilled nursing beds, that would be the facility there in the middle and then 70 assisted living beds that would be there at the corner of Sledge Road and Steele Creek Road. It would construct two public streets through the site which would connect to the existing and proposed streets of the adjacent developments that we talked about earlier. Would also commit to the following transportation improvements which would include a west bound left turn lane with 150 feet of storage on Sledge Road at the western most vehicular access point, an eight-foot planting strip and 12-foot multi-use path along both Sledge and Steele Creek Road. That one on Steele Creek Road is important because that would continue and complete that frontage from Sledge Road down along Steele Creek from a couple of other recent rezoning petitions, including one that was recently approved that had a county park component. So, we would have good walking and pedestrian access to those additional uses just south of this site. Also, a petition crosswalk with pedestrian signals for Steele Creek Road at Sledge Road would provide access to a future greenway across Steele Creek Road. So, staff does recommend approval of this petition. We do have some outstanding issues related to transportation and site and building design. It is inconsistent with that Policy Map recommendation for Neighborhood 1. We do feel that it's an appropriate site for this type of use and these transitions. We do have a lot of Neighborhood 2 type of developments that have recently been approved that would actually update the map and again, this one that was rezoned under 2019-128 does also allow 150 senior independent living units. So, one of those uses that are always needed in the community and staff again does recommend approval of this petition and we'll be happy to take any questions. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael here on behalf of Liberty Senior Living. With me tonight are Thad Moore of the petitioner and Philip Hobbs of Benesch. Phillip is the Landscape Architect. As Mr. Pettine stated, the site's a little over 16 acres, southwest corner of intersection of Sledge Road and Steele Creek Road. This is an aerial of this site. The site is zoned N1-A. The request is to go to UR-2 CD. I will come back and speak about this parcel here to the west that's currently zoned UR-2 CD. The purpose of the request is to accommodate a senior living community facility on the site. It could contain up to a maximum of 100 skilled nursing beds, up to 780 assisted living beds and a maximum of 22 age restricted independent living units located in quadraplexes and a duplex. Additionally, that parcel to the west that's zoned UR-2 CD, that zoning allows up to 150 independent living units on that site. That site's not part of this rezoning request, but if this rezoning request is approved, the petitioner would include that site in this senior living community. The adjacent parcel of land was rezoned back in 2020 to accommodate the age restricted independent living building.

So, Liberty Healthcare is a family-owned company. It's been around for 145 years. They have facilities throughout the south including Brightmore of South Charlotte and The Barclay at SouthPark which are located in Charlotte. This is the site plan. Mr. Pettine did a great job of going through it. I will just briefly say that this is the assisted living building. It can have 70 beds, be up to three stories in height. This is the skilled nursing building. Up to 100 beds, one story in height and then these are the one story

quadraplex and duplex senior living cottages. This is the 150-unit independent living building that's already been approved but would be part of this community and there would be vehicular connection to that site as well as pedestrian connectivity. Two new public streets would be built. The petitioner had the neighborhood meeting and also met with the Steele Creek Residents Association on at least two occasions, most recently on June 13, 2023 and this project was very well received by the Steele Creek Residents Association Land Use Committee. We're happy to answer any questions that you may have. Thanks for your consideration.

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

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ITEM NO. 46: HEARING ON PETITION NO. 2022-219 BY SCOTT ALLRED FOR A CHANGE IN ZONING FOR APPROXIMATELY 13.02 ACRES LOCATED ON THE SOUTH SIDE OF ALBEMARLE ROAD, EAST OF MANCHESTER LANE, AND WEST OF WILGROVE-MINT HILL ROAD FROM CG (GENERAL COMMERCIAL) AND N-1A (NEIGHBORHOOD 1 - A) TO R-8MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said okay, this is 13.02 acres on the south side of Albemarle Road, east of Manchester Lane, west of Wilgrove Mint Hill Road. The site is currently split zoned CG along Albemarle Road and N-1A for the portion of the site to the rear. The proposed zoning is R-8 MF CD, Multi-Family Residential, Conditional. The 2040 Policy Map recommends Neighborhood 1 for the site. You can see on this aerial a little bit better the uses around the site. I want to talk about that a little bit right now. So, to the east are commercial uses that are in that CG zoning along Albemarle and then also I think there's some non-conforming commercial uses directly to the east where it says tree save area. Then to the west of the site is single family detached homes. So, this proposal would construct up to 60 single family attached dwelling units. It provides vehicular access to the those via shared driveways off of a new public street that would go through the site to the south. It constructs an eight-foot planting strip and 12-foot sidewalk along the site's frontage of Albemarle and proposes 30 percent open space to account in part for existing wetlands, stream buffers and a pond that's depicted on the site. Provides the ordinance required buffers along the perimeter of the site adjacent to the single family uses in zoning and it commits to architectural standards for the buildings, and limits the height of detached lighting. Staff is recommending approval of the petition upon resolution of outstanding issues and technical revisions. It is inconsistent with the 2040 Policy Map's recommendation for N-1; however, the petition would provide some additional housing types to the area. It limits the total number of units to 60. That's a density of 4.6 units to acre very similar to what's already out there in terms of single-family residential in the area. We think this provides a good transition between those commercial uses to the east and the residential to the west. I'll take any questions after the petitioner's presentation.

Nolan Groce, 1213 West Morehead Street, Suite 450 said Nolan Groce with Urban Design Partners. Thank you, Mayor Pro Tem, members of City Council and the Zoning Committee. I'm representing Precept Construction on Rezoning Petition 2022-219. As you can see our subject site is just south of Albemarle Road to the east of Manchester Lane and north of Sunway Drive and Barkridge Road. Here you see an overview of our existing site. There's one single family home on site. There's a large pond central to the site as well as environmental features, be it swim buffers, post construction buffers and a 68-foot Duke Power easement on the eastern edge of the site's boundary.

As staff mentioned, our site is recommended for the Neighborhood 1 Place Type, however it is surrounded by Community Activity Center as well as manufacturing and

logistics to the northwest. Here you can see our rendered site plan. As staff mentioned, this proposes up to 60 townhomes or attached units. This correlates to 90 parking spaces. We've designed the site to utilize tree save providing buffers to the existing single-family homes while maintaining an aesthetic charm surrounding the existing environmental features. I'm happy to answer any questions that you may have this evening.

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

ITEM NO. 47: HEARING ON PETITION NO. 2023-003 BY CLARKE ALLEN FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.70 ACRES LOCATED ON THE SOUTH SIDE OF SOUTHSIDE DRIVE, WEST OF OLD PINEVILLE ROAD, AND EAST OF SOUTH TRYON STREET FROM ML-2 (MANUFACTURING AND LOGISTICS - 2) TO TOD-NC (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this parcel that's being rezoned is just a little under an acre along the south side of Southside Drive, west of Old Pineville and east of South Tryon Street. It's in an area where we're seeing a lot of TOD that's already been rezoned or continues to shift from TOD from the manufacturing and logistics districts. The current zoning is ML-2 and is proposing to go to TOD-NC, Transit-Oriented Development, Neighborhood Center. It is one of the few parcels I'll say along this swath Southside Drive that remains an old Manufacturing and Logistics or some type of Industrial zoning district. Most of it has already shifted to TOD. The Policy Map calls for a Community Activity Center, and TOD-NC is consistent with that Place Type recommendation. Considering that it is consistent, and it meets the one-mile walking standard to both the Woodlawn Station and Scaleybark Station, and staff has no issues with this petition. I'll take any questions after the petitioner's PowerPoint.

Sarah Stewart, 1309 Oak Crest Trail, Belmont said thank you Mayor Pro Tem, members of Council and Zoning Committee. I would like to thank you for your time on this petition. I'm here speaking tonight on behalf of the petitioner and property owner, Clarke Allen. As this is a conventional rezoning, I'm available for any questions or issues you would like to ask tonight. Thank you.

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

ITEM NO. 48: HEARING ON PETITION NO. 2023-004 BY LUCKY DOG CHARLOTTE PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.96 ACRES LOCATED AT THE SOUTHEAST INTERSECTION OF THRIFT ROAD AND JAY STREET, NORTH OF FREEDOM DRIVE FROM ML-2 (MANUFACTURING AND LOGISTICS - 2) TO MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this parcel is just under one acre along the intersection of Thrift Road and Jay Street, generally located in an area where we're seeing a lot of adaptive reuses of old industrial sites in District 2 that reflect that Innovation Mixed-use Place Type that we've put over a majority of this area. The existing zoning is ML-2, manufacturing and logistics-2 and the proposed zoning is

MUDD-O, mixed-use development district-optional. That ML-2 current zoning district really reflects that transition that I spoke of for the Innovation Mixed-Use district where you're often times seeing some industrial uses or industrial zoned areas shift to something that's a little bit more flexible and speaks to the community's ongoing development. The Adopted Place Type of Innovation Mixed-Use and the MUDD-O request for this petition is consistent with that Place Type. The proposal itself is to allow the existing uses on this site which is for the Lucky Dog Bark and Brew facility to continue. So, the uses on the site will continue but the optional provisions in this request would allow for a couple of items just to bring this site into conformity such as a reduction to the total number of required parking spaces. The other optional provisions include allowing the existing parking maneuvering to remain between the building and street frontages and it also specifies that renovations to the existing building are not subject to MUDD design and streetscape standards. That's presuming that the existing building would remain. However, any changes to the actual building footprint and envelope would trigger those MUDD standards. Freestanding lighting fixtures would be limited to 30 feet in height and access to the site would be as it is shown on the site plan and as it's shown at the existing site off of Thrift Road and Jay Street. Staff recommends approval of this petition. There's just a technical revision that we need to the site plan, otherwise it's in pretty good shape. It is consistent with that Policy Map recommendation, and I'll be happy to take any questions after Walter Fields' presentation.

Walter Fields, 4667 Webbs Chapel Church Road, Denver said Mayor Pro Tem and the remainder of Council, and the Zoning Committee. Thank you very much. Three things to say and I'm sorry Ms. Mayfield is gone. This is consistent with the 2040 Policy Map. Secondly it sort of fills in the hole of a doughnut, the map that Holly put up a while ago showed a lot of U-MUDD optional zoning in the area. All of that happened just in the last couple of years as buildings have been converted and in some cases removed and replaced. So, we're this last little piece of what was industrial zoned land, now ML-2. In order for this to be able to stay there and survive, this rezoning brings it in conformance with that zoning pattern and it also allows us to make some minor adjustments relative to normal parking requirements. I've already communicated with Holly that we'll make the change to the plan that she requested us to do, to state the number of spaces that would have been required which is 35 and the number that we currently have on the site, which is 27. We probably have more than that, but we didn't want to overstate it. So, that constitutes my presentation and I'll answer any questions that you might have.

Mayor Pro Tem Winston said just wanted to remind folks that are listening or watching. I know there are only four of us here, but the rules of Council are if you are here to make quorum, your vote sticks. So, even though folks aren't here, they are automatically counted as yes. As long as we have two people here to properly make a motion, we can continue to do business. Just to let everybody else out there know that.

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

ITEM NO. 49: HEARING ON PETITION NO. 2023-005 BY SUSTAINABLE RESOURCES PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.2 ACRES LOCATED ON THE NORTH SIDE OF VANCE DAVIS DRIVE AND SOUTH SIDE OF INTERSTATE 485, WEST OF OLD STATESVILLE ROAD FROM OFC (OFFICE FLEX CAMPUS) TO ML-1 (MANUFACTURING AND LOGISTICS - 1).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this area is just south of the Interstate 485 and north of Vance Davis Drive. It's at 8.2 acres. It is generally located in an area where we see a lot of industrial uses which is appropriate given its proximity to the Interstate and relative distance from any sensitive uses such as single-family residential. The current zoning is office flex campus, and it is proposing to go to ML-1. This would reflect really what we see with the existing surrounding uses to the site that already are in the area and again, just given the location along the Interstate, we think that this is an appropriate request. The Adopted Place Type for this area is manufacturing and logistics. So, this petition would be consistent with the 2040 Policy Map. Staff recommends approval of this petition. It is a conventional petition. So, there is no associated site plan, and I will take any questions after Walter Fields' presentation.

Walter Fields, 4667 Webbs Chapel Church Road, Denver said Mayor Pro Tem and Council and Zoning Committee, this is a straight up rezoning request. I actually rezoned the property next door to this a few years back and we went ahead and filed this now because when we read the new ordinance, the new district that was going to be applied to this area seemed to create some issues with non-conformancy. So, that's why we're asking for this just to be zoned to equivalent to the old I-1 and it's directly adjacent to properties that already have that same zoning. So, I'll answer any questions you may have.

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

Mr. Fields said thank you very much.

ITEM NO. 50: HEARING ON PETITION NO. 2023-006 OLD PINEVILLE INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.09 ACRES LOCATED ON THE WEST SIDE OF OLD PINEVILLE ROAD, SOUTH SIDE OF SCHOLTZ ROAD, AND NORTH SIDE OF ROUNTREE ROAD FROM ML-2 (MANUFACTURING AND LOGISTICS - 2) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said okay, this is 4.09 acres off of Old Pineville Road. It is currently zoned ML-2, Manufacturing and Logistics. Proposed zoning is TOD-CC. That's similar zoning to what you see to the north and to the west and to the southwest. The 2040 Policy Map recommends Innovation Mixed-Use for the site. Staff recommends approval of the petition that is consistent with the 2040 Policy Map recommendation for Innovation Mixed-Use. I'll take any questions after the petitioner's presentation.

Keith MacVean, 100 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean assisting Old Pineville Investments. Happy to answer any questions.

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

ITEM NO. 51: HEARING ON PETITION NO. 2023-007 BY LAUREL OAK FARM, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.57 ACRES LOCATED ON THE SOUTH SIDE OF YOUNGBLOOD ROAD, EAST OF MCKEE ROAD, AND WEST OF BUCKTHORNE RIDGE LANE FROM N-1A (NEIGHBORHOOD 1 - A) AND MUDD-

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

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Planning, Design & Development said it's 4.57 acres on the south side of Youngblood Road. The site is currently zoned N-1A and MUDD-O, Mixed-Use Development-Optional. I believe that MUDD-O optional was for a pet services use. The proposed zoning is for mixed-use development-optional and mixed-use development-optional, site plan amendment. The Policy Map recommends Neighborhood 1 for the site. So, if you're looking at the site plan, it permits the expansion of the existing pet services and indoor and outdoor use from 6,000 square feet to 8,500 square feet of area with limited area for outdoor pet service uses. Limits the number of principal buildings to no more than three. Outdoor pet services would be limited to fenced in areas adjacent to the indoor pet services building. The site plan applies a couple of optional provisions. One for allowing fenced outdoor pet services to be used for walking exercise that do not meet the 300-foot separation from residential and allowing parking between the buildings and Youngblood Road. It does make some transportation and streetscape improvements as well. A westbound turn lane is to be provided with 100 feet of storage.

It will dedicate some additional right-of-way and six-foot sidewalk and eight-foot planting strip along Youngblood Road. They'll be some new outdoor runs that would be enclosed with eight-foot sound walls and the maximum height of the buildings shall not exceed 40 feet and lighting would be limited to 15 feet. Staff recommends approval of this petition upon the resolution of outstanding issues related to transportation. It is inconsistent with the 2040 Policy Map recommendation for Neighborhood 1; however, the petition is appropriate and compatible for the location that it provides and for an expansion of the established neighborhood scaled service use with conditions to help integrate it into the surrounding residential context. It provides streetscape improvements including [inaudible] planting strip and turn lanes to help mitigate traffic and provides additional landscape and buffers along the property lines abutting the adjacent residential development and provides a cap to the gross floor area of development and sets a height for the limit on the structures. Provides sound walls for any outdoor dog runs to help mitigate noise. It will change the Policy Map from Neighborhood 1 to a Commercial Place Type. I'll take any questions.

Keith MacVean, 100 North Tryon Street, Suite 4700 said good evening Mayor Pro Tem, members of Council, members of the Zoning Committee. Keith MacVean of Moore and Van Allen assisting Laurel Oak Farm, LLC. With me tonight representing the petitioner is Bill Hodges and then also Vince Keene who's with Yarbrough-Williams and Houle who are the Civil Engineers for the site. John's covered the location. The zoning on the site is MUDD optional and a little bit of an R-3 or an N-1A. Laurel Oak Farm was established in 2016 by a petition approved by the Council. It was amended in 2020 and this will be the third time we are here before the Council and ultimately the last time to allow a little further expansion of the existing indoor pet center that's become a real amenity to the this part of the Steele Creek community. We had a good community meeting. Met with the residents of [INAUDIBLE] across Youngblood Road and responded to their questions regarding how the noise from the dogs would be addressed. There will be, as John mentioned, a noise wall that will surround the new outdoor yard and there are noise walls that have been constructed as part of the other yards that are on the site. This is the petition, and the last two petitions that allowed the existing facility that's there now has been very successful, well-received and very busy or all their space has been occupied and that's the reason for the additional expansion.


I did want to point out one thing. The Steele Creek new volunteer fire department is actually going in next door. So, the site is bracketed by a new fire station and an outdoor amenity area for the adjoining neighborhood. We will work with the staff to resolve the remaining outstanding issues. We'll be happy to answer any questions.

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

ADJOURNMENT

Motion was made by Councilmember Anderson, seconded by Councilmember Winston, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 9:50 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 4 Hours, 45 Minutes
Minutes completed: July 31, 2024