

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, April 15, 2024, at 5:03 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Council members present were Dimple Ajmera, Danté Anderson, Tariq Bokhari, Tiawana Brown, Ed Driggs, Malcolm Graham, Renee Johnson, Lawana Mayfield, James Mitchell, and Victoria Watlington.

**ABSENT UNTIL NOTED:** Councilmember Marjorie Molina

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**Mayor Lyles** said good evening. I want to welcome everyone and call to order the Charlotte City Council April 15, 2024, Zoning meeting for today. I know that several people are in our building and looking forward to the dialogue, but we also have people that watch us on live streaming or on their computers and we welcome you all as well. I will begin with introductions for those that are at the dais.

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### INVOCATION AND PLEDGE

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

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### EXPLANATION OF THE ZONING MEETING PROCESS

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

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### INTRODUCTION OF THE ZONING COMMITTEE

**Douglas Welton, Chairman of the Zoning Committee** said thank you Madam Mayor and thank you Council. My name is Douglas A. Welton. I serve as the Chairman for the Zoning Committee of the Charlotte Mecklenburg Planning Commission. Allow me to introduce the members of the Committee. Will Russell, Shana Neeley, Rick Winiker, Terry Lansdell, Rebekah Whilden and Clayton Sealey. The Zoning Committee will meet on Tuesday April 30, 2024, at 5:30 p.m. here at the Government Center. At that meeting the Zoning Committee will meet to discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome at those meetings, but please note it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you're welcome to contact us and provide your input. You can find contact information for each petition on the City's website at [charlotteplanning.org](http://charlotteplanning.org).

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### DEFERRALS / WITHDRAWALS

Motion was made by Councilmember Mitchell, seconded by Councilmember Anderson, and carried unanimously to defer: a decision on Item No. 22, Petition No. 2023-172 by BVB Properties, LLC to May 20, 2024; a hearing on Item No. 24, Petition No. 2023-124 by The Paces Foundation to May 20, 2024; a hearing on Item No. 25, Petition No. 2023-164 by Eden Acquisitions LLC to May 20, 2024; a hearing on Item No. 26, Petition No. 2024-007 by Oak Hill Management to May 20, 2024; a hearing on Item No. 27, Petition No. 2023-040 by City of Charlotte to May 20, 2024; and Item No. 28, Petition No. 2023-041 by City of Charlotte to May 20, 2024.

**David Pettine, Planning, Design & Development** said we do have an additional decision item which is Item No. 23B. It was omitted from the print version of the agenda. It's on the online version that I put a hard copy of all of that around the dais for everybody.

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## CONSENT AGENDA

**ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 18 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.**

**Mayor Lyles** said are there any consent items on this agenda that Council would like to have for a separate vote or questions?

**Councilmember Mayfield** said yes Madam Mayor. I would like 10, 11, 16, and 17 to be pulled for a separate vote.

Mayor Lyles said so do we have someone else?

**Councilmember Johnson** said No. 5 please.

**Councilmember Molina arrived at 5:11 p.m.**

Motion was made by Councilmember Brown, seconded by Councilmember Graham, and carried unanimously to approve the consent agenda as presented with the exception of Item No. 5, Item No. 10, Item No. 11, Item No. 16 and Item No. 17 which were pulled for a separate vote.
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The following items were approved.

**Item No. 3: Ordinance No. 774-Z, Petition No. 2022-017 by Alton Oliver Self, Jr. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.66 acres located on the south side of Mt. Holly-Huntersville Road, west of Brookshire Boulevard, and east of Bellhaven Boulevard from N1-A (Neighborhood 1-A) to B-2(CD) LWPA (General Business, Conditional, Lake Wylie Protected Area).**

The Zoning Committee voted 6-0 (motion by Winiker, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is located on a major thoroughfare (Mount Holly-Huntersville Road) between a commercial node at Bellhaven Boulevard and Community Activity Center on either side of Brookshire Boulevard. The petition would upgrade the Mount Holly-Huntersville Road streetscape with an eight-foot planting strip and 12-foot multiuse path. The petition proposes to screen the proposed carwash use from adjacent multi-family stacked residential with a 27-foot Class B buffer. The petition could facilitate the following 2040 Comprehensive Plan Goals: 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Commercial place type.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 059-060.

**Item No. 4: Ordinance No. 775-Z, Petition No. 2023-091 by Mecklenburg County amending the Official Zoning Map of the City of Charlotte to affect a change in**

**zoning for approximately 3.23 acres located along the northwest side of North College Street and both the east and west sides of East 7th Street from UMUD-O (Uptown Mixed Use Development, Optional) to UMUD-O SPA (Uptown Mixed Use Development, Optional, Site Plan Amendment).**

The Zoning Committee voted 6-0 (motion by Winiker, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Regional Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The modifications presented in this petition to the previously approved conditional plan are minor and would not significantly change the nature of development that was originally approved in petition 2021-163. A site plan amendment is being sought for this site in order to accommodate a revised construction sequence which necessitated a vehicular access point along East 7th Street. Additional pedestrian connectivity is provided through this site plan amendment, furthering the mobility goals of the Regional Activity Center Place Type as well as the 2040 Comprehensive Plan. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 4: Trail & Transit Oriented Development, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 061-062.

**Item No. 6: Ordinance No. 777-Z, Petition No. 2023-113 by Sri Sri, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.14 acres located on the west side of Southern Pine Boulevard just south of Arrowood Road from ML-1 (Manufacturing and Logistics 1) to CG(CD) (General Commercial, Conditional).**

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Campus place type for the site. While the zoning district of CG is inconsistent with that place type, the proposed office use is consistent. 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: Despite the place type inconsistency, the conditional notes limit the use to office which as a use is consistent with Campus place type. The Campus zoning districts limit application to a minimum of five acres. This site, at 1.14 acres, wouldn't qualify for consideration of a Campus zoning district. Many of the properties along Southern Pine Boulevard are developed with office uses. The site is heavily encumbered by floodplain, limiting the amount of developable land and scope of what could be constructed on the property. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 065-066.

**Item No. 7: Ordinance No. 778-Z, Petition No. 2023-132 by Mark Talbot – Freedom Communities amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 1.67 acres located along the south side of Tuckaseegee Road and the north side of Rogers Street, west of Karendale Avenue from UR-C(CD) (Urban Residential-Commercial, Conditional) to NC(CD) (Neighborhood Center, Conditional).**

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the

public interest, based on the information from the final staff analysis and the public hearing, and because: The petition has been converted to a conditional request that provides clarity in proposed uses and limits potential future uses. The conditions with this request help to address concerns identified by the residents with respect to buffers, building height, and permitted uses. The NC Zoning District provides for a mix of commercial and service uses, closely integrated within the surrounding residential neighborhood fabric to support the concept of a complete neighborhood. The proposed NC zoning district allows for residential and nonresidential uses, including a religious institution and a childcare facility. The adjacent parcels to the north and east along a portion of Tuckaseegee Road are zoned CG (general commercial). The adjacent parcels to the north and east along a portion of Tuckaseegee Road are recommended for the Neighborhood Center Place Type. CATS Local Bus Route #8 runs along Tuckaseegee Road. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from current recommended Neighborhood 1 Place Type to Neighborhood Center Place Type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 067-068.

**Item No. 8: Ordinance No. 779-Z, Petition No. 223-150 by Caren Wingate amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.51 acres located on the east side of North Tryon Street, south of East Arrowhead Drive, and west of North Hills Circle from ML-2 (Manufacturing and Logistics-2) to IMU (Innovation Mixed Use).**

The Zoning Committee voted 5-1 (motion by Whilden, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be 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 Manufacturing & Logistics Place Type for the Site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is supported by preferred adjacencies to Community Activity Center and Manufacturing and Logistics place types. The subject property is not located adjacent to N1 or within Uptown or Center City. The petition proposes to potentially increase access to jobs and economic mobility. The proposed site is located within half-mile walk of a high-capacity transit station or major transportation corridor. The petition could facilitate the following 2040 Comprehensive Plan Goals: 4: Trail & Transit Oriented Development, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing & Logistics Place Type to the Innovation Mixed Use Place Type.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 069-070.

**Item No. 9: Ordinance No. 780-Z, Petition No. 2023-154 by UNC Capital LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 7.17 acres located on the south side of York Road and west side of Youngblood Road from N1-A (Neighborhood 1-A) to N2-B(CD) (Neighborhood 2-B, Conditional).**

The Zoning Committee voted 4-2 (motion by Neeley, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The proposed age restricted development would provide an additional housing opportunity for this growing segment of our community. The site is adjacent to Neighborhood Center place type to the east across Youngblood Road. The petition would upgrade the streetscape along it's York

Road frontage by providing eight-foot planting strip and 12-foot multi-use path where no sidewalk exists today. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Neighborhood 2 place type for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 071-072.

**Item No. 12: Ordinance No. 783-Z, Petition No. 2023-166 by Milburn Davant amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.396 acres located at the northeast intersection of Pinckney Avenue and East 28th Street, south of Matheson Avenue from N1-C (Neighborhood 1-C) to N1-D (Neighborhood 1-D).**

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 1 place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is appropriate and compatible because N1- D is a primary residential zoning district with adjacency to N1-C. The N1-D Zoning District allows for the development of residential dwellings on lots of 3,500 square feet or greater. There is bus access along N Davidson Street within a half-mile of this site. The N1-D district allows for the development of single family, duplex, and triplex dwellings on all lots, which are compatible with the adjacent N1-C zoning. The area surrounding the site is mostly zoned Neighborhood 1. N1 is designated as areas that are lower density housing areas across Charlotte, where most of the city's residents live, primarily in single family or small multi-family homes or ADUs. The subject property is located within an Access to Housing Gap via the Equitable Growth Framework. Access to housing is high priority need in this area according to the EGF Community Reports. The petition could potentially help address the housing need with the slightly more intense zoning district. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 077-078.

**Item No. 13: Ordinance No. 784-Z, Petition No. 2023-167 by Beacon Properties amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 5.629 acres located on the west side of Atando Avenue, north of North Tryon Street from ML-2 (Manufacturing and Logistics - 2) to IMU (Innovation Mixed-Use).**

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Manufacturing & Logistics. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This portion of Atando Avenue is situated between the two parallel corridors that make up the North Graham Street/North Tryon Street Corridor of Opportunity (NGNT). The NGNT is one of six identified corridors in the Corridors of Opportunity (COO) program which aims to revitalize areas with a mix of uses that provide critical resources and businesses to its neighbors, creating more prosperous and safe communities. This rezoning would allow the site's entitlements to be shifted away from industrial uses to a more balanced mix of uses that could better align with the goals of the NGNT Corridor. Converting this site to innovation mixed-use zoning and uses would create a better transition between the area's persisting

commercial and industrial zoning and the redevelopment projects in progress along North Tryon Street. Although the request is inconsistent with the Manufacturing & Logistics Place Type across the site, this petition would better reflect the rapidly changing nature of the area with a contextually sensitive and appropriate zoning district. The innovation mixed-use district is intended for sites such as these that currently have or had industrial developments but are situated in areas that are transitioning to an array of commercial, residential, and artisan industrial uses. Atando Avenue has been identified by CDOT for a street conversion that will add curb and sidewalk, bike lanes, and pavement markings. This infrastructure improvement project will help service any future uses on the site. This site is adjacent to a large tract on the east side of Atando Avenue that was recently rezoned to IMU from ML-2 as petition 2023-103. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing and Logistics to Innovation Mixed-Use for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 079-080.

**Item No. 14: Ordinance No. 785-Z, Petition No. 2023-168 by Cutter Family Properties, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 9.1 acres located on the north and south side of Dalton Avenue, west of Plymouth Avenue from ML-2 (Manufacturing and Logistics - 2) to IMU (Innovation Mixed-Use).**

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent and 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) calls for Innovation Mixed Use on the portion of the side along the south side of Dalton Avenue; and The 2040 Policy Map (2022) calls for Commercial along the north side of Dalton Avenue. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Located just northwest of North Tryon Street, this site is along the North Graham Street/North Tryon Street Corridor of Opportunity (NGNT). The NGNT is one of six identified corridors in the Corridors of Opportunity (COO) program which aims to revitalize areas with a mix of uses that provide critical resources and businesses to its neighbors, creating more prosperous and safe communities. This rezoning would allow the site's entitlements to be shifted away from industrial uses to a more balanced mix of uses that could better align with the goals of the NGNT Corridor. This rezoning would create a preferred buffer and transition between the adjacent single family residential area and the commercial and industrial uses populating Dalton Avenue. Although inconsistent with the portion of the 2040 Policy Map that calls for Commercial, the application of the Innovation Mixed-Use place type is not wholly contrasting to the Commercial Place Type given that it would encourage commercial uses as well but unlike the Commercial Place Type, Innovation Mixed-Use better reflects the existing character of the corridor. The innovation mixed-use zoning district is intended for sites such as these that currently have or had industrial developments but are situated in areas that are transitioning to an array of commercial, residential, and artisan industrial uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map for a portion of the site, Commercial to Innovation Mixed-Use for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 081-082.

**Item No. 15: Ordinance No. 786-Z, Petition No. 2023-169 by D.R. Horton amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 33.95 acres located east of Bending Branch Road and west of Interstate 485, north of Albemarle Road from MX-1 (Mixed Use District) to N2-A(CD) (Neighborhood 2-A, Conditional).**

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 2 place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the staff analysis and the public hearing, and because: The request proposes 124 single family attached units, which will expand housing options in this area. The petition commits to eight-foot planting strips and eight-foot sidewalks. Provides a 25-foot Class B landscape yard along property lines abutting parcels with existing N1 place type and N1-A zoning. The petition commits to pedestrian and multi-modal improvements help to achieve this goal. Dedicates acreage to Mecklenburg County for park purposes. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 083-084.

**Item No. 18: Ordinance No. 789-Z, Petition No. 2023-175 by United Rentals (North America) Inc. amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 9.95 acres located on the north side of Westinghouse Boulevard, west side of Old Nations Ford, and east side of Interstate 485 from ML-2 (Manufacturing and Logistics-2) to ML-1(CD) (Manufacturing and Logistics-1, Conditional).**

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Manufacturing & Logistics 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 proposed uses of major and minor vehicle repair facilities are only permitted with a conditional zoning. The proposed ML-1(CD) district is consistent with the recommended Manufacturing & Logistics place type. All adjacent properties are both zoned ML-2 and recommended for Manufacturing & Logistics place type. The site is already developed with a manufacturing and logistics use. The petition could facilitate the following 2040 Comprehensive Plan Goals: o 8: Diverse & Resilient Economic Opportunity

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 089-090.

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**ITEM NO. 5: ORDINANCE NO. 776-Z, PETITION NO. 2023-107 BY PENMITH HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 12.3 ACRES LOCATED ALONG THE NORTH SIDE OF ROCKY RIVER ROAD AND THE EAST SIDE OF JOHN RUSSELL ROAD FROM NS (NEIGHBORHOOD SERVICES) TO N2-A (CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing and Logistics Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition proposes to add to the variety of housing options in the area contributing to housing access. Though this petition is inconsistent with the Policy Map recommendation, the proposed uses are in line with the context of the surrounding residential uses. This petition proposes to contribute streetscape improvements along

its frontage on Rocky River Road and John Russell Road to include accessible sidewalk ramps, crosswalks, and pedestrian signalization. The petition also proposes a 12-foot multi-use path and a minimum eight-foot landscape strip along Rocky River Road and John Russell Road. This petition plans to include a minimum of 5,100 square feet of amenity and open space and shall provide two of the following amenity features including but not limited to: community pool, open air pavilion, grilling area, splash pad, elevated hardscape patio/seating area and elevated landscape plantings. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Manufacturing & Logistics Place Type to the Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Johnson, and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing and Logistics Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition proposes to add to the variety of housing options in the area contributing to housing access. Though this petition is inconsistent with the Policy Map recommendation, the proposed uses are in line with the context of the surrounding residential uses. This petition proposes to contribute streetscape improvements along its frontage on Rocky River Road and John Russell Road to include accessible sidewalk ramps, crosswalks, and pedestrian signalization. The petition also proposes a 12-foot multi-use path and a minimum eight-foot landscape strip along Rocky River Road and John Russell Road. This petition plans to include a minimum of 5,100 square feet of amenity and open space and shall provide two of the following amenity features including but not limited to: community pool, open air pavilion, grilling area, splash pad, elevated hardscape patio/seating area and elevated landscape plantings. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Manufacturing & Logistics Place Type to the Neighborhood 2 Place Type for the site.

**Councilmember Johnson** said I just want to acknowledge the developer Paul Pennell and the way that this development that this development was handled. He reached out very early on, and I was able to direct him to the Seven Oaks Homeowners Association and he worked very closely with the neighborhood and I'm looking forward to this development. There's going to be 9,000 square feet of neighborhood retail uses and 12-foot multi use path. There's traffic improvements and it's just an improvement to the neighborhood and I'm looking forward to supporting it. So, thank you.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 063-064.

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**ITEM NO. 10: ORDINANCE NO. 781-Z, PETITION NO. 2023-155 BY CH LAND COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 16.15 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF BEATTIES FORD ROAD AND TRINITY ROAD, SOUTH OF LAKEVIEW ROAD FROM CG (GENERAL COMMERCIAL) AND N1-A (NEIGHBORHOOD 1-A) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).**



The Zoning Committee voted 5-1 (motion by Whilden, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Commercial and Neighborhood 1 Place Types. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This petition is appropriate and compatible with the Commercial and Neighborhood 1 Place Types as it increases the variety of housing types in the area, with the majority of the site providing duplex, triplex, quadruplex dwelling types that generally align with the Neighborhood 1 Place Type. The plan also proposes five live work units which may provide small-scale neighborhood-oriented businesses that align with the Commercial and Neighborhood 1 Place Types. The site is located adjacent to an elementary school, a regional public park, a shopping center, and several churches. The proposal includes architectural standards to ensure quality design, including requirements for building materials, roof pitches, corner treatments, blank wall limitations, and limits the maximum building height to 48 feet. The plan commits to providing a 12-foot multi-use path along the Beatties Ford Road frontage and adheres to CATS request for an updated bus waiting pad which provides the beginnings of a multi-modal transportation network. The site is located along the route of the CATS # 7 local bus route with a stop directly in front of the site providing transit access to Northlake Mall, the Rosa Parks Community Transit Center, and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 3: Housing Access for All, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Graham, and seconded by Councilmember Anderson, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Commercial and Neighborhood 1 Place Types. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition is appropriate and compatible with the Commercial and Neighborhood 1 Place Types as it increases the variety of housing types in the area, with the majority of the site providing duplex, triplex, quadruplex dwelling types that generally align with the Neighborhood 1 Place Type. The plan also proposes five live work units which may provide small-scale neighborhood-oriented businesses that align with the Commercial and Neighborhood 1 Place Types. The site is located adjacent to an elementary school, a regional public park, a shopping center, and several churches. The proposal includes architectural standards to ensure quality design, including requirements for building materials, roof pitches, corner treatments, blank wall limitations, and limits the maximum building height to 48 feet. The plan commits to providing a 12-foot multi-use path along the Beatties Ford Road frontage and adheres to CATS request for an updated bus waiting pad which provides the beginnings of a multi-modal transportation network. The site is located along the route of the CATS # 7 local bus route with a stop directly in front of the site providing transit access to Northlake Mall, the Rosa Parks Community Transit Center, and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 3: Housing Access for All, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 073-074.

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**ITEM NO. 11: ORDINANCE NO. 782-Z, PETITION NO. 2023-159 BY PULTE HOME COMPANY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 28.4 ACRES LOCATED ON THE WEST SIDE OF BEATTY DRIVE AND EAST SIDE OF BRICK YARD ROAD EXTENSION, SOUTH OF WILKINSON BOULEVARD FROM MHP (MANUFACTURED HOME PARK) TO N1-E (NEIGHBORHOOD 1-E).**

The Zoning Committee voted 5-1 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is consistent with the recommended Neighborhood 1 place type. The Neighborhood 1 Place Type recommends single family detached developments, townhome buildings, and small multi-family buildings. The petition is consistent a recent rezoning in the vicinity that includes townhome development. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 9: Retain Our Identity & Charm.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Anderson, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the recommended Neighborhood 1 place type. The Neighborhood 1 Place Type recommends single family detached developments, townhome buildings, and small multi-family buildings. The petition is consistent a recent rezoning in the vicinity that includes townhome development. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion. 9: Retain Our Identity & Charm.

**Councilmember Mayfield** said I am highlighting Commissioner Winiker's statement that the proposed low density is not consistent with the activity in the area and does not address the resource needs in the community.

**Mayor Lyles** said alright, thank you Ms. Mayfield

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 075-076.

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**ITEM NO. 16: ORDINANCE NO. 787-Z, PETITION NO. BY 2023-170 BY BVB PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.57 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, SOUTH OF ORR ROAD, AND NORTH OF OLD CONCORD ROAD FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO IMU (INNOVATION MIXED USE).**

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Innovation Mixed Use Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is supported by preferred adjacencies to Community Activity Center and Innovation Mixed Use place types. The subject property is not located adjacent to N1, or within Uptown or Center City. The petition proposes to potentially increase access to jobs and economic mobility. The proposed site is located within half-mile walkshed of a high-capacity transit station or major transportation corridor. The petition could facilitate the following 2040 Comprehensive Plan Goals: 4: Trail & Transit Oriented Development, 8: Diverse & Resilient Economic Opportunity.

Motion was made by Councilmember Johnson, and seconded by Councilmember Bokhari, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Innovation Mixed Use Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is supported by preferred adjacencies to Community Activity Center and Innovation Mixed Use place types. The subject property is not located adjacent to N1, or within Uptown or Center City. The petition proposes to potentially increase access to jobs and economic mobility. The proposed site is located within half-mile walkshed of a high-capacity transit station or major transportation corridor. The petition could facilitate the following 2040 Comprehensive Plan Goals: 4: Trail & Transit Oriented Development, 8: Diverse & Resilient Economic Opportunity.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 085-086.

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**ITEM NO. 17: ORDINANCE NO. 788-Z, PETITION NO. 2023-171 BY STRATEGIC CAPITAL PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.2 ACRES LOCATED ON THE NORTH SIDE OF WALKERS FERRY ROAD, WEST OF INTERSTATE 485, AND SOUTH OF OLD DOWD ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO ML-2 (MANUFACTURING AND LOGISTICS-2).**

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends Neighborhood 1 for the 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 is inconsistent with the land use recommendation for this site. However, the area is located just west of the airport and the third parallel runway making it compatible for

either light or general industrial uses. The site is located adjacent to Interstate 485 and ML-2 zoned property being used for general industrial uses. The area surrounding the site has been transitioning to Manufacturing and Logistic uses. The Zoning District includes significant screening and buffering requirements to ensure adequate separation and mitigation of potential impacts on surrounding areas. The proposed zoning is generally located in areas readily accessible by arterials and interstates, this site is west of Interstate 485. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Manufacturing and Logistics place type for the site.

Motion was made by Councilmember Anderson, and seconded by Councilmember Bokhari, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends Neighborhood 1 for the place type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is inconsistent with the land use recommendation for this site. However, the area is located just west of the airport and the third parallel runway making it compatible for either light or general industrial uses. The site is located adjacent to Interstate 485 and ML-2 zoned property being used for general industrial uses. The area surrounding the site has been transitioning to Manufacturing and Logistic uses. The Zoning District includes significant screening and buffering requirements to ensure adequate separation and mitigation of potential impacts on surrounding areas. The proposed zoning is generally located in areas readily accessible by arterials and interstates, this site is west of Interstate 485. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 place type to Manufacturing and Logistics place type for the site.

**Councilmember Mayfield** said just highlighting the multiple emails we've received from residents actually looking at the current occupied homes that are in this immediate area on this very narrow two-lane street. There is quite a bit of concern regarding 2023-171. Had a chance to connect and take some pictures of the area. We still have residential over there. There's a concern that our projects are putting residents in a position where they feel that they are being forced to move their home, which I believe is counter to our goals that are stated by Council for aging in place, staying in place and neighborhood continuity.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 087-088.

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## DECISIONS

**ITEM NO. 19: ORDINANCE NO. 790, PETITION NO. 2023-174 BY CHARLOTTE PLANNING, DESIGN AND DEVELOPMENT FOR A TEXT AMENDMENT UPDATE THE CAMPUS ZONING DISTRICTS TO: 1) RESTRUCTURE THE USE MATRIX FOR THESE DISTRICTS, ADDING SPECIFIC USES FOR OFC, IC-1, AND IC-2; 2)**

**MODIFY THE PRESCRIBED CONDITIONS FOR CERTAIN USES ALLOWED IN THE CAMPUS ZONING DISTRICTS; AND 3) CREATE A NEW GENERAL OFFICE (OG) ZONING DISTRICT.**

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan based on the information from the post-hearing staff analysis and the public hearing, and because: This petition could facilitate the goals of the Comprehensive Plan and implementation of the Campus Place Type; A major document such as the UDO (Unified Development Ordinance) requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions; and The current approach to defining uses in the campus zoning districts has been confusing to users. This text amendment clarifies the uses allowed in these districts, including prescribed conditions when applicable. 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 UDO lacks a campus zoning district to implement office concentrations, especially medical offices and stand-alone offices. Adding a new General Office (OG) district addresses this issue; and the proposed text amendment will make the UDO a more user-friendly ordinance and result in better functionality.

Motion was made by Councilmember Mitchell, seconded by Councilmember Anderson, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Comprehensive Plan based on the information from the final staff analysis and the public hearing, and because: This petition could facilitate the goals of the Comprehensive Plan and implementation of the Campus Place Type; A major document such as the UDO requires adjustments and revisions after adoption to correct minor errors, add clarity, and adjust use permissions and prescribed conditions; and The current approach to defining uses in the campus zoning districts has been confusing to users. This text amendment clarifies the uses allowed in these districts, including prescribed conditions when applicable. 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 UDO lacks a campus zoning district to implement office concentrations, especially medical offices and stand-alone offices. Adding a new General Office (OG) district addresses this issue; and the proposed text amendment will make the UDO a more user-friendly ordinance and result in better functionality.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 091-092\*.

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**ITEM NO. 20: ORDINANCE NO. 791-Z, PETITION NO. 2023-062 BY WHITE POINT PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.59 ACRES LOCATED ALONG THE SOUTH SIDE OF COMMONWEALTH AVENUE, WEST OF THE PLAZA, AND EAST OF PECAN AVENUE FROM NC (NEIGHBORHOOD CENTER) TO CAC-2(CD) (COMMUNITY ACTIVITY CENTER - 2, CONDITIONAL).**

The Zoning Committee voted 6-0 (motion by Winiker, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This area of Plaza Midwood is characterized by a lively mix of uses in low to mid-rise structures connected by a well-utilized pedscape that weaves throughout the commercial core of the

neighborhood to the adjacent residential areas it services. Abutting this portion of the neighborhood is Independence Boulevard where land uses are quickly densifying. The current adopted Silver Line route will run along the backside of this property between Independence Boulevard and the rezoning boundary. Less than a quarter mile away at the intersection of Pecan and Central Avenue there is a proposed transit station. The adjacency to this forthcoming transit infrastructure gives credence to intensification on parcels such as these that don't abut single family homes or other sensitive land uses. The core of Plaza Midwood's densest development is anticipated to occur along the west side of Pecan Avenue just north of Independence Boulevard along the proposed Silver Line which plans for a transit station at that site. As a result, that property is zoned TOD-UC, the most intense of the transit-oriented development zoning districts which allows for a greater scale of development than the community activity center zoning districts. As you travel east through Plaza Midwood the profile of the structures shift to more low and mid-rise commercial and office buildings and then single family residences. This rezoning sits in a transitional space between the neighborhood's most intense scale of development to the west of the site and the neighborhood center and neighborhood 1 development to the east. The CAC-2 district is being requested for the site rather than CAC-1 because the CAC-2 district provides more flexibility in vehicle parking requirements. Lessening reliance to personal vehicle usage in this area is relevant given the existing and planned public transit options and the prioritization of walkability. The conditions of this rezoning petition would require the developer to prioritize development bonus options in order to achieve any height above 80 feet. The maximum height of any building in the rezoning area is 126 feet. These height restrictions closely reflect the less dense community activity center zoning district, CAC-1, which also requires development bonus commitments for any height above 80 feet with a maximum height of 120 feet. The maximum height proposed in this petition does not exceed the maximum building height that was approved for the adjacent site on the east site of The Plaza as petition 2022-099. Guaranteeing commercial uses at the ground floor of any redevelopment along this corridor is vital to maintaining this area as an activity center that provides goods and services to nearby residents. This petition commits to activating the ground floors with commercial uses which is consistent with the goals of recommended Place Type for the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity.

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

1. Modified note 3.f to require the incorporation of a shared use path along the proposed Silver Line frontage at the time of redevelopment if required by the UDO.
2. Added a note requiring the implementation of streetscape improvements along The Plaza called out by rezoning petition # 2022-099.
3. Added a note agreeing to submit engineering and utility plans to CATS prior to Site redevelopment to help coordinate potential utility and infrastructure conflicts.
4. Clarified what type of uses and structures that are allowed within the r/w reserved for the CATS Silver Line.
5. Add a note indicating the process that will be undertaken at the time of redevelopment to allow CATS to purchase a Temporary Construction Easement (TCE) for the construction of the Silver line. The note also identifies possible locations for, and how loading spaces, waste containers and driveways to loading spaces will be treated along the Silver line at the time of redevelopment.

**David Pettine, Planning, Design & Development** said these were all done in coordination with CATS. I believe that they're minor changes and would not warrant additional review by the Zoning Committee. Thank you.

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

Motion was made by Councilmember Anderson, and seconded by Councilmember Graham, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This area of Plaza Midwood is characterized by a lively mix of uses in low to mid-rise structures connected by a well-utilized pedscape that weaves throughout the commercial core of the neighborhood to the adjacent residential areas it services. Abutting this portion of the neighborhood is Independence Boulevard where land uses are quickly densifying. The current adopted Silver Line route will run along the backside of this property between Independence Boulevard and the rezoning boundary. Less than a quarter mile away at the intersection of Pecan and Central Avenue there is a proposed transit station. The adjacency to this forthcoming transit infrastructure gives credence to intensification on parcels such as these that don't abut single family homes or other sensitive land uses. The core of Plaza Midwood's densest development is anticipated to occur along the west side of Pecan Avenue just north of Independence Boulevard along the proposed Silver Line which plans for a transit station at that site. As a result, that property is zoned TOD-UC, the most intense of the transit-oriented development zoning districts which allows for a greater scale of development than the community activity center zoning districts. As you travel east through Plaza Midwood the profile of the structures shifts to more low and mid-rise commercial and office buildings and then single family residences. This rezoning sits in a transitional space between the neighborhood's most intense scale of development to the west of the site and the neighborhood center and neighborhood 1 development to the east. The CAC-2 district is being requested for the site rather than CAC-1 because the CAC-2 district provides more flexibility in vehicle parking requirements. Lessening reliance to personal vehicle usage in this area is relevant given the existing and planned public transit options and the prioritization of walkability. The conditions of this rezoning petition would require the developer to prioritize development bonus options in order to achieve any height above 80 feet. The maximum height of any building in the rezoning area is 126 feet. These height restrictions closely reflect the less dense community activity center zoning district, CAC-1, which also requires development bonus commitments for any height above 80 feet with a maximum height of 120 feet. The maximum height proposed in this petition does not exceed the maximum building height that was approved for the adjacent site on the east site of The Plaza as petition 2022-099. Guaranteeing commercial uses at the ground floor of any redevelopment along this corridor is vital to maintaining this area as an activity center that provides goods and services to nearby residents. This petition commits to activating the ground floors with commercial uses which is consistent with the goals of recommended Place Type for the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 8: Diverse & Resilient Economic Opportunity, as modified.

**Councilmember Anderson** said I would just like to make a quick statement and thank the petitioner for working with both Plaza Midwood Merchants Association and Commonwealth Morningside Neighborhood Association. On this particular petition, there's been a lot of collaboration and both entities have spoken their support for this petition. So, I just want to underscore that.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 093-094.

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**ITEM NO. 21: ORDINANCE NO. 792-Z, PETITION NO. 2023-046 BY CHILDRESS KLEIN PROPERTIES AND CHARLOTTE-MECKLENBURG SCHOOLS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 124.60 ACRES LOCATED ALONG THE EAST SIDE OF TOM SHORT ROAD, WEST OF RED RUST LANE, AND NORTH OF ARDREY KELL ROAD FROM MX-1 (INNOV) (MIXED-USE RESIDENTIAL, INNOVATIVE) TO MX-2 (INNOV) WITH 5-YEAR VESTED RIGHTS (MIXED-USE RESIDENTIAL, INNOVATIVE).**

The Zoning Committee voted 6-0 (motion by Winiker, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The eastern outskirts of the Ballantyne area are dominated by single family neighborhoods interspersed with small pockets of commercial development and middle density residential projects. This rezoning site has remained undeveloped despite previously approved rezoning plans. The proposal provides a mixture of housing types including single family detached homes, townhome style units, and apartments. The inclusion of attached and multi-family units diversifies the housing types offered in the area which is almost entirely limited to single family detached homes. This proposal helps to provide greater density of housing than exists in the community while still maintaining a maximum density that is less than 9 dwelling units per acre. Greater densification in this area is not wholly unprecedented given the multi-family developments that are east of the site, near Providence Road. The design of the development areas for these different residential product types emphasizes contextual sensitivity by orienting the densest residential forms to the most central portions of the site, furthest away from the existing single-family neighborhoods. Additionally, the petitioner provides a 200-foot buffer along the northern rezoning boundary to shield the adjacent single-family neighborhoods from incompatible land uses. The site's southern boundary includes a commitment to single family detached homes to appropriately transition to the abutting homes in Stone Creek Ranch. Although the development on a whole is more consistent with the Neighborhood 2 Place Type given the multi-family units, the project still preserves single family character along the edges of the site. This project provides several community benefits, the most notable of which is the construction of a new secondary CMS school in Development Area A. This school will help to relieve JM Robinson Middle School which is at capacity. A large portion of the site will be reserved as natural areas with a minimum of 25% of the site being provided as passive open space and 17% of the site as amenitized active open space. The proposal includes a commitment to a 12-acre natural preserve area in the southeast portion of the site that will be open to the public and include various trails and other amenities. This preserve area provides recreation facilities not only for the future residents in the rezoning site, but also for the existing communities. In collaboration with Mecklenburg County Parks and Recreation, the petitioner has committed to a permanent greenway easement, ensuring improved trail connectivity for the area for the benefit of existing and future residents. The scale of the development proposed warrants scrutiny to the transportation infrastructure that is in place and the identified concerns and needs of the community. Sequentially, the petitioner has worked in close concert with Charlotte Department of Transportation (CDOT), North Carolina Department of Transportation (NCDOT), and the local residents to identify transportation improvements included as conditions of the rezoning. The petitioner commits to improve the existing roads surrounding the rezoning and creating a more robust pedscape with numerous commitments to traffic calming measures, creation of multi-use paths, and upgrades to crossings and intersections to be brought up to ADA standards. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type



as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

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

1. Reduced the total residential unit count to 905 by reducing the maximum number of multi-family units to 670 from 682.
2. Commits to no fewer than 90 attached units and 9 single family homes to be constructed prior to the issuance of the certificate of occupancy for the 400th multi-family unit. Maintains a commitment to no fewer than 14 single family homes and 125 attached units to be constructed across all phases.
3. Commits to additional height restrictions for buildings with a front façade along Golf Links Drive in Development Area E to 50' and limits the height of buildings on the most eastern edge in Development Area D to 50 feet.
4. The setbacks for Development Areas E and D will be 26 feet along Golf Links Drive.
5. Notes that during the land development approval process for the site the petitioner will work with CDOT to create one additional choker road connection either at the extension of Mesa Verde Road or Kyrene Road into the site. CDOT's approval of this additional choker road connection will be based on the final internal road network of the site and based on the City's traffic calming policies.

**David Pettine, Planning, Design & Development** said these are changes that we believe are minor and do not warrant additional review by the Zoning Committee. Thank you.

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

Motion was made by Councilmember Driggs, and seconded by Councilmember Bokhari, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The eastern outskirts of the Ballantyne area are dominated by single family neighborhoods interspersed with small pockets of commercial development and middle density residential projects. This rezoning site has remained undeveloped despite previously approved rezoning plans. The proposal provides a mixture of housing types including single family detached homes, townhome style units, and apartments. The inclusion of attached and multi-family units diversifies the housing types offered in the area which is almost entirely limited to single family detached homes. This proposal helps to provide greater density of housing than exists in the community while still maintaining a maximum density that is less than 9 dwelling units per acre. Greater densification in this area is not wholly unprecedented given the multi-family developments that are east of the site, near Providence Road. The design of the development areas for these different residential product types emphasizes contextual sensitivity by orienting the densest residential forms to the most central portions of the site, furthest away from the existing single-family neighborhoods. Additionally, the petitioner provides a 200-foot buffer along the northern rezoning boundary to shield the adjacent single-family neighborhoods from incompatible land uses. The site's southern boundary includes a commitment to single family detached homes to appropriately transition to the abutting homes in Stone Creek Ranch. Although the development on a whole is more consistent with the Neighborhood 2 Place Type given the multi-family units, the project still preserves single family character along the edges of the site. This project provides several community benefits, the most notable of

which is the construction of a new secondary CMS school in Development Area A. This school will help to relieve JM Robinson Middle School which is at capacity. A large portion of the site will be reserved as natural areas with a minimum of 25% of the site being provided as passive open space and 17% of the site as amenitized active open space. The proposal includes a commitment to a 12-acre natural preserve area in the southeast portion of the site that will be open to the public and include various trails and other amenities. This preserve area provides recreation facilities not only for the future residents in the rezoning site, but also for the existing communities. In collaboration with Mecklenburg County Parks and Recreation, the petitioner has committed to a permanent greenway easement, ensuring improved trail connectivity for the area for the benefit of existing and future residents. The scale of the development proposed warrants scrutiny to the transportation infrastructure that is in place and the identified concerns and needs of the community. Sequentially, the petitioner has worked in close concert with Charlotte Department of Transportation (CDOT), North Carolina Department of Transportation (NCDOT), and the local residents to identify transportation improvements included as conditions of the rezoning. The petitioner commits to improve the existing roads surrounding the rezoning and creating a more robust pedscape with numerous commitments to traffic calming measures, creation of multi-use paths, and upgrades to crossings and intersections to be brought up to ADA standards. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site, as modified.

**Councilmember Driggs** said so, here we are after a process of over a year of extension engagement with residents, with the petitioner. I have come out in favor of this petition. It hasn't been an easy decision. I've listened carefully to a lot of input I have received from residents. I want to highlight from a memo I sent out today to people on my mailing list how I arrived at this conclusion. Point one, City staff has recommended approval and the Zoning Committee unanimously recommended approval based on their finding that the petition is reasonable and in the public interest. Second point, there is a critical need for schools in our district and not many opportunities to create them. So, the inclusion of a school in this petition is an important consideration. The third point, the petition does align with City Council's adopted 2040 Plan which seeks to promote higher density and diversity of housing to accommodate the rapid growth of Charlotte and slow down the rising housing costs.

I would note I voted against that plan, and I anticipated that we would have tension like we are experiencing, now but the plan was adopted and those are the rules by which we're playing today. Many changes have been made as a result of an extensive engagement with residents on the part of the petitioner and myself. You heard a description just now of some of them that have been updated, in particular an overloaded culvert which was the subject of many conversations we had because of stormwater issues in the area is going to be replaced as a result of a joint effort by NCDOT and CMS (Charlotte Mecklenburg Schools). To me, given how many comments I've heard about existing flooding problems in the area that was a big plus. Other modifications, it touches choker roads as we just heard. Further conversations on traffic safety will continue after the Council vote. Not all issues that have been brought up in that section are fully resolved, but what I have said from the outset is that this plan is basically not aggressive in terms of what has been happening here in this chamber over the past year and as a result of the UDO, an 8.8 density, diverse housing types and quite large distances because of the creek and so on away from the single family homes to these units that are being proposed here.

So, I think that if I recommended a rejection of this, my colleagues would have to wonder in the light of many things that we've already approved, why exactly I would. I would also mention that if this is rejected, unlike the hope I think that many in opposition harbor, we will not revert to the 2004 Plan. You're not going to get that plan. What would happen if this got denied tonight is that some other plan would be submitted, and we

would be here all over again. It would probably be a lot like this one. So, I don't think there's anything to be gained from turning this down. In fact, I appreciate that the Cato family went into this intending not to inflict what they thought would be really bad solution on their neighbors, unlike another one I'm struggling with. So, this has been a lot of work and I have found it very difficult. I'm between a bit of a rock and a hard place here, but the fact is that this petition is very much in line with others that we have approved, offers some very significant benefits in terms of open space, greenways and setbacks, and that is why I've reached the conclusion that we should support it. Colleagues, I hope that you will agree with me on this. I've had conversations with all of you and would appreciate your support in reaching this conclusion. Thank you.

**Councilmember Ajmera** said so, I appreciate Councilmember Driggs for reaching out to everyone. He's reached out over the weekend. We have had several conversations about this rezoning petition. This is certainly a difficult one. So, I respect the work that's been put into this by Councilmember Driggs. I have arrived at a different conclusion based on the package that was created by speakers Ms. Blake and Mr. [inaudible] at the hearing and just from looking at opposition, over 3,500 signatures that were against this rezoning petition and the number of issues that's been brought up around quality-of-life issues. I think those are very valid concerns. I had to follow my conscience and I will not be supporting it. I did support the Unified Development Ordinance. The purpose behind the UDO was the gradual density increase. So, introducing a duplex, having an option for multi-generations to live under one roof. It wasn't to have multi-family and single-family neighborhoods. That truly affects the neighborhood's character. So, I will not be supporting it. While I appreciate that this addresses some overcrowding in CMS with the middle school option, however because of the density it further creates overcrowding issues, and it does not necessarily address it because now we are putting more in school. So, I will not be supporting it.

Mr. Driggs said I want to point out I'm mindful also of the petition, but I think what I'll say to you about that is the petition in my mind is basically a cry of protest against the growth that's happening and the disruption that is happening as a result of policies that we're adopting to try and achieve a greater diversity and dispersion of housing. I would not want to argue in front of this Council that District Seven should be exempt from some of the difficult decisions that we've had to make elsewhere in the City. It is not easy. The UDO that I did not vote for was going to involve dislocation and pain. It was going to happen. Anybody who voted for it should've known that. It can't be done painlessly. You cannot achieve the goals of the UDO and not shake things up a bit. So, I appreciate if somebody has a different opinion, but I assure you I've given a lot of thought to all of this, and I really think this is where we need to be. Thank you.

**Councilmember Bokhari** said just a note for the audience here. I don't want anyone to walk away thinking that the two year battle we had across this whole community with several of us fighting against tenants of the UDO that ultimately set the stage for rezonings like this. I'll concur with the my colleague, this is not the worst of what we're seeing already. Those of us that opposed this across a bipartisan basis, most of us being district reps who are closest to all of you guys knew exactly this is what we had in for. So, I don't want anyone to walk away with the talking point that is completely made up of that was one thing but that wasn't this. Don't buy in to that. That is not correct.

**Councilmember Watlington** said I'll say it again. I know you've heard it a few times. These are the kinds of decisions that are a direct result of the conversations we had over the past several years. I absolutely understand how those of you that are sitting in this audience hoping for a no vote feel. As some of my colleagues have mentioned, that's exactly what we anticipated and shouted from the rooftops when it was time to take the vote and unfortunately what we have here is a situation, which Mr. Driggs mentioned, we don't get to revert back to the 2004 Plan. It would actually be worse by right and that's how we know we have a policy problem. That for me is the only reason that I will be supporting this tonight because it can be worse. Not because I think that this is the right thing to do for this space, but because of the policy decisions that were made two years ago, we are in a situation where if we don't accept this, we actually could see higher density in this area by right without the amenities and I know that that

is crazy and I know that's not an upside. It doesn't feel like that and I'm sorry that we're in this situation, to be honest. As we look at these policies over the next couple of months that staff is proposing for the conservation district and some others to change it, those are the places where we've got to play in Council so that we're not continually in these positions.

**Councilmember Graham** said first let me thank my colleague Mr. Driggs for his thoughtfulness and his dedication to this particular petition for well over a year and a half. I was telling one of my colleagues earlier today that just because something is popular doesn't make it right and just because it's right doesn't make it popular. So, the decisions that we make around this dais including passing the UDO are very difficult decisions and when we make difficult decisions that bring along change, sometimes change comes with pain. Our City is growing, there's no doubt about it. It's growing specifically in District Seven and Four and Two and Three for sure. We're making decisions, the old [inaudible] for future generations of how we plan to live in our community and where we live and the housing types that we make. So, while the decision tonight is difficult, while the UDO decision that we made two years ago was difficult, I stand firm in believing that it was the right thing to do, and I'll be supporting you. Thank you.

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

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

NAYS: Councilmember Ajmera

**Mayor Lyles** said we have a lot to plan for in this community. We often talk about how great the City is, being able to bring and create new people coming into the City, and new people that are coming into our City really require places to live. We need to work on our infrastructure, but we also need to provide housing for people that are coming into this. So, I along with Mr. Graham look at the UDO as our ability to maintain the growth in a way that we hope will be successful for the generations to come. Changes are going to be difficult, and they will happen, and we have lots of work to do to keep up with it. So, my hope is that we always look at this in the framework of what would happen if we didn't do any of these things? Where would people live? How would they choose to move around? What would it do for our sustainability? So, all of these things are important, and I hope that you'll stay with us and continue to engage with us in this effort to make a City that's still a good place to live, where people choose to come and work and to have their families or friends with them. So, it's going to be a tough run because we're still working to define everything, but I do believe we're headed in the right direction.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 095-096.

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**ITEM NO. 23: ORDINANCE NO. 793-Z, PETITION NO. 2023-176 BY SMITH DOUGLAS HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 14.85 ACRES LOCATED ON THE NORTHEAST SIDE OF PAW CREEK ROAD, EAST OF LITTLE ROCK ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

The Zoning Committee voted 5-1 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest based on the information from the post-hearing

staff analysis and the public hearing, and because: This petition provides pathways to housing that is attainable at a lower price point than typical new housing. The proposed density and location help to make the proposed development affordable and attainable to a broader spectrum of Charlotte citizens.

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

1. The site's internal tree plantings will include a minimum of 50 trees planted along the proposed alley network at a minimum spacing of 40 feet on center.
2. The CTR summary table was added to the site plan.

**David Pettine, Planning, Design & Development** said so just some changes after the Zoning Committee we believe are minor and do not warrant additional review. Thank you.

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

Motion was made by Councilmember Graham, and seconded by Councilmember Anderson, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent 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. However, we find this petition to be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because: This petition provides pathways to housing that is attainable at a lower price point than typical new housing. The proposed density and location help to make the proposed development affordable and attainable to a broader spectrum of Charlotte citizens.

**Councilmember Mayfield** said Mr. Pettine, for number three in the outstanding issues, "Consider providing more streets built to public standards rather than alleys being the predominant role type," why was that rescinded?

Mr. Pettine said we talked to the petitioner a bit on that, and the site has some environmental constraints on the back portion that really pinches them in to provide a wider width. So, that's why they were proposing the alley system. So, we did work with them to try to get those to function a little bit better and have some of those street trees that we had mentioned as part of the changes after. So, that was our reason for withdrawing that request.

Ms. Mayfield said for number three, "Consider reorienting the building adjacent to Paw Creek Road so that the unit's front on the public street and parking is rear loaded." So, why was that rescinded?

Mr. Pettine said so, they were able to give us some additional architectural details for the corner units that will face the road. Again, it was a site constraint issue that they suggest they weren't able to do that. So, it was a request from staff. We did try to find a common middle ground which we feel like we got what we could out of that request. So, that's why we did rescind it after working with them a little bit on it.

Ms. Mayfield said okay, and not for nothing, I'm a fan of this particular builder's product. I just wanted to understand why those two were rescinded. Thank you.

Mr. Pettine said no problem.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 097-098.

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**ITEM NO. 23B: ORDINANCE NO. 794-Z, PETITION NO. 2022-216 QUICKTRIP CORPORATION AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.55 ACRES BOUND BY THE EAST OF SIDE OF LAKEBROOK ROAD, NORTH SIDE OF CENTERGROVE LANE, WEST SIDE OF SAM WILSON ROAD, AND SOUTH SIDE OF INTERSTATE 85 FROM N1-A (NEIGHBORHOOD 1-A) AND CG (GENERAL COMMERCIAL) TO I-1(CD) (GENERAL INDUSTRIAL, CONDITIONAL).**

The Zoning Committee voted 4-2 (motion by Whilden, seconded by Sealey) to recommend denial of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing & Logistics Place Type. However, we find this petition to not be reasonable or in the public interest based on the information from the post-hearing staff analysis and the public hearing, and because: A high-impact gas station use is not compatible with the adopted 2040 Comprehensive Plan. A new, massive fueling station use isn't what we look for when we think of 15-minute neighborhoods. New underground gas storage has environmental harms and impacts that limit future development. There are multiple existing automotive service stations within a short drive of the site.

Motion was made by Councilmember Brown, and seconded by Councilmember Driggs, to approve this petition and adopt the staff's statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing & Logistics Place Type. However, we find this petition to not be reasonable or in the public interest based on the information from the final staff analysis and the public hearing, and because: A high-impact gas station use is not compatible with the adopted 2040 Comprehensive Plan. A new, massive fueling station use isn't what we look for when we think of 15-minute neighborhoods. New underground gas storage has environmental harms and impacts that limit future development. There are multiple existing automotive service stations within a short drive of the site.

**Councilmember Mayfield** said just wondering. Are there any gas stations in the area because I know we have a lot of areas that don't have a gas station. So, what's the proximity of the closest gas station already over there?

**David Pettine, Planning, Design & Development** said there are I believe two on the other side of I85, one on the west side of Sam Wilson, a smaller one, and then one of the east side of Sam Wilson. I think it's a Love's truck stop.

Ms. Mayfield said so, what we have in front of us is a Zoning Committee action statement of consistency to move to deny. Mayor, can I check in with Committee?

**Mayor Lyles** said yes, thank you, and thank you for the heads up that the Zoning Committee voted four to two to recommend denial. So, with that, we do have a question for the Zoning Committee from Ms. Mayfield.

Ms. Mayfield said I would just like to get an understanding of the conversation for why you all were not comfortable. I have challenges but I would love to hear from you all.

**Douglas Welton, Chairman of the Zoning Committee** said yes. Commissioner Whilden stated that, "A high impact gas station use is not compatible with the adopted 2040 Comprehensive Plan. A new massive fueling station isn't what we were looking for

when we think of a 15-minute neighborhood, and additionally, new underground gas storage has environmental harm and impact that limits future development. It's the wrong choice for this neighborhood, especially with four gas stations within a five-minute drive."

Ms. Mayfield said thank you.

**Councilmember Brown** said I met with them in detail. Went up there. Live in the area. Know where Love's is. It's all industrial. I spoke with them, and I made a decision to move forward. I know that the Zoning Committee did disapprove four to two. Gas stations are already in the area. It's nothing wrong with one being on the other side. It's good for business, people are traveling through our City. They want to be able to move in and out fluently. Love's gets congested sometimes. I've been in that area. So, moving to support that decision that I made when I spoke with them.

**Councilmember Driggs** said I just want to note it is true that our plan says that and I can tell you I'm very actively engaged in trying to create a revenue source that will allow us to invest heavily in different modes of transportation, get people out of their cars. It's a clear priority of the City, but the truth is right now, people still depend on their cars and therefore being hostile to car friendly development is premature in my mind at this point. When we reach the stage where we can encourage people to leave their cars and they have some place else to go, I think that's a strong argument, but I support the district rep on this one.

Ms. Brown said yes. I want to go back because as I'm learning my job and thoroughly communicating and the structure with how things go, when I go in that area there's a lot of things that we voted on. In my opinion that's a destruction or doesn't match what we did in the 2040 Plan or the UDO. So, when I went out there to look at it, it was my decision based off what I saw and the activity that's already going on in the area to support them and I just want to be clear on record for me. I am supporting it. It's an industrial area. It's going to help with people traveling through our City spending money, creating revenue to be able to move in and out effectively. So, I'm standing on my decision to support it.

**Councilmember Molina** said I'll be quick. Actually, when reviewing the information for this week, I was actually taken back by the amount of divergence in what the staff actually thought and what the Commission actually thought. There was a large amount of that this time, and I don't know if that's an indication that it's time to have some deeper conversations. I know that inevitably we already are. Although I am going to support the district representative being that she's closest to it, when we have such a divergent position, it's kind of hard to ignore that. You've got the Commissioners that are duly appointed that represent both the City's and the County's interest that don't agree and then we have staff that does agree. So, I think that's an offline conversation, but I want to submit that to my colleagues. I think it should be somewhere closer to congruent and that goes without saying, but I will support the recommendation of the district representative.

Mayor Lyles said that's a great point. It might be something that we need to think about for a Committee.

**Councilmember Watlington** said I'm looking for Mr. Carmichael. My question is actually for him in regards to the Northwest Community Alliance. Were they engaged on this petition? If so, what was their position?

**John Carmichael, 101 North Tryon Street, Suite 1900** said good evening. So, I don't have my notes in terms of the dates, but we had a Zoom call with the representative of the coalition. I feel uncomfortable speaking for people but will be happy to do it because you asked me the question, but he said that the gas he felt like was probably ok. Some people may have some concerns about the diesel fuel tanks in the back. Then we sent a letter to their representative and emailed the representative that we had the Zoom call with. I don't believe anybody showed up for the community meeting. I then emailed the

PowerPoint presentation to the representative of the Northwest Community Alliance with the dates of the hearing and everything that said please call me with any questions or concerns. Never heard anything back.

Ms. Watlington said okay.

Mr. Carmichael said so, we did keep them abreast of things Councilmember Watlington, but I can't give you their official position on it. I wouldn't feel right doing that.

Ms. Watlington said thank you.

Mr. Carmichael said thank you.

Ms. Brown said I would just like to say that I tried to reach several community people and have it in my records to show it. A lot of times when you reach out to follow through, I followed through on what they presented to me when I met with them and what they presented to me proved to be true. I did my checks and balances. So, the people that they said they reached out to with the information that the people gave them on the feedback was the information that I got as well.

Mayor Lyles said thank you.

Ms. Brown said I know there's a discrepancy but that's my decision as a district rep. So, I'm going to move forward with the decision to move forward with the gas station.

**Councilmember Ajmera** said I just wanted to follow up from Councilmember Molina's remarks earlier about Zoning Committee and planning staff where there is diversity of opinion. I just wanted Zoning Committee members to know I certainly enjoy reading their remarks because it certainly brings a perspective, and I hadn't seen that in eight years that I've been on Council. So, keep those coming. Certainly, I may not agree with you 100 percent but I think it's important to have the diversity of opinions that may not be in line with what staff thinks. So, on this one I will go with the district representative and will be supporting it.

Mayor Lyles said I think I see where this is going.

Mr. Pettine said just one point of clarification before we finalize the motions. So, the adoption would be staff's statement of consistency and not Zoning Committee's.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 099-100.

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## HEARINGS

**ITEM NO. 29: HEARING ON PETITION NO. 2024-043 BY THE CHARLOTTE PLANNING, DESIGN, AND DEVELOPMENT FOR A TEXT AMENDMENT TO MAKE CHANGES TO THE CONSERVATION RESIDENTIAL DEVELOPMENT STANDARDS IN SECTION 4.5 OF THE UDO TO INCREASE THE QUANTITY AND QUALITY OF REQUIRED OPEN SPACE, INCREASE TRANSITIONS TO ADJACENT PARCELS, AND REVISE FRONTAGE REQUIREMENTS. THERE ARE PROPOSED CHANGES IN FIVE OF THE 39 ARTICLES. THESE CHANGES INCLUDE INCREASING THE AMOUNT OF OPEN SPACE FROM TWO TO FIVE ACRES; ADDING A LANDSCAPE**



**YARD AT THE PERIMETER OF THE SITE; REQUIRING LOTS TO FRONT ON PUBLIC STREETS, COMMON OPEN SPACE, OR GREEN AREA; INCREASING THE MINIMUM DIMENSIONS OF REQUIRED COMMON OPEN SPACE; ESTABLISHING DESIGN STANDARDS FOR REQUIRED OPEN SPACE; AND MINOR CHANGES AND ADDITIONS TO STANDARDS.**

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said again, just one quick point of housekeeping before we start on to our hearings this evening. I do want to take a minute to introduce our new rezoning program manager that started with us last month, was at our meeting last month, but certainly here in attendance with us again as well. Teresa Montalvo has joined us. Like I said, she's been here with us for a month now. You should start seeing her at the podium hopefully starting maybe next month but just wanted to make everybody familiar with Teresa so y'all know that she'll be up here sooner than later.

Mayor Lyles said alright, thank you. Teresa, Welcome. You know and see the type of interests that we have. So, we know that you'll be a great part of our team.

Alyson Craig, Planning, Design and Development said thank you Mayor and members of Council. I want to talk about UDO Text Amendment 2024-043. This is a Text Amendment to modify the standards of the conservation residential development in the UDO. So, I want to start by talking about what conservation residential development is. This is a planning practice that has been around for decades. It's a tool for conserving environmental features and creating high quality open space. So, you can see the graphic on the left is a traditional development. There are large lots, the open spaces are often in the lot and what this is doing is allowing you to reduce your lot sizes and preserve large amounts of natural resources and/or usable open space.

So, again this a development option in the UDO in certain Neighborhood 1 zoning districts. You can reduce the lot sizes by 50 percent in exchange for open space and of course the residential uses permitted by the zoning district may be included in the development option. So, the reason why this Text Amendment is needed and why staff is bringing this forward is we are finding that the philosophy and the intent of what a conservation development is to be and what has been traditionally done in many other cities is not being held with the standards. So, we're not seeing quality and quantity of open space considering the trade off of allowing reduced lot sizes. We've got some green area and tree save placed on private lots. We've got small narrow strips of open space, we've got lots facing on stormwater facilities, lots facing narrow open spaces and just really a lack of commitment to quality usable open space. We think there are transitions that are missing or inadequate between existing developments and these new conservation developments. One of the things that I am concerned about is that we've got primary accessway by alleys instead of a public street which means you are not getting a full sidewalk system, you're not getting street trees and while alleys are certainly less expensive than a public street. Ultimately the responsibility of maintaining the street as well as the water and the sewer infrastructure will fall upon property owners.

This is a couple of examples. You've got a large number of alleys. These lots right here are fronting on a stormwater facility. We've got lots that are fronting on a small sliver of open space, not really what we intended by preserving large amounts of open space through a conservation development. Here's another example. We've got a missing transition between this existing subdivision and this development here and again a large network of alleys. I wanted to point out a couple of pictures just to highlight a couple of things so I'll start with this over here on the right. So, you've got developments here that are on an alley. So, a small alley, you're seeing the lack of a sidewalk system and trees. These units over here are fronting each other with a small amount of open space in between. This development here is on a stormwater pond and then this here is showing a series of homes that while there's open space to the far right, it is separated by a retaining wall which is not really creating usable open space opportunities. So, this is a

figure I think Council has asked us to provide this in the past. This is a graph showing where we have received submittals for all conservation developments. So, they're listed by the types of units. So, we've got some that are duplex only, triplex only, some that are mixed. I think there are maybe just three or so that are single family only and you can see that for the large majority of them, they're located sort of on the periphery of the City which has some concern by staff that we are not marrying the idea of additional housing supply near our centers. We were really focused on going forward. We've been talking about strategic investment areas which are also really wanting to promote 10-minute neighborhoods and increasing housing supply near access to services. So, you can see there's probably a little short of 1,000 units that have been proposed thus far using these conservation standards, which again is a development option in the UDO. It's not intended to be the pathway in which most projects come through.

So, we are proposing to increase the quality and the quantity of open space requirements and require an additional 15 percent of green area and tree save for a total of 40 percent, ensure that open space cannot be on individual lots, increase the minimum dimensions to 50 feet. So, the open space would have to be 50 feet and provide some standards of what is considered usable open space. We also would like to provide an additional perimeter buffer on the outside of the development and require that all lots front public streets, green area or open space, not a private street or an alley. I wanted to give a quick example. So, this is a sketch plan, I think I showed it earlier with the network of alleys and then this is taking that sketch plan and using the standards that are proposed over here on the right to create a development that's got a public street network, it's got greater access to open space and higher quality open space. One of the questions that I've been asked is, "What happens to the unit yield?" So, these are approximate figures. These have not been designed but we've been working with a consultant to help us get to some numbers. So, I want to point out that before the UDO, you could get about 115 units on this site. There were some cluster provisions in the UDO that allowed you to get a little higher. Currently in conservation the way that this site is laid out right now it would lead to about 220 units and then with the standards that we're proposing you're still getting greater housing supply and housing units than what we allowed before, but I think it's a higher quality development with higher usable open space.

I don't want to dive too far into the details of this, I just want to point out that we've done an analysis with some other cities that are similar to us in that they have available land for development. So, we've often been compared to Minneapolis and Minneapolis is different because they're smaller geography and they're pretty much fully developed out. So, wanted to talk through how does this play out in cities that do have a lot of usable land and you can see that there's a pretty strong commitment in conservation development in these cities. A couple of cities, Nashville and Indianapolis, if you increase your lot size by 10 percent then you have to do an additional 10 percent of conservation up to 50 percent lot reduction requires a minimum conservation area of 50 percent. Raleigh is of course a peer city. They require a minimum of 40 percent or a minimum acreage, whichever is greater and there's some variation as to what housing is allowed there.

So, I want to mention because I think this is important, it's been a part of a lot of the conversations that we've had recently. I fully recognize that there's a reason why we have development projects that are coming through looking for a different development tool and that's because modern construction and subdivision projects, they need smaller lot sizes. They're more efficient, they're more cost effective and so we are recognizing that these projects are needing smaller lot sizes and they're using a tool that wasn't really meant to be a tool that is promoting the options for housing supply. The lot standards that are in the UDO today, they are intended to protect the lotting patterns of existing neighborhoods. So, that's why they are not smaller in the UDO because we have a whole network of existing communities with existing lotting patterns. So, we proposed to create a new tool for new subdivisions with smaller lot sizes. We are currently working with a number of different folks from the development industry including affordable housing developers. We're conducting a workshop later this week to kind of dig in and get through some details of what this tool would look like and I think

we can move pretty quickly within a month or two to get this underway because again, I think it's very important. A key tenant of the UDO was about increasing housing supply and sort of recognizing that the tool for conservation should be about conservation and then we need a tool that's about housing supply and making sure we're getting housing supply in the locations that we want and housing supply that is affordable, and of course we've been working with some affordable housing developers on some uniqueness of this tool and how to make sure that we're getting affordable housing.

So, again staff recommends approval of this petition. It is consistent with the policies and the vision of the 2040 Comprehensive Plan. Supports goal number two, neighborhood diversity/inclusion, goal number three, housing access for all, goal number seven, integrated and natural and built environments. It'll increase the quality and quantity of open space and design standards. It will ensure that common open space is accessible and usable, requirements that lots face public streets or open space for better access and relationship with frontage and has a perimeter landscape yard to include a better transition between the development and existing neighborhoods. That concludes my presentation, so, thank you.

**Laura Belcher, 3815 Latrobe Drive** said good evening, Mayor Lyles, members of the Council and City staff. I'm Laura Belcher. I'm the President and CEO (Chief Executive Officer) of Habitat for Humanity of the Charlotte Region. I'm also an active member of For More Neighbors, a coalition that supported the initial passage of the 2040 Comprehensive Plan and the UDO. I appreciate the opportunity to be with you tonight. Here to speak regarding the Text Amendment, 2024-043, changes to the conservation development standard. We support prioritizing the original intent of the development standards to protect the environment with enhanced tree save and greenspace. Habitat has utilized the conservation development standards and the pre-UDO cluster development provisions that carry the same intent on two recent projects. Applying the standards enabled us to decrease lot sizes and increase unit count which is consistent and supports the Council's goals to create more affordable housing within our City.

The proposed changes to development standard in isolation will interfere with our ability to support goals that increase the units, but fortunately the new tools and the proposed compact development that is expected to come forward in future rounds of UDO adjustments will allow affordable divisions to go up to N1 zoning districts, maintaining the 50-foot lot benefit achieved through the original conservation development standard. The compact development offers a solution to maximize opportunities for affordable homeownership. These two changes made together in tandem will prioritize high quality design while not creating barriers to the City's affordable housing priorities. We're currently working on a new home development that will yield 28 affordable homes without the compact development changes, it is likely that that neighborhood would lose 10 to 12 units. So, I'd like to encourage Council and staff to work together to prioritize and expedite the compact development changes in addition to those that are proposed tonight. Without that, your goals to increase affordable housing is at risk. Throughout the conversations regarding the changes to the UDO, we are grateful for the time that Alyson Craig and her team have spent with us talking to us about what is happening on our developments, reviewing site plans, considering intended and unintended consequences and we appreciate that time and partnership. We look forward to continuing to work with Planning staff to discuss future changes as they may arise and maintaining the original intent of the UDO to allow light density across our City which is so vitally important. We have concerns that future changes may create barriers to development of affordable homeownership, adding to some of the shortage of our housing, but we have committed to working through those together. We appreciate the City's focus on promoting affordable housing and know that it is not your intent to create barriers. We look forward to continued conversations. Thank you.

**Jonathan Gross, 16607 Doves Canyon Lane** said thank you Council for taking the time today to listen to our positions on the conservation residential development. I'm actually in agreement with the changes that you're putting forward. I particularly commend the addition of the purpose and intent. This stands along with the addition of more greenspace and tree save along with a common area for these developments.

Appreciating that the UDO is a living document, I'd like to offer some additional considerations specific to the ETJ (Extraterritorial Jurisdiction) where many of us here today live in. It seems that the text amendments will be very helpful, but they don't seem to go far enough as it relates to the ETJ because the ETJ is still exposed to potential exploitation by developers because of this high-density requirement or allowance within. The outer southwest ETJ region was originally rural and semi-rural in the not distant past and as a result there were large tracts of land that were available and easily obtained in the ETJ, especially in the City limits. So, larger acreage plots owned by individuals or smaller groups of owners and that specifically allows it easier for developers to negotiate with and potentially acquire these properties more so than they would within the City limits itself. That's one of the unintended consequences of the UDO, that's specific to the ETJ. How do we know that there is a bigger issue in the ETJ? The slides that I've handed out show a map about where there are three developments along Youngblood Road in the Palisades area of the ETJ. So, if you take a look at it when the handouts go through, it's maybe less than a half a mile between three developments that will be proposed, 406 units in total. One 56-unit development, 147 unit development, and a 203 development all using this CRD (conservation residential district) position to create higher density within otherwise a very secluded neighborhood area.

Some points about the drawings that I put out there. All of these three drawings and sketch plans use the conservation residential development as the position to create higher density, but unfortunately none of them have actually created more greenspace and more common areas. They're really just creating more units within that same footprint. Two of the three sketch plans actually were used within the UAC's (Unified Development Ordinance Advisory Committee) March 7, 2024, committee report and it's because these were designs that were not intended to be what the UDO is trying to create. Actually, one of them, the third drawing that's come up on a few different occasions is specifically identified as insensitive and that gets to the root of what our concern is, that developers are generally going to be looking at this as providing larger tracts of land and just putting more units in place and without consideration for what existing homeowners and the surrounding properties and how it would impact them. Each plan appears to be developments that you would find closer to a city center, but in this case they're in a more isolated far out area of the ETJ, about as far as you can get from the City of Charlotte and still be within the boundaries. The revised Policy Map that came out, you'll note that there's a, put it out on the City website, this section is where these three developments are located and it's very far from any community centers, any marketplaces or any transportation corridors, but still it falls within the guidelines of the N1-A zoning.

So, what are some possible solutions for this? Like to encourage Council to think about exempting the ETJ from the UDO or at least in the interim put a moratorium on the higher density developments related to the CRD developments particularly. Thank you.

**Councilmember Anderson** said thank you. Okay, there's a list and a method to how you all signed up. So, we have quite a few who are speaking against it, but if you're present, you'll need to speak in the order in which you appear on the handout.

**Jeanne Fraser, 9609 Spurwig Court** said hi. My name is Jeanne Fraser and I'm on the Land Use Committee for Steele Creek Residents Association. You all have a packet, I'm not going to go through this with you now, it's too long, but I actually live in the ETJ. Some of us feel like we are the stepchild. None of us were able to vote for any of you. We don't have a vote, hopefully we have a voice. We do have a district rep, haven't met you. I look forward to it. I love you Ms. Watlington, thank you so much for all you've done for us. I want to talk just very briefly about unintended consequences. First of all where we live, the whole design was 10, 15 minutes. We were to be able to get anywhere and everywhere in 10, 15 minutes but it wasn't upheld. So, somebody, whoever had authority didn't require the developers to develop the master plan community as they had agreed to do it, and we've been punted back and forth between County Commissioners and the City and NCDOT and nobody really wants us and we know it. We feel it, we feel it very well, but I want you guys to consider this when you're

considering unintended consequences. In 2009, 15 years ago in River Pointe neighborhood, they said over and over and over again somebody is going to die before you put that traffic signal up, and it took three people dying before the traffic signal was put up. I don't know, you're not to blame but we have to make sure this doesn't happen again. We have parents that have called and called and called and called and said, "We don't have any streetlights on Youngblood," and you have buses that are stopping and picking up children. Well, a child died trying to catch the bus because the lights aren't up and when you guys talk about public transportation and being on a road that's publicly maintained, ours aren't and we don't have streetlights and we don't have sidewalks. It's not included in our taxes. We don't have trash pickup; we don't get to vote. I want you to come out and visit us in the ETJ and see what we are living with and what we are battling with all of the time because nobody wants us and we're not represented. I thank you very much for your time.

**Scott Fraser, 9609 Spurwig Court** said yes. Alright, I also am speaking on behalf of Kevin Martin, and you should have also got a handout of this, again the traffic stuff. So, good evening and thank you for supporting at least pausing the UDO due to unintended consequences. I am a homeowner in the Palisades and when I bought a house in 2017, we were sold on the neighborhood being a single-family house subdivision with a diverse population, but with the newly enacted UDO we are now learning zoning can be changed on a whim or without local homeowner notification or input. This change in zoning will negatively impact our home's value and quality of life. Also living in the ETJ we have an uphill battle with little or no recourse to have our voices heard as we lack one of the most cherished American rights, our right to vote for or against any member of the Board. Since a few thousand homes in the Palisades do not have a vote, nobody has to answer to or be held accountable for decisions made that directly impact us. We sincerely appreciate your willingness to listen to our concerns.

So, I'm not going to harp on the issues of the Grand Palisades Parkway being a private road. You are well aware of those concerns. Instead, I am going to bring up the different issues that I have not seen or heard discussed yet, nor has it been imperative to the safety of our community in that fire and EMS (Emergency Medical Services) protection. Before moving to Charlotte, I spent 25 years as a fireman in New York with the last five years as NSC (National Safety Council) certified apparatus chauffeur which means I have significant experience driving all types of fire apparatus including rescue trucks, bumpers and ladder trucks. As I expect you know, the Youngblood is a single lane road with most of it narrow with no shoulder. In many places there are ditches, immediately adjacent to the narrow lanes. Currently under construction is a firehouse at Youngblood and McKee and I cannot see a situation where a fire truck could get through most sections of Youngblood during rush hour now, let alone when additional 400 units are added to the neighborhood. There is a stand still traffic in whatever direction the commute is going including steady traffic against the direction of the commute with literally no place to pull over or clear a path for emergency response vehicles. This is very concerning. You add this to the additional response time, the communication issues that responding EMS services encounter in the Palisades as documented in the WBTV story highlighting delays in response and police communications issued, life and death in the County.

**Councilmember Driggs** said this is a hearing about the text amendment. I have a concern that we are off topic here. It's an important subject, the ETJ, I've heard about it from County Commissioners. I understand your concerns, but we're here tonight having a hearing about a text amendment. I can't even tell whether you're for or against it. All I hear is a list of valid concerns on a different subject and I would ask the speakers tonight in opposition to please stay on topic and make clear to us where you stand on the text amendment that's under discussion and we will take up the subject as we must of the ETJ on an appropriate time, but this is not the occasion. We're not talking about that right now.

Ms. Anderson said hang on one second. Just as an FYI (for your information), we're not going to go back and forth within the audience. Mr. Driggs does make a great point in which you're signed up to speak to a specific petition and the elements of that petition.

So, whether you're speaking for or against it, you need to address the elements of the particular petition.

**Councilmember Bokhari** said I agree with that, but since we're here tactically, my guess is there's this broader thing that is obviously important and needs to be discussed but then there's the specifics that brought them out on this conservation district. As I'm listening, I'm almost thinking that they are in favor because this is a negative approach to basically abolish something, that they're actually speaking on the other side in favor of removing that piece. I'm not positive. I know there are people that are going to be speaking against that very specifically. So, maybe we just figure out the time of the approval versus the denial.

Mr. Driggs said that's the point. I can't tell which side they're on.

Ms. Anderson said to be clear, you're signed up to speak against. So, everyone that's remaining, they're signed up to speak against it. If you're meaning to speak in a different position, then that's something else.

Unknown said that may have been a misunderstanding unfortunately.

Mr. Fraser said anyway, well thank you for your time and consideration.

**David Mendelsohn, 9422 Segundo Lane** said my comments are not to the text amendment.

**Michael Caprioli, 15217 Montage Lane** said thank you for hearing me. Thank you ma'am. I'll try and speak really fast. I'm Michael Caprioli. I'm the Director for the Palisades Master Association. Joining me here tonight also is Gary Hamilton up there and my wife. Most of the comments I was going to make we sent you in a letter today along with three attachments for your staff to review. I oppose the UDO especially in the ETJ for environmental concerns. It seems that the UDO seems to fly in opposition to the resolution the Council made.

Ms. Anderson said sir. You need to speak to the tenets of this particular petition. So, if you're speaking in a broader context that's not what the intent of this particular hearing is for. So, we're speaking to Petition 2024-043, and you signed up in opposition of it. So, if you could speak in opposition, if you have any comments that's great, but otherwise you have to stick to the elements of the petition.

Mr. Caprioli said that is in opposition to the UDO correct?

Group said no.

**Councilmember Ajmera** said this is a text amendment.

Mr. Bokhari said it's the opposite actually. Here's a point of order or just process that we could do to solve this.

Mr. Caprioli said oh okay. Well, let me just make one comment then. If you want an example for positive community development plan, look no further than the Palisades Water Quality Management Plan. The Palisades Water Quality Management Plan was developed by this Council and the County. Twenty plus years of testing water quality in the Palisades. It's all passed. The only failure that you've had in the area for that UDO was a high-density development like the three that are planned here along Youngblood. The reason why it failed was that development did not follow the community development plan that we had. It caused an algae bloom in the Boyd Cove and that polluted your water supply. We emailed you everything so if you need it.

Ms. Anderson said alright. Thank you, sir. Thank you.

Mr. Caprioli said I apologize.

**Carla Brazzell, 16300 Strollaway Road** said My position is I agree with the rezoning and here's why. I'm just showing for you where you see the development's happening now on the ETJ and the consequences of when all the trees are taken down. I sent you by email, I got no response and now I'm here to show to you this is what's going in the Lake Wylie water because the developers are allowed to just demolish all the trees and they can plant a little thing later on. So, thank you. Appreciate all you do for us.

**Joseph Margolis, 6549 Quarterbridge Lane** said first of all there's been a lot of comments about several different petitions about change to neighborhoods and stuff. So, these types of proposals that I'm speaking out against do. Where I live in Dorida, I had Grand Street extension and University City Boulevard extension just plopped right on top of my life and I've had to live with those changes, and I still can't get a bus trip two miles away to University City Station. So, we're all dealing with it. That said, I have some particular reasons. I'm not necessarily against this conservation proposal, what I'm against is the process. I feel like they're three different ideas that are being converged together. There are very important complexities that need to be considered as one idea to make sure that you are reaching all the goals of equity, of conservation because you are having to make difficult choices. I don't want your job. I appreciate the fact that you're up there doing this work, but the fact that you're considering things like density so there could be affordability and then conservation and there's just so many different factors. I have no idea what's going to be at the end of this when the third part is completed because there's three layers. It should all be one policy. Thank you.

**Shawn Rutter, 13803 Glen Abbey Drive** said I'll apologize ahead of time. I think most of the folks that came out from the Steele Creek area thought it was more about the UDO and trying to say, "Hey, let's pause it." So, that's to your point why things are a little bit off topic. I think we all support what Alyson is suggesting. I think it makes sense to step back a little bit and address some of the challenges, the unintended consequences that we're facing. I think the big thing is from our honored body tonight is let's not make the same mistake that the legislature did which is what put us in the position we are in in the ETJ. They made a decision to change the HOA (Homeowners Association) rules and now we're screwed. We're abandoned by the State, we're abandoned by the County, we're abandoned by the City in that you get to make decisions but we can't vote. We were counting on you annexing us. That's not going to happen. It's not your fault. It was the state legislature that made that decision. I'm counting on all of you to recognize we've got a problem with the UDO. Let's support what Alyson is suggesting because it makes sense. There are some areas that still need to be addressed. That's all I'm asking. Thank you.

Ms. Anderson said thank you. We did have three other speakers. Rob Nanfelt, Joe Padilla, and Charlotte Lodge who were unable to speak due to the timing. So, if you have any comments in writing Mr. Nanfelt and other.

Mr. Bokhari said okay. I'm going to make my comments and then I might ask for a question from someone that signed up to speak. I think it's just a little unfortunate because these are very complicated topics that are all over the place right now. If you came here thinking about the overall UDO and some of the things we're battling with or the triplex aspect of this that we discussed the other day or a new Wegman's in town. All of these things ultimately are not part of this very specific text amendment and the conversation we're going to have here. So, I think that's number one. I would just mention, for those of you who showed up, I know a bit about this topic. I think you have gotten everyone's attention and Shawn perhaps with staff we can make a takeaway to review everything they've sent and separately have those conversations.

So, we didn't hear a point from the opposition which hopefully I'll have a tee up here on this conservation district, but when we started all this, just so everyone understands publicly, the philosophy and intent where it was, was essentially high-quality open spaces, conserving environmental features. The things we wanted for more density, for more units. Things we desperately need as a community, but we also know is a bit of a bargaining chip for those who need and want to build other things. If we give you more space to go up and build in a condensed space over here in this plot of land, will you

conserve these very unique features, tree canopies, things that we want them to ultimately do? So, I think where we are with this, unfortunately, is a lot of confusion as to what's happening here and then beyond that are we going to make some tweaks to this which I think is the answer. I do not support this in its current form because I think we need to reevaluate why we're doing it and what actually needs to change. Tweaks in my opinion are things like these alleys versus public streets or the slivers of open space counting, or retaining walls counting for what was in spirit meant to be a centralized consolidated conservation. I think we can make changes ultimately that tweak it, but rather than scrapping it or making it unusable in the amount of space that's being required or allowed, I think that goes against our ultimate goal which was more units. Again, that's why I believe the intention of this isn't just high-quality open spaces why we can look at this at a silo and then look at something else. It's also holistically about getting more density that we need for people moving to this community.

So, I'm a big fan of what Alyson mentioned, the new tool for subdivisions and working on that, but I think my ultimate position here is going to be I want to keep the pressure on of this existing and once everyone negotiates and figures out these new tools or these tweaks, then we make that transition. We don't shut something off that is indeed creating more of what we had asked for, but maybe not as well as it could. I think we need to get towards that. I think we can get to it pretty quickly but ultimately; we're not moving the needle on the number of units and density we need in this community. This is one of the few elegant positions that we had to get there, and we need to do better with that by making sure that we balance both sides of the original intent. Can I ask a question of Mr. Nanfelt perhaps?

Mayor Lyles said I want to make sure we're staying consistent with our law. So, we had an actual discussion this morning about how people had signed up and we worked with the Attorney's office to get a determination and the determination was even though you may be thinking about the UDO as a change for the orphaned roads and the opportunities that they have in the districts that don't have taxing and voting, that once they said that they had signed up to address this issue, we had to be consistent with it. I just want to make sure because I heard a lot of people on the Council say, point of order and I want you to understand this was a conversation that we had and that we had to stand by because even though we talked to everyone in the area, we said to them, "It has to be about the text amendment," but that was not the way it showed. So, I want to make sure and I want to apologize to those of you that have come down to say, "Well we want to address this issue," when basically we're having to do this because of our participation to allow that. So, we want to accept your documents that we have. Now, this is where I am concerned and I'm going to ask Ms. Gray about this. While these folks did not get a chance, we have a 10-minute limit. So, the question is, is it feasible to ask someone that was signed up that didn't make the 10 minutes because of the circumstance, if that is acceptable, and I'm going to turn that over to our attorney because I am not a lawyer.

**Terrie Hagler-Gray, Senior Assistant City Attorney** said thank you Mayor. Typically, that would not be acceptable. What you typically do is ask that person to provide you with their comments and if you have a specific question about the text amendment you may ask it of the staff if you need clarification because you're not asking a question responding to something someone has already said.

Mayor Lyles said so, what I would like to suggest is that we actually have Alyson come up and talk about what the staff's next steps are and how we can have folks that did not have the opportunity to speak today participate with this.

Mr. Bokhari said I understand your premise and I'm not arguing that people didn't sign up whether they knew or not. What my issue is is more categorically. They were actually speaking towards the for. So, therefore 20 minutes got used up by the for and this being the only public setting that we will likely have the people actually opposed, that came for that specific topic and had things to relay. Things being emailed to us for the record, that's a different protocol thing then maybe being in or out of the right scope of what you were saying.



Mayor Lyles said completely agree with you. So, we're still trying to figure this out. So, I've asked Alyson to talk about what the possibilities are to continue this in exchange on the areas that we are focused on.

Ms. Craig said so, moving forward we are very focused on this compact development option that I think speaks to some of the concerns from the development community, wanting to have an ability for housing supply. Also had a lot of conversations with some of our affordable housing developers and we've got some pretty quick wins that we can do to ensure that they're able to move their projects forward and actually make it even easier than I think it is today to develop those. The conservation standards are something we've come before Committee a couple of times, we've come before Council talking about this a couple of times, and we feel as though there are a number of units that are being proposed right now and these are by-right developments. These are not coming before Council for a decision or a vote that we believe that the conservation standards as proposed creates better by-right development options than what's currently in the UDO today. We've remained committed to the philosophy, the goals and the aspirations in the Comprehensive Plan that we need housing supply, and we need affordable housing and I think we can move quickly to address those through these other provisions within one to two months.

Mr. Driggs said thank you. I'm going to go off topic and tell the people from the ETJ we know about you, it's just this is not the time. On the current subject, for one Ms. Craig I really appreciate you and you and I have talked. I know the pressure cooker in which you operate. What I see here is a loophole namely that the conservation option wasn't quite clear enough to require the kind of development that we intended from it, and in my mind people have taken advantage of that. The reason we need a text amendment is because the letter of the law as currently written allows these plans that they're doing. Frankly I don't appreciate the fact that they have taken advantage of the opportunity to do something that is so obviously not consistent with the intention of the conservation option and therefore I'm sympathetic to the idea of the text amendment.

Now on the other hand what I have also heard from Mr. Nanfelt and since he didn't speak, I will paraphrase a little bit of what I heard, but 90 percent of petitions are being submitted availing themselves of this option because of according to the industry representative, the alternative doesn't work. So, they are trying to deliver what the market wants and the only way they're able to do so right now is using this provision. So, I kind of get that too. That's something we certainly need to talk about, but I don't think two wrongs make a right. I think we need to stop coming in through the back door and figure out how to come in through the front door and toward that end though, if all the plan submissions, 90 percent of them are coming in using this what was meant to be an exception we need to close that door. While we do it, we need to recognize that's where most of the activity was, so we need to open another door. My understanding from talking to Ms. Craig is conversations about that other door are underway. So, what I would say is I don't support the text amendment in its current form because I think it amounts to slamming a door through which most of the traffic has been passing. It's not a minor thing and that's why I would like to either kind of soften the text amendment changes in order to achieve a little bit more gradual transition and work fast to get that other door open so that we can do this in an orderly fashion. I think that a lot of work was done on proposals, on plan development that are in different stages, and I've had a couple of conversations with developers who are working on things, have spent money on them and they're now finding that even if their reliance on the letter of our UDO was inappropriate, nonetheless it was justified based on how it's written.

So, again I would advocate for kind of softening, whether it's delaying or changing the language, but softening the impact of closing the door we're closing and making sure we have an orderly transition to another door, the front door that we are opening. I'll just put it to you like that. I'm not sure what that is. I'm happy to follow up with you, but as it stands right now, the schedule and the severity of these changes strike me as too extreme and I think we talked about that. Thank you.

**Councilmember Graham** said so this is complicated, and I think we see the complexity of what we're dealing with tonight because there's a lot of variety of issues relating to the topic for tonight which is the text amendment, the UDO in general and we even had started talking about triplexes and duplexes on corner lots, all dealing with the same element. So, I first want to start by thanking you Alyson for the job that you're doing in the very interesting environment in the space of our City that we're growing. What we're experiencing and feeling tonight and for the next couple of years will be growing pains as we go from a document that we were used to and accustomed to that we used for 30 years to something completely different. So, we're feeling the pain of that difference. I love being a Council member. The part that I hate the most is planning because it's so technical and I think Councilmember Ajmera is correct in terms of me relying on the Planning Commission and reading their feedback on all these zoning issues. I think having a split decision is good because it demonstrates that everyone is looking at the same thing from a different perspective and different lens and providing different input. Ultimately the decision is ours as a Council to make. I think I voted for the majority of the text amendments if not all that has come before the dais thus far because I do believe the UDO as I voted for is a living document and certainly the amendments are what we said we would do, fix things as we saw them being broken or needed to be retooled. This is different for me and I'm struggling with it. I did meet with Rob last week. So, he's not as a speaker tonight but as a member of the development community as well as our nonprofit partners, Habitat in particular in terms of affordability of what they're doing in terms of the UDO and the text amendment itself and others because part of what I know and understand is that this is a series of compromises that were made along the way. This is cutting into bone from my perspective now. I don't want to speak for Rob but I went back and pulled my notes from that meeting that was held last week and I think if he were to speak that they need time and collaboration. That they clearly understand. I've said this to you earlier. Every meeting that I had over the last two and a half weeks relating to this topic, you were there before I got there. So, all the stakeholders, the developers, the nonprofit partners, residents that are impacted by what we're about to do, you've done a great job in terms of outreaching and bringing folks in and making sure they understand the process. So, I thank you for that.

I think what Rob would say is that they need more time. They want to be a part of the decision-making process. They want to be a part of helping you and this Council kind of shape the text amendment in the ways that it benefits everyone. They want to get it right just as much as we do, but they need time and they want to make sure that everyone is at the table making those decisions, especially the designers, the builders, those who are also building affordable housing that may be impacted, developers, neighborhood associations. They want to make sure that the same group of people who spent almost a year and a half working with staff to develop the current plan are also at the table as it relates to making any significant changes along the way. I don't want to make any announcement, I'll let you do that but I think there is a plan in place to ensure that happens and that it happens in a timely fashion. So, my plea to you tonight is, I'm throwing something out there Madam Mayor, we don't want to leave the public hearing open. So, those that didn't have an opportunity to speak can speak later, that's a thought that has been met with silence. I just want to make sure and I think Councilmember Bokhari is correct that we want to make sure that even for the public record that these guys notwithstanding submitting an email or a letter should be heard for the public record, but that was met with silence so I'll pivot from that point and just suggest you continue to make the efforts necessary to ensure that timeliness and collaboration is at the heart of what we're doing and that there's some flexibility in terms of the text amendment itself.

Again, I'm not a planning expert but we have two different votes that are coming up within the next 60 days, all that, from my perspective are in the same zip code and maybe one vote instead of two separate votes because they both touch each other, and one impacts the other. I'm just a layman guys. Again, I'm still trying to figure it out. I continue to tell Alyson and staff all the time to talk to me like I'm a third grader because it is complex and it's technical and there's a lot of moving parts and if we do something over here, it impacts something over here from my perspective. So, those are just thoughts for consideration. I know there's a timeline for decisions to be made, I'm not

sure that's hard and fast. I'll rely on your expertise and the Mayor in terms of the management of the schedule, but certainly I think it's really, really important that all voices are heard and I'm just a little bit concerned that we left out a key partner tonight that probably needed to be heard. So, hopefully I did a good job of representing some of the things I heard last week. The collaboration, cooperation, the timeliness of these decisions are a concern of mine as well.

Ms. Craig said if I could respond to that really quickly, a couple different things. The UDO has base development standards in there for new lots that really reflect what is in the existing community and then we add development options for new subdivisions and there's different reasons why you might want to reduce lot sizes for new subdivisions. One of them is to preserve natural features and the other is to promote housing supply and affordability. So, the door of the conservation path has been one that we've talked to the development community about in those conversations I think it became very clear that they need a path towards housing supply. So, my concern about taking additional time with the conservation path is that again, if this is the Council's wish this is why you have your hard jobs over there, I think your jobs are harder than mine sometimes, but that means that until something is changed in the UDO there will continue to be projects that come through by-right that Council is not reviewing. So, there's attention there a little bit about if we do marry these two together which I see the benefit of that, the downside is that you'll continue to have development that may not be what we aspire to have. So, that's just the one point.

Mr. Graham said you're the expert and there's a certain level of deference that I give because I'm not a planning expert. I rely upon you to keep me in in the middle of the road you have the guard rails. Sometimes I may take a hard right and leave the road, but nine times out of the 10, when it comes to these very technical issues certainly I rely upon experience and that's why you're here and why your staff is doing the work, why we have the UDO Advisory Committee working with you to make sure that everyone stays within the framework of what we're trying to do. Again, this is change. This is what change looks like and either you embrace it as I do or you run away from it and I think as a community we really need to embrace it and find a way to fight through it.

Ms. Craig said thank you.

**Councilmember Molina** said first before I say anything I want to acknowledge the community members that came from the extraterritorial jurisdiction, the ETJ and acknowledge that we did hear you. I feel like that there were very pointed expressed concerns. Although I'm extremely challenged by the fact that the majority of what we heard was all in favor of the text amendment and we did not hear much that was in opposition and I'm a big believer in making sure that we kind of balance that out and I don't think we did a good job today of making sure that we had a balanced perspective in the speaking terms. Alyson, we've spoken and first of all for the record I actually serve as the Vice Chair of Transportation and Planning with Councilmember Driggs. So, to make sure that I understood the perspectives, I also joined Councilmember Graham when we went to go and meet with members of the development community and one of them was signed up to speak tonight. So, what the point of that meeting was, it wasn't to make an answer one way or the other. It really was to just get a balanced perspective of what one community thinks and what the position of the staff is. The way that I see it, first of all, thank you Alyson. I know you've worked really hard on this. The examples that you gave are absolutely valid. So, for the record we have about 1,000 units that are going to come through by-right right now if we do nothing and I think with giving more time, we have to decide whether we accept that and that's affecting every single district from two, even five where 200 plus units by-right with some of the examples that Ms. Craig mentioned will come through by-right. They've already been submitted without any type of action. So, my question to Ms. Craig is the balance is hearing from the development community specifically and you and I have talked. There is a rebuttal in the pipeline. So, the question is in trying to gain and marry the two perspectives so to speak. Provide the tools for the development community that is absolutely going to provide those necessary resources for our community members, for affordability and protect the integrity and the space of our beloved City. The two can happen. The two

already are happening. We have Ms. Craig and her team that are working on that and the question is how do we make sure or at least attempt to try to ensure that we do one and the other, how much time will you need Ms. Craig?

Ms. Craig said so, I think to work through a compact development forum, probably a month or two. The provisions that I've been talking to Habitat and staff about with affordability are super easy and could probably be tacked on to the conservation pretty easily because it's literally changing like three letters in the UDO. So, that one's a lot easier, but compact, I would say a couple months. Let's say we could figure out and work with the development industry and design community on what those standards are. There's still a process of course through [inaudible] and going through council votes so that's probably another two months there. So, by the time you get a vote, maybe three months. So, it's not a long time but it's three additional months.

Ms. Molina said based on your professional opinion, do you think that we're going to continue to see a flush of these types of developments in the interim? Like what would be the outcome? Just a guesstimate. What do you think?

Ms. Craig said so, we have right now about 3,000 units in sketch plan review which means that there are preliminary sketches that have been shown to staff for staff comments. They're not an official submittal. They're not an official submittal until they provide construction plans and a check, but they have at least drafted something up on paper to show to staff. So, there's probably about 3,000.

Ms. Molina said that's what makes this type of decision pretty tough.

Ms. Craig said yes, yes ma'am.

Ms. Molina said it's a very tough decision in that 3,000 potential units might come through with some of what we saw and that is concerning. I would be remiss to say that I didn't acknowledge that and I think that's why it needs to be more pensive. This is tough one and I iterate that but then how do we solve to the fact that you have something that you're working on that is going to solve to the next question and some of the tougher conversations that we have to have inevitably as well. I appreciate the work that you're doing. My opinion is, and I'm not saying that the 3,000 units that would come through would not be important, I want you to know that. Like I said, your work is very important, your perspective is absolutely essential to what we do, but I think somehow, we have to marry the two options and get them as close as possible to where we are solving to affordability and what the 2040 Plan was originally designed to do and preserving the character and integrity of what we initially planned as well. So, I'm stumped. I can't tell you yes or no but I do see the two perspectives. So, I'm glad this is a hearing and that we're not ready to vote, but I think some offline conversations must happen and I think as a Council, we have to make a decision on what we're prepared to do to move forward. So, that's all I have. Thank you.

Ms. Ajmera said so, really what I wanted to say almost 90 percent of it has been said. For those of you who didn't get to speak that were in opposition because of the confusion with the ETJ, I think many residents who are here from the ETJ area brought up very valid concerns. There will be a time and opportunity for that, but those that came out here to speak specifically on the text amendment, we haven't had an opportunity to hear from you. I know you have met with some Council members, not all. I encourage you to speak at our public forum next Monday. That is not specific to any agenda item. You can speak about any issue. We often get audiences that speaks about world issues and peace and war. So, I think that is an opportunity for you to really get everyone's attention. I would like to hear the opposition. Ms. Craig knows how much I'm passionate about open space and greenspace. Even when I go back about a year ago, we had discussed open space and greenspace and how I was advocating for having more options, but I would like to hear from those that are opposed to some of these text amendments. I think there needs to be a sense of urgency based on the data that Ms. Craig has presented. I don't think we need to have another public hearing because we are talking about 3,000 plus units and many, many lives that will be

impacted for generations to come. So, certainly I'm in favor of the timeline that's being proposed by the staff, while working with those in the development industry to hear their opposition. So, Rob, Joe Padilla and Charlotte Lodge were speaking in opposition but did not get an opportunity to speak. If you could just send us an email with your opposition and also speak next Monday. So, I understand. I actually have a meeting scheduled with Alyson next Monday for about almost two hours because we're going to go example by example. So, I would love to have your opposition prior to that so that we can discuss that. That's all I have. Thank you.

**Councilmember Watlington** said okay. So, a couple of things. First thing that I would like to speak on and I'm sorry. These kinds of things really irk my soul when it feels like the obvious right thing, we can just do it and it requires us to just suspend our rules to allow them to go ahead and speak tonight, let's just do it. So, I would offer that. That we suspend the rules to allow those that were signed up to speak to go ahead to speak. They came tonight, we have a timeline, we know that that timeline has an impact to it. So, we can solve this problem.

Motion was made by Councilmember Watlington, and seconded by Councilmember Johnson to suspend the Council rules and allow those who were signed up in opposition to the text amendment to speak.

Mayor Lyles said well first I understand what you're saying, and I think that is a fair choice. I do think that we can suspend our rules. I want to make sure that the Attorney, and I know that you guys have been seeing it back and forth. Ms. Gray I'd like to know whether or not we've done this before and whether or not in this situation that we have the ability to do this, and the Council approves it. So, we would have to suspend our rules and approve, but the question that I would have is, this would be only for those that were signed up. I think there were three people to speak. Now, at the end of the day, these are three representatives of one perspective. So, one of the questions that I have is if we do three days of those with one perspective and another group that's recognized here decided, what would be that step Ms. Gray?

Ms. Hagler-Gray said so, yes, they are your rules and you do have the authority to suspend your rules and that would require a two-thirds vote of the Council to pass that to allow. I think you would be very specific about allowing the three speakers that weren't able to speak because of the confusion to be allowed to speak. I'm not familiar that you've done it before, but again, they're your rules. So, you can vary them the way you'd like.

Mayor Lyles said so, would it be three minutes? It would make a decision up to the Council to do that.

Ms. Hagler-Gray you'd have to make a decision about how much time you'd like.

Mayor Lyles said I actually do think that is a good idea of how we can go and move forward. I really like it because if we are really going to have this charrette on Friday, we all ought to come and be prepared or watch it as we are prepared to do so. So, do we have a motion, and would that motion include the number of minutes?

Mayor Lyles said we would need to actually have the attorney read the allowance for us to suspend the rules if we would have someone submit the amount of minutes that each person would have so we're treating people fairly. Then we could have a two-thirds vote if approved and we can continue. So, with that, Ms. Gray. I need the motion stated. I want you to state the motion that we would have to suspend the rules.

Ms. Hagler-Gray said okay.

Mayor Lyles said I want someone to help me with the Council to say that we will suspend the rules and the timeframe for each speaker.

Ms. Watlington said okay. So, what I will do is I will just amend my motion that's on the floor and I would ask the clerk do you know the number of minutes that were spent speaking about the ETJ because if so, that will be the minutes that I would want to put back on the clock.

Ms. Kelly said I have cleared the clock, I'm sorry.

Ms. Watlington said okay. No worries.

Mayor Lyles said generally our rule, three minutes.

Substitute motion was made by Councilmember Watlington, seconded by Councilmember Johnson, and carried unanimously to suspend the Council rules and allow three people in the development industry to speak for three minutes on the subject matter of the text amendment.
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**Rob Nanfelt, 4127 Wright Avenue** said I do appreciate the opportunity to acknowledge the group. I don't know that I'll take three minutes. I just want to say first of all I appreciate the fact that you also understand the distinction between this being the duplex/triplex issue on infill versus new subdivisions. I think Mr. Margolis touched on that issue but there really are three things at hand right now. There's that issue on infill, there's this conservation subdivision issue that is at present tonight and then there's Alyson's the Planning Director's efforts on the compact subdivisions going forward. So, I guess our suggestion to you is because there are three outstanding issues that really do interact, let's look at those three together and whatever it takes to look at that, sort of the broader scale. They all interact, and they all relate to how much housing supply is going to be available going forward in the future, especially a lot of the supply that's in the attainable range which is workforce housing which the market desperately needs right now. I think moving too fast with the conservation subdivision amendment without having an open door as Councilmember Driggs mentioned available immensely is going to cause a problem for the market. In addition to that you've got a number of folks that have invested a lot of dollars and time and effort to get to this point that may have not submitted a plan yet, but they spent a lot of money to get there and if they don't get in the door by potentially May 20, 2024, they're out of those efforts. So, I would encourage you to take your time, look at all three at the same time and see how they interact and how they result in housing supply and affecting the ultimate housing supply going forward. That's the main comment I'd like to make. Again, I appreciate the chance to address you. Councilmember Ajmera we will address all of you individually and provide additional information going forward but thank you for your time. Appreciate it. Several of you spoke so eloquently with points that I was going to make already that I don't want to belabor the points. So, thank you so much.

**Joe Padilla, 7727 Compton Court** said thank you Madam Mayor, members of Council. Appreciate it. Joe Padilla with Smith Douglas Homes. I'm not going to belabor either. I know it's been a long discussion, and we all want to move on, but I did want to point out one item that Ms. Craig had put on the slide which I think was very valuable. There was a contrast between what the UDO under the current conservation subdivision would yield and what the proposal would yield and there was a net loss of about 50 lots. What I want just to bring your attention to, is that's not just the loss of 50 lots. Those homes would now be significantly more expensive because of that net loss and yield. What we're dealing with here in Charlotte as we are in every market where we build is a housing affordability crisis that's getting worse by the day and it's driven by land prices which are exponentially going up, it's driven by development costs, construction costs. There is nothing working in our favor other than zoning and density opportunities which this UDO does provide in many ways. I would just ask that again as we continue to evaluate and look at this amendment, we do it in a context that is very carefully evaluating what that impact will be on attainability because we see it every day at our company. We see the challenge of bringing workforce housing to Charlotte to Raleigh to Nashville to every city that is having this massive influx of growth and these massive pressures working against us to keep those prices attainable. So, again I don't want to

drag this on any longer. I appreciate you giving me the opportunity to come back up here and speak. We look forward to working with Ms. Craig. There are a lot of folks here. If everyone here from the industry could just kind of wave a hand real quick.

Ms. Molina said oh Lord.

Ms. Ajmera said wow.

Mr. Bokhari said yes, glad we let him talk.

Mr. Padilla said again, this is a real concern about affordability in this City. It is a problem that we try to address with the UDO and it's a problem we're going to have to continue coming back to for the foreseeable future. So, thank you very much.

**Charlotte Lodge, 9404 Segundo Lane** said good evening. I'm Charlotte Lodge and I really appreciate you giving me the time to read this very short letter that's to the point. The letter is from Javier Lopez and he's the president of the Steele Creek Residents Association. The subject on point is SCRA concern with Petition 2024-043 UDO Text Amendment for conservation residential developments. "Dear Council members. The Steele Creek Residents Association, SCRA, is deeply concerned the proposed Text Amendments would clear the path for wildcat developers to misuse the UDO in the ETJ. Already large parcels are being assembled with the intent of dropping UDO allowed densities that will dramatically impact the existing residents, specifically along Youngblood Road without the mitigating infrastructure improvements or other equity and quality of life contributions that a growing community requires. SCRA has a long history of collaborating with government agencies and developers to gain important ETJ improvements that are not being timely budgeted, planned or delivered by the County or State. New traffic circles, turn lanes and Steele Creek Fire Department equipment facilities are just some of the examples of what we have gained for our residents. Unfortunately, the UDO's by-right vision serves to remove community SCRA input from the process and streamline development without accountability for the infrastructure to support the 2040 goals outside the City limits. Instead of relying solely on text amendments we request consideration of additional ETJ specific provisions whereby development of two or more acres be required to follow the standard rezoning process to ensure community input and no subdividing parcels to bypass or skirt this requirement. SCRA stands ready to continue to support and improve the UDO in achieving the goals of the 2040 Plan. Respectfully submitted, Javier Lopez, President of Steele Creek Residents Association." Thank you very much.

Ms. Anderson said thank you, thank you ma'am. I want to thank everyone for coming out, especially from the development community and the residents to state your perspectives. This, as my colleagues have said, this is an important tenet of the UDO and it's important as it relates to our growth and maintaining the charm and the aesthetic of the City. So, it is a balance, and we'll continue to work together, and I thank you for your partnership as we try to figure out the best solution for our beloved City.

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to close the hearing.
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Ms. Johnson said Mayor Pro Tem I did have my hand up before we closed the public hearing.

Ms. Anderson said okay. Go ahead and make your statement.

Ms. Johnson said I wanted to ask Alyson a question. So, Ms. Craig, and you may give this information offline, but do we know how many units or the percentage of units since the UDO has been implemented, our workforce or affordable housing?

Ms. Craig said sure, we can do that.

Ms. Johnson said okay. Yes, because we're hearing the response that this text amendment is going to affect the amount of affordability and workforce housing. So, I'd like to know how many applications we've had since the UDO's been implemented.

Ms. Craig said sure. I can do that, yes.

Ms. Johnson said thanks.

Ms. Watlington said yes, I never got to actually ask my question. Hi. I just am following up on my previous request in regards to seeing where the permit applications were in for?

Ms. Craig said so, that was that map that was shown.

Ms. Watlington said can you send that to me?

Ms. Craig said sure, sure. Absolutely. Yes. It took us a little bit to compile it but yes, that was in the presentation.

Ms. Watlington said thank you.

Mayor Lyles said were you asking about the map? I think that would be good to send to each person on the Council and if we can just really clarify. I saw it was like a little red dot, but it's not very clear to see where those houses are being submitted in the material. So, that would be helpful. Okay.

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**ITEM NO. 30: HEARING ON PETITION 2022-105 BY MOORES CHAPEL RETAIL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.99 ACRES LOCATED AT THE INTERSECTION OF RHYNE ROAD AND MOORES CHAPEL ROAD FROM N1-A (NEIGHBORHOOD 1-A ZONING DISTRICT) TO B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL).**

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

**David Pettine, Planning, Design & Development** said 2022-105, it's just under four acres on Rhyne Road and Moores Chapel, just off I-485. Currently zoned to N1-A. They are proposing B-1 (CD) which is a legacy zoning district and the Adopted Place Type for this area you can see those areas in pink are recommended for a Neighborhood Center. We do have some existing Neighborhood Center Place Type recommendations across the road on Rhyne Road and Belmeade which also contains a service station as well. This proposal would request for up 10,000 square feet of uses permitted in the B-1 zoning district. Does commit to screening on the proposed drive-through component from adjacent rights-of-way with plantings or a four-foot screening wall. Does limit freestanding lighting to 25 feet in height with full cut-offs. Also illustrates a 43-foot Class B buffer along the site's eastern property boundary where adjacent to N1-A. That's shown in green on the plan and also commits to the following transportation improvements: Access through a right-in only driveway south of Belmeade Drive, full movement driveway north of Belmeade Drive, a 12-foot multi-use path along Rhyne Road. Also, a conversion of the southbound off-ramp of I-485 at Moores Chapel to a free-flow right turn lane. This would be accomplished by extending the right turn lane between the two roundabouts. Also, construction of an eastbound left turn lane on Belmeade Drive at Rhyne Road with 150 feet of storage, and construction of a southbound left turn lane on Rhyne Road at the northernmost driveway and then also construction of a southbound right turn lane on Rhyne Road at Moores Chapel. Those were all an outcome of a traffic study that was conducted for this site and identified those as mitigation factors.

Staff does recommend approval of this petition. We do have some outstanding issues related to transportation and site building design to work through. It's generally



consistent with the Policy Map recommendation for Neighborhood Center; however, there is some inconsistency for the southern portion of the site where the drive through use is being proposed as a component of the service station, but staff does feel that generally they've worked to try to screen that in a manner that's consistent with our legacy ordinance. So, again we do recommend approval upon resolution of those issues, and we will turn it over to the petitioner and the public and take any questions following their presentations. Thank you.

**Walter Fields, 4667 Webbs Chapel Church Road, Denver** said Mayor Pro Tem thank you so much and members of Council and Zoning Committee. My name is Walter Fields. That was some exciting stuff going on here for the last 45 minutes or so. Now this is going to be a total departure. About five years ago, this property was proposed for a rezoning, and we worked with Ms. Mayfield on that at the time and it was filed in 2018 and approved in 2019. There was opposition to that, the same folks that are here tonight and got a call from Mr. Davies today just sort of letting me know he was coming, and I appreciate that. We've done a lot of work together over the years. There was opposition to that petition. Across the street was a small convenience store that existed at the time we had proposed this site for this exact development. Didn't have gas pumps or any of that stuff and that owner had actually tried to buy this property. So, we went forward with the rezoning, and it was recommended for approval by the staff consistent with the plans for the area. It was recommended for approval by the Zoning Committee, and it was approved by the City Council and I believe it was a unanimous vote.

Shortly thereafter a lawsuit was filed challenging the rezoning. There were a number of technical issues raised and sure enough there happened to be a technical glitch in one of the documents attached to the rezoning and the court decided that that meant it didn't quite meet the standards that it should've met when it was applied for. So, the zoning was simply reversed, and it didn't go forward. After some additional time working with the sellers of the property and working with the potential purchaser of the property, the decision was made to refile the case, to go forward and I went and had my pre-filing meeting with the staff and said I want to bring the exact same plan in that was already approved once by everybody that had to approve it. So, that's pretty much what we did. We filed the rezoning with the very same site plan, all the same conditions, all the same improvements and transportation changes and so on and so forth. The only thing that changed between the time we filed it the first time and the time we filed it the second time was that the small convenience store across the street had been demolished and a newer more modern convenience store with the gas pumps was built on that property. Otherwise, everything is still the same. We filed this case in about the middle of 2002. Initial reviews with the City's Planning staff were generally supportive with the caveats that they normally give us to be sure that we've got the technical stuff right. C-DOT looked at it and said, "Well you know we've got the traffic study; all the stuff is on here from before." It was approved by C-DOT and NCDOT and everybody. So, early on, we were told that we wouldn't be required to get another traffic study because it was very costly and time consuming considering we were right in an interstate interchange. So, we ended up having to go back and reset and start the process again in terms of a TIA (Tax Increment Grant). It took a while to find a consultant. We were going to use the same one we had used before. They were based in Texas. That just wasn't working. We decided to work with somebody local. It took several weeks, months to get the scoping done then to get the work done to have C-DOT and NCDOT review it. We actually had hoped and was ready for this hearing to go forward in March. I'm not talking about last month March; I mean March of 2023.

So, it's taken that much time. There was delay in there at several different points to redo the traffic study and we were asked to do some additional improvements which have all been incorporated into this plan. As Dave pointed out, listed in your staff analysis as some unresolved issues, I've already started marking up and red lining the text of the conditions to pull all that stuff in and correct it. So, we're back before you again with an old familiar plan that was approved by everybody in the community, the staff, the Zoning Committee and the City Council. We have this same plan, we have the same consistency with the land use plan. I think there's a little bit of tweaking that Dave mentioned there based on just what some of the policy type documents say, but we're

consistent with the notion of Community Center so on and so forth. We still have the improvements that we'd originally proposed plus the new improvements that came through the revised traffic study and some additional comments from the City staff about multi-use paths and better alignment of crossings for pedestrians and so on and so forth.

We mitigate all the traffic that we're creating and that considerably improved traffic in the general area because some of our changes include making improvements with in the roundabout structures to add an additional lane which benefits everybody that's going to turn on Belmeade or go further north on Rhyne Road. With the exception of those few issues listed in the staff analysis, we believe we're just asking you to do what you did before and approve this rezoning. It's consistent with the plan and appropriate in this location. I'll stop at this point and see if they're any questions. Thank you very much.

**Kenneth Davies, 2112 East 7<sup>th</sup> Street, Suite 200** said good evening, Mayor Lyles, City Council. My name is Ken Davies. I represent one of the opponents to this petition a company called CoStar which owns a convenience store adjacent to the property under consideration today. My client opposes this petition for the same reasons as before and at this point, we're years down the road and the traffic situation which is the primary contention here has even gotten worse because of many rezonings in the area and even more in the pipeline coming down. We passed out some notebooks and I won't go into all the details in those notebooks. We'd like to meet with you between now and the decision to go over some details with that. Just to point out in this notebook, we have a couple of technical issues which I hate to bring up. Mr. Fields is right, there was a problem with the prior rezoning. We didn't get notice of this hearing until the middle of last week. So, we're wondering if there really was 10 days' notice and I'll be in touch with Ms. Hagler-Gray about that issue because we don't know how this got on the calendar today so suddenly. Tab 12 in the notebooks is the affidavit from my paralegal. She checked on the 9<sup>th</sup> of April 2024 and there was no notice of hearing on the website and then all of a sudden between now and then it popped up. Now you know the statute and even our zoning ordinance require at least 10 days' notice. So, we have an issue there.

Another problem is we asked Mr. Fields if he would have another community meeting on this petition because so much time had passed and there were some revisions. They declined to do that; however, your own UDO says you need to have a community hearing within six months of the public hearing. The community hearing in this case was in 2022. So, I'll be in touch with Ms. Hagler-Gray about that as well. I'll share that with Ms. Sarah Masoud who is a representative of CoStar here today. She'll get into more details about the traffic problems out there. The staff report for this rezoning, guess when it was published? Today. That does not give the public an acceptable time to analyze, review and comment on that and we can do that between now and the decision, but this is a public hearing on it and for some reason, that staff report didn't even come out. Was not available to the public until today. So, we have that issue as well.

Finally, the C-DOT staff report. We do not even have one that takes into consideration the new traffic impact study. That report says quite clearly that all traffic issues must be resolved at least four weeks before the public hearing and as you've heard tonight, there's still some outstanding issues. So, with those technical problems with rezoning, I'll turn that over to Ms. Masoud and she will enlighten you as to what their concerns really are down there. Thank you.

**Sarah Masoud, 2112 East 7<sup>th</sup> Street, Suite 200** said good evening, Madam Mayor and City Council members. My name is Sarah Masoud. I am a representative of CoStar, LLC. I do want to start by putting on the record that we did not receive any notice from the City that this hearing was going to happen tonight. So, I ask you all to please bear with me because I did not have much time to prepare everything that I wanted to get out to you. I'm going to start. I'm going to touch base on two important items, crime and traffic. So, the first thing I'm going to touch on is crime. These types of establishments

as we all know tend to bring an increase in crime to the area. It's unintentional, but it just happens. Some examples are motor vehicle theft, burglary which is included in commercial and residential, and these are just two of the increase in criminal that we see. If you reference tab 11, you'll see Chief Jennings' email to the City Planning Office. This was back on 4<sup>th</sup> of July 2023, of last year and he has very valid concerns over traffic and crime that come up periodically in the area. We can expect that these issues will become more frequent with the huge of influx of trips that are generated to the area. Which brings me to traffic.

If you look behind section four, you will see some still images of the traffic build up in the area. We do have video so I will be emailing you all with those videos. These images were captured in the late morning on a weekday. So, this isn't even a glimpse of how bad it gets on weekends or rush hour or when there's events happening in the area. Then we have to consider the increased traffic being generated by pending and recent rezonings as well as new construction that didn't have to go through the rezoning process. If you look at tab seven in your notebooks, these are all the relevant rezonings for your reference. The roundabouts as you exit 485 are frequently blocked with bumper-to-bumper traffic with nowhere for cars to go. There are no traffic lights in the vicinity to help move things along. So, when you're stuck, you're just stuck. The site plan does not address this traffic in any real or realistic way. I do appreciate your time this evening. Thank you.

Mr. Fields said it's of interest to me that these issues and concerns about crime and traffic and stuff are unique only to this site but not to a similar site that they constructed directly across the street. I'm not quite sure how that works. I don't think that zoning is really set up to regulate competition between similar uses. We would only offer as an observation that the comments in the staff analysis relate to making sure the commitments that we made in the traffic study, and I would invite you to invite C-DOT to answer or address that issue if you choose, to make sure they get put on a site plan. It's not that they haven't been agreed to, they're in the traffic study. They just want to make sure they get on the paper document and in the conditional notes for the site plan. So, I think that we have addressed the concerns that have been brought to us through the public process. This is consistent with the plan, it is supported by the staff, and it is a development that was approved just a few years ago by the Planning staff, by the Zoning Committee and by this City Council. We would ask you to approve it a second time. Thank you very much. I'll answer any questions you might have.

**Councilmember Johnson** said thank you for the presentation and forgive me if I missed it. This was approved in what year?

Mr. Fields said it was approved in 2019.

Ms. Johnson said 2019.

Mr. Fields said the first time.

Ms. Johnson said okay, and we're hearing it again because of technicalities?

Mr. Fields said Mr. Davies is an excellent and thorough attorney and he went through all the documents much as he exhibited that he's done to get here tonight and found something that the court believed constituted a technical error and one of the pieces of paper attached to the application, that's enough to have the zoning overturned. It just went back to what it was before. It didn't undo the approval, it didn't undo the staff's recommendation or the Zoning Committee's recommendation, the court just said there was a mistake here. So, it can't go forward like this. We've simply made the choice later on to go back and refile it again. It took a little while working with the property owners because they were very disappointed that all this happened and it took a little while just to get through the court system, but this is the same plan that we had proposed before. It's the same plan that the Council approved before. It's maybe even a little better because we have different and newer review comments from several agencies and those have been incorporated into this revised site plan. So, we believe that is at least

as good and probably better than the plan that you approved a few years ago. We hope that you will approve it again.

Ms. Johnson said do you have that petition number?

Mr. Fields said that petition number was 2018-073.

Ms. Johnson said okay. Thank you that's all I have.

**Councilmember Ajmera** said yes. So, thank you. Ms. Masoud, was that one of the speakers? So, she shared that she didn't get a notice, that she didn't get notified.

Mr. Pettine said yes, I'd like to get confirmation of their address if we could for this petition and the one that was previous if it's still the same as what's in our files because notices were mailed.

Ms. Ajmera said okay.

Mr. Pettine said yes.

Ms. Ajmera said that concerns me because we've been hearing that lately a lot.

Mr. Pettine said yes, notices go out on time, postal service we don't have control over once they leave the building.

Ms. Ajmera said right. I don't know if you have a comprehensive list. So, if you could just take a look at that. That's all I have. Thank you.

Mr. Pettine said yes.

**Councilmember Brown** said as the district rep, thank you so much for both presentations, but as the district rep, very concerned about them hearing about the meeting at the last minute or not hearing about it at all. I would like to entertain the thought of having another community meeting or see the documentation that was presented that supports that we did our due diligence for the sake of the constituents and the community. Whoever put this book together, it's just amazing. It's like a school project, a well put together school project and I'm very impressed with it. So, I'll be in touch with Sarah and Kenneth. I'll be in touch with you guys. We can communicate. Thank you so much for your presentations.

Mr. Mitchell said so, Walter, a couple of questions. One, I think Council, we try to stick to the land use decision that we're responsible for and not try to get involved in private industry. Attorney Davies made a comment about this type of development is already in the community or in the area. So, did I miss something? So, what is proposed here?

Mr. Fields said it's a total of 10,000 square feet of floor area or it's about a 6,000-foot building that will be a convenience store and a restaurant that does have a drive through that's screened from public view. There's an additional pad on the site that will be developed at some point in the future. At this point in time, we've identified the area and included that floor area in the maximum for the entire site, but the market will help to set the tone for what that use needs to be to serve that part of the community.

Mr. Mitchell said okay. Thank you, Walter.

Mayor Pro Tem Anderson said thank you. So, Mr. Fields, just a question. It states that there were eight attendees at the public meeting. Was there a public meeting held?

Mr. Fields said yes, I think it was a virtual meeting because we were in that period of time.

Mayor Pro Tem Anderson said okay. Then of the eight individuals, they were community members who were there?

Mr. Fields said we sent out the letters according to the same list that the City uses when they send out the preliminary notice, the early notice and then when they send out the official notice. So, we don't know who the people are. They may live in the community. They may own property in the community. They could live on the other side of town, maybe businesses in the community. We use the list that the staff prepares and that's part of the normal process. So, anybody that's on that list gets a notice. Mr. Davies called me some time back. So, I assumed he had heard of the [inaudible] because we talked about it many months ago.

Mayor Pro Tem Anderson said okay. Thank you.

Motion was made by Councilmember Brown, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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Mr. Fields said thank you all very much.

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**ITEM NO. 31: HEARING ON PETITION NO. 2023-023 BY HORIZON DEVELOPMENT PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.55 ACRES LOCATED ON THE EAST SIDE OF OLD PROVIDENCE ROAD AND WEST SIDE OF PROVIDENCE ROAD, NORTH OF RIVER OAKS LANE FROM R-20MF (MULTI-FAMILY RESIDENTIAL) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT - OPTIONAL).**

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

**Maxx Oliver, Planning, Design & Development** said alright, Petition 2023-023 is located on the east side of Old Providence Road, west side of Providence Road, north of River Oaks Lane. The site is approximately 8.55 acres and it's currently developed as an apartment complex. Current zoning is R-20MF, Multi-Family a legacy zoned conditional district. Proposed zoning is MUDD-O, Mixed-Use Development District-Optional, a legacy conditional district. The 2040 Policy Map recommends the Neighborhood 2 Place Type for the site, MUDD-O district is consistent with the N-2 Place Type. The proposal calls for up to 380 dwellings with multi-family, single family attached townhome units. The site is divided into two development areas, Development Area A, Development Area B. Area A may be devoted up to 350 multi-family dwellings that are up to 80 feet in height. Area B may only contain single-family attached dwellings up to 48 feet in height. The plan proposes that 20 percent not less than 49 units are made affordable at 30 percent to 80 percent AMI (Area Median Income) for a period of no less than 30 years. Petition requests optional provisions including allowing parking, vehicular circulation and vehicular maneuvering, and visitor drop-offs to be located between the building and internal driveways and on private streets. Architectural standards are proposed for the multi-family structures and single family attached townhomes including preferred and prohibited building materials, fronting buildings to public streets, modulation or articulation standards, blank wall limitations, minimum slopes of pitched roofs, screening and mechanical equipment service areas, prohibition of driveways to individual units, front stoops, etc.

Transportation improvements will include a dedication of additional right of way on Providence Road and Old Providence Road spanning existing bus waiting area, building a 12-foot multi-use path and eight-foot planting strip on Providence Road, an eight-foot sidewalk and eight-foot planting strip on Old Providence Road. There are several outstanding issues including the traffic impact study has not been approved. Cross access connection between the site and the Northwood Raven site to the south, which is Petition 2023-039 should be coordinated. Maximum building height should be reduced. Clarity is needed on the maximum number of units permitted in Development

Area B. The plan should specify the number of units currently developed on the site. The maximum number of dwelling units per building should be set for townhomes and the petition must address the remaining stormwater and urban forestry comments. Staff does not recommend approval of this petition in its current form as the site lacks connectivity with the site to the south leading to four access points on Old Providence Road and three on Providence Road in less than one-third of a mile. The TIS (Traffic Impact Study) has not been approved. The maximum permitted development in Area B is not clearly stated and the proposed height is unprecedented in the Providence Road corridor. Happy to take any questions following Mr. Carmichael's presentation.

**John Carmichael, 101 North Tryon Street, Suite 1900** said thank you Madam Mayor Pro Tem, members of City Council and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. With me tonight are Fulton Meachem, the petitioner, Adam McGuire of Land Design and Randy Goddard of Design Resource Group. They're available to answer your questions. The site contains about eight and a half acres. It's located on Old Providence Road and Providence Road just south of intersection of Old Providence Road and Providence Road. The site is outlined here in green. The site is located across Old Providence Road from the Brookdale Carriage Club Providence Retirement Community, and it's located across Providence Road from International Drive. The site is the home of the Gladedale Apartment Community which is a 49-unit affordable multi-family community owned by the petitioner. The site is currently zone R20-MF which is an old multi-family zoning district under I think it's two ordinances ago. The Brookdale Carriage Club is zoned Institutional CD. There's an Exxon station to the north of the site that's zoned Commercial General. To the east of the site it's zoned N2-B. That's the property that's subject to rezoning Petition number 2023-38 that you'll hear later. The parcels to the south of the site are zoned N1-A. However, those parcels are subject to Petition 2023-039 that you'll hear later tonight and then the Sutton Hall Townhome Community to the south of us to the site is zoned UR-2 (CD).

So, the request is to rezone the site to the MUDD-O zoning district to accommodate the development of a residential community on the site that would be comprised of multi-family dwelling units and single family attached townhome dwelling units. A maximum of 350 of the 380 units could be multi-family units. There would be an affordable component to this development. A minimum of 20 percent of the dwelling units actually constructed on the site would maintain monthly rents that are income restricted to households earning between 30 percent and 80 percent inclusive of the Area Median Income for a period of 30 years. In no event could there be less than 49 dwelling units on the site that are income restricted. So, this is the 2040 future Policy Map. It places this site in a Neighborhood 2 zoning district. So, therefore it's noted in the prehearing staff analysis. This request is consistent with the future 2040 Policy Map. This is the site plan. This is the Exxon to the north; the intersection of Old Providence and Providence Road is to the north. International Drive is to the east, and this is Old Providence Road. There'd be an access point from Old Providence Road and although it's not shown on here, there's a proposed access point on Providence Road as well. On the northerly portion of the site, there would be a multi-family building that wraps a structured parking facility. The maximum height of that building would be 80 feet. On the southerly portion of the site, there would be townhome units as well as a garden style apartment building. The maximum height of these units would be 48 feet. The rezoning notes provide that the buildings adjacent to Old Providence Road could only be townhome buildings. There'd be tree save and open space areas located along the southern and eastern portions of the site. Architectural standards are part of the petitioner's conditional rezoning plan. There'd be an eight-foot planting strip and an eight-foot sidewalk along the site's frontage on Old Providence, an eight-foot planting strip and a 12-foot multi use path along the site's frontage on Providence Road. There's a pedestrian crossing here at the intersection of Providence Road and International Drive and there's a traffic signal there as well. There's a bus stop approximately here along the site's frontage on Providence Road for routes 14 and then the 61-express route. The petitioner would improve the existing bus stop waiting pad for that bus stop location. There'd be onsite amenities provided for the residents. This is just a context map so you can see the rezoning and site here, and then this the [inaudible] rezoning site to the east and the north of Raven rezoning site immediately to the south of the site.

This proposed community would be walkable to those proposed developments. We will work with the Planning staff and the Department of Transportation to resolve the outstanding issues which include of course the transportation issues. This is an opportunity to provide affordable units in a mixed income development located on the site. We appreciate your consideration. We're happy to answer any question. Once again, Mr. Meachem, Mr. McGuire and Mr. Goddard here are happy to answer your questions. Thank you for your time.

**Dennis Grills, 2525 Lynbridge Drive** said good evening, Council. I'm going to change a little bit what we've talking about tonight. We're not going to talk about the UDO. This petition does not involve the UDO, but it does involve the Policy Map that went into effect on July 1, 2022. This area, we talked about zoning areas, but let's talk about the Place Type. It is a Neighborhood 2 Place Type. What is proposed? An 80-foot building is not compatible with a Neighborhood 2 Place Type. An 80-foot building is not compatible with the Providence Road corridor. It would be the biggest building on the Providence corridor between 485 and Sharon Amity Road. It's got two exits. What Mr. Carmichael put up is different than what is in the site plan. I can only talk about what's in the site plan, which shows two exits onto Old Providence Road, one exit onto Providence Road. There is no pedestrian access onto Providence Road. The only pedestrian that's shown is going on to Old Providence. If you look at the plan that's in the rezoning petition, looking at the tree save area, it will have about 80 percent impervious area and Neighborhood 2 aims for 35 percent to 45 percent. So, this, at the size and the magnitude of the project that they're suggesting, its incompatible with the Place Type. It's incompatible with the corridor. It's a huge, massive program that adds 27 affordable housing units. They're going to go from 49 to 76. It doesn't make sense to us. Thank you.

**Chris Chotard, 6545 Alexander Road** said Chris Chotard. Pleasure to be here. Thank you for having me and thank you to Mr. Pettine and Planning as well. I think they put a lot of work into this and don't get a lot of credit. I'll underscore to Dennis' last point there. I think it wasn't brought up very well in the initial presentation, but those existing 46 units are being torn down and those 46 families are being displaced. So, I also agree that it's not very much of a positive impact. What I'm here to talk about is infrastructure. You should've received a handout with some kind of orange and blue graphs. So, I just wanted to walk you through some data points. I did work with Elise Barrella with DfX Consulting. She's a traffic engineer. So, there is some credibility behind these figures. The first page and slide is meant just to give you an idea of the scope and scale of the density and the intensity of this particular development compared to other rezonings in the area. You can see that it's around three to five times the intensity of some of those other rezonings. Cotswald Village for example, that's not this one, but that does impact the infrastructure. So, I'll move on. If you flip to the back page of that first slide, NCDOT does have a recommended average traffic count limit for every street and corridor in the City of Charlotte. So, I looked that up and it's 39,000 cars a day on Providence Road. You can see looking at these major intersections that each intersection is either over at Folger Drive or at capacity already. So, how many of you have been on Providence Road? Just about everybody, right? It's one of our main arteries in the City. Councilmember Driggs, we've worked closely with on this as well. So, we're already at capacity on Providence Road, and then if you flip to the next page, not only are we at capacity, but when you look at level of service, many of these major intersections are already at an F at the a.m. and p.m. peaks. If you look at your Google maps, it's just common sense. Everything's just bright red during rush hour in this area. So, we're talking about an extremely intensive proposal three to five times any other rezoning in the area for our corridor, which is just overwhelmed at the moment. If you flip to the next page and this was mentioned earlier, they're a number of other rezonings in the area, one which there was an article about with Mr. Levine mentioning that he's about to get underway on the Mallard Creek area. Based on NCDOT data these rezonings within this two mile stretch on Providence Road will add 17,000 incremental trips on top of what we have today. So, we're at 39,000 today which is absolute max. These rezonings are going to add 17,000 trips on top of that and then if you flip to the next page at the very top there. This is pulled from the TIS Randy did. These proposed rezonings, Horizon is one of which, but the TIS was done for the three that are together coming up

in the next few minutes, will add 22,000 incremental trips on Providence Road. So, we're going from 39,000 trips today, 17,000 incremental and another 22,000 on top of that 17,000. So, we're effectively doubling the average daily traffic count on Providence Road. I don't think anybody thinks that would be a good idea given that we're already at capacity today. Not only are we doubling the average daily traffic count, but if you go through the TIS as I did with an engineer, you'll see that at certain intersections, the next slide is actually having to do with safety. So, I'll jump back to that one. I got ahead of myself. If you actually look at the safety impact in this area, this is also in the TIS, 400 accidents with five fatalities or serious accidents over that same five-year timeframe.

So, when you think about doubling the intensity of one of our most serious arteries in the City and the safety impact that has, it's going to be significant. Flipping to the next page then, not only talking about how many vehicles are traveling down the road, but the level of service as you all know sitting in your car at a stop light when it's backed up is not the most fun thing to do when you're trying to commute to work. So, looking at the TIS, there were some intersections that were improved. I'll give them credit for that, but there were also many intersections that get materially worse with this development. So, the first column you see on this chart is the existing level of service and the second delay at rush hour p.m. So, if you take for example the second line, you're going southbound on Providence, you get to Providence-Fairview today it's a level of service D and you're sitting at that stop light for 52 seconds. In 2030 after this build is complete, on the far-right column, you're going to be sitting there for 114 seconds, which is more than a minute greater wait time, and the level of service moves to F. Without this development in the middle column, the level of service would be D with only a 58 second wait time. So, while some intersections have been improved, many, many intersections in this very important corridor are seeing dramatic increases in their wait time. So, with that I also wanted to point out, and this is not Mr. Goddard's fault but C-DOT did use some very developer friendly assumptions within the TIS. There's a one percent overall growth factor assumed for that corridor. The UDO recommends two percent, Charlotte Streets Manual recommends two percent, and I ran a trend myself. That was over a 20-year time frame over the last five years, and we do have one 2023 data point. It's a four percent compound annual growth rate. So, if you take that one percent and extrapolate it to four percent or if we could redo the TIS at that four percent, you will see even more than a doubling of traffic on Providence Road. It's like a snowball rolling downhill. It's picking up speed and getting greater and greater momentum. Those 17,000 trips that I mentioned in the nearby rezonings, even though they are recommended to be included by the NCDOT policy on street and driveway manual, they were not required to be recommended and therefore they were not included in the TIS. So, therefore the TIS has a very conservative growth factor and it's missing 17,000 incremental trips. Thirdly, the units were increased with a subsequent proposal by two of these developments and the TIS was not adjusted for that increase in units. So, the TIS is extremely conservative and even with that, we're seeing a dramatic increase in traffic and a dramatic increase in wait times, and I'm extremely concerned about the infrastructure. Thank you for your time.

**K. Doyle George, 3214 Springs Farm Lane** said good evening, my name is Doyle George. I live in Providence Springs which is near the Arboretum, and I have the same problem going up and down Providence Road, you all do. One thing preliminary here, what John Carmichael showed you was a site plan that we haven't analyzed. That site plan is different from the site plan that was submitted 30 days on March 11, 2024. So, my comments related to that prior site plan, it's my understanding and I'm just confused, maybe Dave Pettine can clarify this for me, but I thought that you couldn't submit a new site plan or discuss a new site plan if it hadn't been submitted 30 days in advance of the public hearing. So, I ask that question because the site plan that you just saw shows one access point on Old Providence, but the site plan that was submitted shows two. There is an access point on Providence Road but the plan that John put up did not have one. So, it's vastly different from what we've seen and what we analyzed, and I think it's a little bit unfair to do that. In any event, the old site plan simply didn't meet the requirements of Section 9.8501 of the Zoning Ordinance which was the MUDD-O Zoning Ordinance. They're 15 specific requirements showing the relationship to the building, to other buildings to pedestrian access, vehicular access. None of that was



shown on that site plan because as you can see they're in building envelopes. We don't have any buildings. So, I don't know what is happening in the meantime. I think it's interesting that Horizon has decided to modify their site plan, but that's not what we have in front of us. That's all I have to say.

Mr. Carmichael said thank you. So, this is basically what was submitted last time and what we showed you, there are some differences. I can't pull up the site plan, but this site plan I shared with you did not show the access point on Providence Road, but I mentioned it verbally that we wanted to do that. They're building envelopes for the multi-family building, but the site plan I showed you had some indentations with some articulation that's going to be proposed. The rule is you can't submit anything less than 30 days in advance of the hearing, but you can show changes at the public hearing without having submitted a revised plan. We're not trying to pull any wool over anyone's eyes, we've just been developing the plan and we're happy to talk to Mr. George about it. I'm going to ask Mr. Meachem to talk to about the displacement briefly if I could.

**Fulton Meachem, Jr., 40 East Boulevard** said good evening, Mayor, City Council. I just wanted to make sure that everyone understood. As a part of our development strategy, when we're replacing units and we're going to revitalize a community, we talk to the community first and then we assess the needs of those residents. When they're relocated off site, each one of them has the opportunity to come back. It's an actual right to come back. The only reason we're doing this actual development is to create a better environment for them and a higher opportunity community and have them to come back to it. It is their choice at the end of the day. Some of them will get a Housing Choice Voucher, some may move into other housing that Inlivan has, but definitely it's all about them and they have the opportunity to come back as a right.

Mr. Carmichael said thank you. Mr. Goddard's here if there's any traffic questions. I'll defer to him for those.

Mayor Pro Tem Anderson said okay, thank you.

Mr. Carmichael said thank you.

Mayor Pro Tem Anderson said thank you Mr. Meachem for being here and everything that you do in the community to serve affordable housing.

**Councilmember Bokhari** said thank you all for coming on all angles of this. There are three separate petitions we're about to hear in a row. Each have their own unique groups and strategies but it's hard to understand this whole picture unless we contemplate all three of them together and understand. I think the similarities we're going to hear with all of them, the pros being we need housing stock, we need retail, we need workforce opportunities, all the things that are there, affordable housing and the negatives will all probably have touch points too, the age old story of Providence Road and we go through that every time and it's just going to be amplified by the scale of what we're talking about here. So, my approach and I've reached out to a number of the community members now that we're in this phase of hearing and post hearing which we will have time necessary to have much deeper conversations now that we're going to kind of get everything out in the open. I'm going to focus on two major fronts personally with all of you. One is going to be with staff not in a place right now to support, I want to better understand what's the path. Is there a path? What are the things? We've listed these items. I want to be able to go back and forth with the petitioners and kind of understand what's on the table there so we know ultimately where we're headed, if it's going to be something that staff and then ultimately Zoning Committee can get behind. We're just kind of at a spot right now where we need it to come forward but there's more work to do or is it something else.

Then separately and probably more importantly is I've had some touch points to this, I've been to a number of meetings with the community and others, had some chats. So, now I'm going to more deeply get engaged with just the community side so on all three of these petitions we can understand exactly where we are, set a goal post and figure

out okay can we achieve some kind of mutual win-win because on one side of the coin we know this presents an amazing opportunity for what this community could massively benefit from. The density and the units we need, the affordability we need, also some exciting things around workforce and things like that, but with that magnitude comes some pretty significant concerns that we're going to have around transportation and the trips per day. So, we'll figure those things out and we'll figure out if they are solvable or if they're not. I just ask that both of these groups continue to operate in good faith, and I will instead of asking for updates periodically, will be in the weeds particularly with the community groups to understand exactly directly what their perspectives are, what things they need. If you haven't gotten information, we're going to make sure you get that, have time to go through it and get your perspectives laid out. Then I'll use the principled approach that I normally do which is for big things like this, table stakes are mitigating the new trips, the congestion that they're going to add, and a big win is doing more, having more impacts on a corridor that we know on the State-owned road is a deep problem that we experience every day. So, appreciate the community members obviously for being so disciplined and detailed in your review of this and just know that we'll start this process and this next chapter together now. So, I appreciate it.

**Councilmember Ajmera** said thank you. So, until Mr. Bokhari mentioned that all three are in the same neighborhood, I looked at it. All three of them do not have staff's support. It brings up an issue about connectivity and cross access between the sites and I think one of the speakers did bring up that issue. So, Mr. Carmichael, just for your rezoning petition, which is number 31, if you could speak to the connectivity issue and lack of connectivity and cross access between those sites.

Mr. Carmichael said that comment relates to this site and the site to the south. So, I presume it's not to the east.

Ms. Ajmera said it says Development Area A and Development Area B in our notes.

Mr. Carmichael said right, and I presume that means connectivity from this site to the parcels to the south which is [inaudible].

Unknown said that's correct. We're speaking in connectivity between [inaudible].

Mr. Carmichael said yes. Councilmember Ajmera, so they're talking about connectivity between this site and this site which is the Northwood Raven. So, what we'll do is we'll have conversations with Mr. Brown and Mr. Wilson about that after the hearing and see what we can work out. Happy to do that.

Ms. Ajmera said okay. So, certainly that would be a concern of mine. I certainly like the affordable housing component which provides affordable housing that we very much need. Also, I see in staff's notes here, it talks about the building height up to 80 feet and this one would achieve an unprecedented scale of development for this corridor. So, certainly that is a concern of mine as well. So, if you could speak to that. You don't have to have a response today, but at some point, before the decision.

Mr. Carmichael said sure. Happy to. Yes ma'am.

Ms. Ajmera said that's all I have. Thank you.

**Councilmember Watlington** said thank you. Much of the discussion that's happened to this point I'll be interested in as this goes along. I'd really like to understand for the gentleman who submitted this, where is he? Can you please just help me? Can you just help me understand one more time. Where did this come from?

Mr. Chotard said this data is all from the TIS or from NCDOT or from C-DOT.

Ms. Watlington said who prepared this document?

Mr. Chotard said I prepared it with the help of an engineer. Her name is Elise Barrella. She's a PhD and a PE.

Ms. Watlington said I just want to know because I'm extremely interested in how this was put together and very impressed. I just want to know do y'all consult? Do you want to join team Charlotte?

Mr. Chotard said I'm here to help the City. That's my interest. I'm a citizen. I live right off of Providence Road, but whatever I can do to help the City, I will do.

Ms. Watlington said yes, because the methodology is significant, and I think it's what Councilmember Johnson and others have been asking for a while as we look at these cumulative impacts of development. So, anyway I just wanted to say I appreciate you and the engineer you worked with on this and to the extent that we can do some benchmarking, it would be great and I'm sure that we probably have this somewhere, but if we could work together to figure out how to get a little bit more of this kind of granularity on these rezonings, that would be very much appreciated. Thank you.

Mr. Chotard said thank you. Planning was very helpful also. We did have conversations with them. So, thank you.

**Councilmember Brown** said Councilmember Bokhari went into detail about community. I'm a big advocate on community. So, I don't need to repeat and sound like a broken record, but I definitely would be interested in the community piece and advocating for community in every area, all aspects of the City. So, I've met with you before, I've met with you and Mr. Meachem, thank you so much for your piece because when I came into your office you did share with me, because that's the first thing I said, "Will they be displaced, and would they be able to come back?" So, thank you so much for stating that before the Council. You did state that in our one-on-one meeting. So, I appreciate you for that, for community. Thank you, Mr. Bokhari, great presentation on community.

Ms. Johnson said I want to thank the residents for their presentation. It's good to see you Mr. George and of course it's good to see you Mr. Meachem. Yes, it's great to see you and you know I'm an affordable housing advocate. So, I'm looking forward to supporting this and I'm looking forward to the City staff being able to support it. So, I wanted to ask about the traffic impact study again.

Mr. Carmichael said can I get Mr. Goddard up here Councilmember Johnson? Can I get Randy up here as well?

Ms. Johnson said yes.

Mr. Carmichael said thank you.

Ms. Johnson said thank you. So, currently the City staff does not support the petition because of the traffic impact study. Are we working through that? Do you know why it's not supported at this time?

**Randy Goddard, 1111 Hawthorne Lane** said well I'm sure C-DOT can answer that for you, but from our side we've completed the traffic study. Matter of fact, NCDOT has accepted it. There's only been a couple minor comments. All we're waiting on from the department is for C-DOT and NCDOT to get together and come up with all the mitigation that's going to be required of all three rezoning cases. So, we've presented that information. They're supposed to have that meeting by the end of the month, and I think we're like this close to having all that worked out as far as all the mitigation up and down the corridor which includes access management above and beyond what all three rezoning cases have.

Ms. Johnson said okay.

Mr. Goddard said so, there's a huge section of Providence that will be improved as a result of the cumulative effect of the traffic study for three rezoning cases.

Ms. Johnson said I appreciate you saying cumulative effect, or cumulative impact. That is something I've been talking about for the last four years. So, I do appreciate the document Mr. Chotard. Thank you. That's all. Is someone here from C-DOT?

Mr. Carmichael said yes. If you have questions for C-DOT, we can get them on here.

Ms. Johnson said okay. Thank you. I just want to confirm what the gentlemen said. Are we close to a resolution?

**Jacob Carpenter, C-DOT** said yes. This is Jake Carpenter with C-DOT. So, due to the time constraints with the old ordinance rezonings and the public hearing schedules, normally we try to get the traffic studies completely finalized, approved and everything worked out prior to public hearing, but due to some of the time constraints, we've gotten to a point where we're mostly comfortable with the study and they're still a few remaining items to iron out some technical revisions, but what he said is accurate. We are working with NCDOT to kind of put the final touches on approval and improvements. They have their listed set of improvements on their rezoning documents as of now. There may be some slight adjustments, but we're comfortable with where we are, but not quite finalized and approved.

Ms. Johnson said that's great to hear because one of the things I mentioned last week is that we want to make sure that we're developing affordable housing throughout the City in a balanced way. So, I look forward to working with the district representative. That's all I have. Thank you.

Mr. Carpenter said you're welcome.

**Councilmember Driggs** said I'm excited about the investment. I appreciate that and the prospect of revitalizing this whole area on Providence Road. There are a number of ways in which this is beneficial. The difficulty in my mind is the same as for Mr. Bokhari, the existing on Providence Road and I'm just south of there. So, I get the other half of all the complaints. We'll need sort of convincing that we really have solved the problem of that huge increase in traffic. We're here slightly prematurely because of the deadline, I get that. So, I'm just going to leave it right now that we've got more work to do. Mr. Grills has studied this subject and he and I have talked frequently over a long period. We had a meeting with Ed McKinney looking at the possibility of improvements on Providence Road within the existing footprint, because the truth is the prospect for any major investment there by NCDOT is remote. I don't see it taking shape. We've got to sort of make it happen where we are. So, I'll leave it there. I'm just wondering how this Council will get updates in terms of some of these questions because this isn't the only one that is not fully worked out yet. Are you going to submit updated staff recommendations or how will we move from here?

Mr. Oliver said yes. So, the next step will be to go to Zoning Committee. It's my understanding that none of the three petitions intend to go to Zoning Committee at this next opportunity, and we can reevaluate from there, but when they submit revised plans we'll review them and update our staff analysis based on those revised plans.

Mr. Driggs said so, I'll just say colleagues, there's a big plus here and a couple of minuses as well, right? We've got work to do. Thank you.

Mr. Oliver said thank you.

Mayor Pro Tem Anderson said thank you. Mr. Carmichael, I noticed that you had 25 attendants at the public meeting, and several attended the other two. So, over 110 residents have some level of interest in these three plans, but specifically for yours, what are you hearing from the community? We've heard a lot about traffic patterns and

traffic this evening, but are there any other concerns outside of that, that are bubbling up?

Mr. Carmichael said I think the speakers spoke to those points primarily as far as I'm aware. It was traffic, density, height. There may be others, but those were the main points I recall Mayor Pro Tem.

Mayor Pro Tem Anderson said okay.

**Councilmember Mayfield** said thank you. I have a question for staff, and I actually asked this question last week because we're looking at this proposal and for some of my colleagues, they're excited about the idea of affordable housing. One, affordability is subjective. We need to have a clear understanding around workforce housing, but I'm trying to understand are we going to now be setting up to be tracking the unit or the individual? We can look at a potential of a small number of units out of 350 today, but if the cost structure that automatically has an increase in it for the development, we'll have an individual at today's AMI be priced out of that unit within three years, the longevity of this commitment. I want to make sure we are having a transparent conversation with the developers as far as what our expectations are and with the community when we're going to the community and saying, "Look, they're offering to give us some mixed-use units in here." Have you all had any conversations to clarify what that will look like outside of saying, "Well it'll stay in this range for 15 years, 20 years." Are we looking at the individuals because for Mr. Meachem, you have a very targeted audience of individuals that need assistance.

Mr. Oliver said so, we're looking at the number of units specifically and they've committed to rents that are affordable to individuals or households making between 30 percent and 80 percent AMI which of course as you alluded to the AMI is based on the area so that can change, but they've committed to this for a period of no less than 30 years.

Ms. Mayfield said okay. So, quick clarification. AMI based on the area or AMI based on the City because that's two different conversations because of this particular area. If we're looking at our service workers, our workforce, are we looking at their AMI or are we looking at the aggregate of the incomes of the household, the rooftops?

Mr. Oliver said it would be the households for the entire area, not Citywide. I'm not an affordable housing expert. I'm not sure exactly where that boundary would be drawn. Maybe Mr. Meachem could speak to that.

Mayor Pro Tem Anderson said Mr. Meachem may be better suited to answer.

Mr. Meachem said in this specific community, we're talking about HUD's (Housing and Urban Development) definition of affordable housing and so that's going to be 30 percent of AMI up to the 80 percent and I know we're saying in 30 years, but when Inlivan only does some things in perpetuity and it goes up every single year, the AMI. So, we'll still keep capturing more and more families that keep falling into this area that they need affordable housing, but none of the people that already qualify will be disqualified in the future because they'll still be in that probably 30 percent and below of Area Median Income.

Ms. Mayfield said thank you for that clarification because I believe all of my colleagues received an email recently where we have specifically some elders in the community that are on fixed limited incomes that are now being priced out of projects and as we're having this conversation of new development, I want to make sure that we're having very transparent conversations of what the expectation is. Again, Inlivan, formerly the Housing Authority had a very specific goal of a targeted community to assist. That seems like it's expanding but we have multiple needs in the City. I just want to make sure that we're not setting people up where in three years they're going to have to start this process all over again. So, thank you for that clarification.

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

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**ITEM NO. 32: HEARING ON PETITION NO. 2023-038 BY LEVINE PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 84.16 ACRES LOCATED ON THE NORTH AND SOUTH SIDE OF SARDIS LANE, AND EAST SIDE OF PROVIDENCE ROAD FROM N1-A (NEIGHBORHOOD 1-A), N2-B (NEIGHBORHOOD 2-B), B-1SCD (BUSINESS SHOPPING CENTER), B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL), AND R-20MF (MULTI-FAMILY RESIDENTIAL) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND MUDD-O WITH 5-YEAR VESTED RIGHTS (MIXED USE DEVELOPMENT DISTRICT - OPTIONAL)**

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

**Maxx Oliver, Planning, Design & Development** said this one is the longest of the three Providence Road petitions so just bear with me and we'll get through it. Petition 2023-038 is located on the north and south side of Sardis Lane, east side of Providence Road. The site is approximately 84.16 acres and it's currently developed with multi-family, commercial, outdoor and indoor recreation. The site has been divided into five development areas. Development Area A is currently zoned N1-A and also Neighborhood 2. Development Area B which is here is zoned N2-B, Neighborhood 2. Area C is zoned B-1SCD, Neighborhood Business Shopping Center district. Development Area D, split zoned B-1(CD) and R-20MF, and Area E is currently zoned R-20MF. The proposed zoning for Area A is MUDD(CD), Mixed-Use Development District, Conditional. For B, C and D the proposed zoning is MUDD-O, Mixed-Use Development District, Optional. For Area E, proposed zoning is UR-2(CD), Urban Residential, Conditional. The site is both consistent and inconsistent with the 2040 Policy Map. The Map recommends the following: Area A recommends the Neighborhood 1 Place Type and one of the two development options outlined in the plan is consistent with this and one is inconsistent with it. Area B and D are inconsistent with the Map's recommendation for Neighborhood 2. Area C is inconsistent with the Map's recommendation for Neighborhood Center, and Area E is consistent with the Map's recommendation for the Neighborhood 2 Place Type. The proposal calls for up to 1,113 dwellings and up to 357,740 square feet of nonresidential square footage along with an option for outdoor recreation facilities.

The development areas propose the following: Development Area A proposes up to 125 attached or detached dwelling units or a second option of an outdoor recreation use associated with a school, institution, or civic use as permitted in the MUDD zoning district up to 48 feet in height. Development Area B is up to 725 dwelling units and up to 225,000 square feet of nonresidential uses permitted in the MUDD-O district up to 80 feet in height. Development Area C would permit up to 92,740 square feet of nonresidential uses as permitted in the MUDD district, up to 65 feet in height. Area D would permit 40,000 square feet of indoor recreation uses and large childcare center as permitted in the MUDD district up to 60 feet in height, and Development Area E would permit up to 263 dwelling units as allowed in the UR-2 district, up to 65 feet in height. The plan also proposes to allow transfers of development rights between areas as follows: Up to 125 units could be transferred between Development Area A and Development Area E. Up to 150 dwelling units could be transferred between Development Area B and Development Area E and up to 15,000 square feet of nonresidential floor area could go from Area C to Area D. It also proposes to allow conversion development rights between residential units and nonresidential square footage and vice versa. Nonresidential square footage may be converted to residential dwelling units at a rate of 500 square feet per one dwelling unit for a maximum of 50 dwelling units, and residential units may be converted to nonresidential floor area at a rate of one dwelling unit for 500 square feet of nonresidential floor area, a maximum of 25,000 square feet. This site proposes workforce housing with a minimum of 108 units within Development Area E, restricted to households with incomes below 80 percent

AMI for a period not less than 15 years. The plan prohibits gas stations, convenience stores with gas sales, automobile repair garages and eating, drinking and entertainment establishments with drive-through uses.

The petitioner requests optional provisions including allowing parking, loading areas and maneuvering between buildings, the building and the street in Development Areas B, C, and D along Providence Road, Landmark Drive and International Drive and the existing and realigned Sardis Lane. Allows existing and new parking maneuvering areas located between the existing buildings and new public streets within Development Areas C and D. Allows existing and new development buildings within Development Areas C and D to not meet blank wall requirements of the MUDD district. It does not require screening of existing parking area within Development Areas C and D when uses are changed or expanded and these provisions would not exempt existing parking areas from compliance with the Tree Ordinance.

Architectural standards are proposed for multi-family, single family attached townhomes in nonresidential buildings in Development Areas A and B including preferred and prohibited building materials, build-to zones, minimum building frontage in the build-to zones along the street. Minimum ground floor heights, minimum transparency, prominent entrances, pedestrian oriented ground floors, modulation or articulation standards, blank wall limitations, minimum sloped pitched roofs, screening of mechanical equipment in service areas, front porches with stoops, etc.

Transportation improvements would include dedication of additional right of way on Providence Road and Sardis Lane, building a 12-foot multi-use path and eight-foot planting strip on Providence Road and a six-foot sidewalk and eight-foot planting strip on Sardis Lane and International Drive, constructing public and private street network as generally depicted on the site plan. The plan proposes a minimum open space within Development Area A, B, C and E. Provides a 30-foot Class C buffer in Development Area A adjacent to the single family. Provides a 100-foot landscape buffer and open space along the northern eastern property lines in Development Area E. So, along here.

The plan proposes the following dedications to Mecklenburg County Park and Rec: 30-foot landscaped area with access easement to Mecklenburg County in Area E, this area. Construction of a 12-foot shared use path with access to McAlpine Creek Greenway. Construction of a bridge for the connection to McAlpine Creek Greenway and dedication of a 2.5-acre park within Development Area E. There're several outstanding issues including the traffic impact study not being approved, additional transportation, conditional notes are required. The plan should clarify whether or not improvements will be made to existing bus stops adjacent to the site. Maximum building height should be reduced. The plan should clearly state the total maximum development potential including transferable rights between development areas and conversion rights. The plan should specify the amount of existing development on the site. Only one development option should be proposed for Development Areas A and B, but if multiple development options are to remain, the plan should provide clear guidance on what triggers one of the two options to move forward. Should show the proposed layout of areas C and D. Provide architectural design standards for Development Areas C, D and E. The plan should commit to a minimum sidewalk width of eight feet for all public streets and a network required private streets. The petition must address the remaining stormwater and urban forestry comments. At this point I will pause and let C-DOT share a couple of slides before we move on to the staff recommendation.

**Jacob Carpenter, C-DOT** said thank you. Just wanted to give a high-level overview of the traffic impact study and improvements. Again, we are still awaiting some technical revisions and things might change, but just to give a flavor of what we've worked with the development teams on. So, we started probably over a year ago and the traffic study's been completed to include all three of these rezoning petitions. The petition that you just heard, 2023-023 would not on itself trigger a traffic study, but due to the complexity of the area the development team worked with us to include all of the developments under one umbrella so that we could best estimate the impacts. So, there were six phases of development in this study all the way out to a 2030 build out. There

was additional growth rate along the corridor and along the offsite intersections that we worked with a development team on. Seventeen existing study intersections plus additional proposed intersections as well as 13 existing traffic signals that were analyzed.

So, there's a few sets of improvements primarily for this development along the Providence Road frontage. There were some major improvements proposed to realign Old Sardis Lane and create a new approach at Old Providence Road with a one-way pair of ingress and egress as well as traffic signal improvements and a new traffic signal at the realigned Old Sardis Lane. Along northbound Providence Road there's over 2,000 feet of new through lane proposed to provide capacity through the development area. There are turn lane improvements at seven off site intersections as well as additional pedestrian signalization improvements at seven off site intersections. In addition to the traffic study work, we worked with the development team to provide some access management safety improvements along the corridor where worked to close some full access locations at strategic locations and provide new signalization to route both pedestrians and vehicles to safe access points along the corridor. In addition, for this development, there's approximately over 11,000 feet of new or upgraded sidewalk and over 4,000 feet of new multi-use path, including a connection to the greenway to the south of the site.

Mr. Oliver said for the recommendation, staff does not recommend approval of this petition in current form as the proposal offers multiple development options that propose different land use outcomes. So, that effect on the Policy Map cannot be determined until the time of development. The plan does not clearly state the amount of existing development or total development proposed for the site as a whole. TIS has not been approved. The proposed height is unprecedented in the Providence Road corridor. The plan lacks comprehensive architectural and design standards. I'm happy to take any questions following the petitioner's presentation. Thank you.

**Jeff Brown, 100 North Tryon Street, Suite 4700** said thank you Mayor Pro Tem and members of Council, members of the Zoning Committee. There's a lot of detail in this as you've quickly found out. We're pleased to be here with our team, Bridget Grant and Keith MacVean assisting Daniel Levine and Daniel Malino of Levine Properties on what is really an exciting opportunity. It's a complicated opportunity. As many of the Council members have already said, it needs to be balanced with infrastructure, but the revitalization opportunity we're talking about tonight is tremendous. So, we're here to work through those details going forward. We commit to work with the stakeholders who are speaking tonight, we commit to work with C-DOT, we commit to work with NCDOT and continue working with the staff on site plan items. We really appreciate the staff's efforts. As I say there's a lot here to chew on, there's a lot of detail but it does provide an incredible opportunity for a new vibrant redevelopment, provides an incredible opportunity for a new street system, an opportunity for much more pedestrian connectivity, connections to the greenway, a 2.5-acre park. There's a lot of great here, but we recognize with frankly the April 2024 deadline that we're here perhaps a month earlier than we'd like to be, but we commit to work with the staff and to provide the types of updates so that the Council's kept abreast of things as we go forward. So, we're here to do exactly that. It's an ambitious proposal but one that I think can be leveraged amazingly to not only provide transportation improvements that mitigate the traffic of the development as Councilmember Bokhari also said, but also fits some of the access management that C-DOT talked about to improve fewer U-turns and traffic signals so that the flow on Providence Road can actually be better. I'm not sure there's going to be another development in this sort of area of Providence Road where there could be a leveraging of this type of opportunity along with the revitalization. Y'all have been at this a while but let me ask Daniel Levine to give a little bit of his thoughts quickly if we could. Thank you.

**Daniel Levine, 8514 McAlpine Park Drive, Suite 190** said thank you Jeff. Mayor, Council, Zoning Committee, thank you so much for bearing with us through this very extensive petition. My name is Daniel Levine with Levine Properties and I really do appreciate your hard work on petitions like this. It's meaningful. Our vision includes



replacing a deteriorated and physically obsolete set of apartments with new ones that we will build and providing 108 new workforce housing units without request for public subsidy. These will be 80 percent of AMI and they'll be dedicated for a period of 15 years, and I'm reminded from a presentation that Raj Chetty came back to Charlotte in November 2023. In that presentation he emphasizes the influence of geographic location on economic mobility including workforce housing. That has become a priority for this redevelopment. He said, "Part of our responsibility for all of us who are lucky to be here is to try to think about how we can share these opportunities more widely allowing for broad sections of the community to participate." So, we envision a new vibrant retail and possible grocery store at this location that brings back some of those uses from years ago, but with enhanced greenspace, neighborhood goods and services, food and beverage establishments to support the surrounding neighborhoods. Other aspects include a more walkable area, and this includes our work with Park and Recreation to connect our mixed-use development and the developments across Providence Road directly to McAlpine Creek Greenway. This revitalization will not only create new sense of place, commit to workforce housing for many years and to support improved traffic flow on Providence Road, it will also increase the City and County tax revenue over time helping to support City and County services and economic development goals.

We've spent considerable time connecting with nearby resident leaders from all around these sites, from the Dunedin neighborhood, Valley Brook, Sardis Lane, Blueberry Lane, Wimbledon and Chambray neighborhoods, and with the Providence Road leaders such as Dennis Grills, Doyle George and Chris Chotard. We are committed to continue working with them in a collaborative process as the C-DOT and NCDOT studies come in and we look forward to moving this along. Thank you very much for your time.

Mr. Brown said I'm going to just point out a few things again. An opportunity we feel like not only to revitalize an area for the surrounding community, but also to achieve a number of the City's policy goals. These slides again give you a little flavor of what we've discussed about the opportunity to really create a revitalization of an area that's now about 60 years. You'll also know there have been commercial uses in the past. Many of you may remember the Harris Teeter on the interior of the site. I could go on a lot of different items. Hopefully this slide gives you the flavor of what we've talked about with the greenway connection, with the pedestrian connections, with the walkability, with the interconnection between the residential and the potential retail uses. A lot of positive things that we're dealing with on this potential revitalization. It is complicated, as Maxx's presentation talked about. We're very confident we can work through a number of these details. We talked a little bit about buffer treatments and landscape area. I think it is important. I know Daniel and his team are working with the Valley Brook neighborhood. If you can see to the right in the larger image, that's a 100-foot landscaped area that is being preserved from Development Area E with Valley Brook next door and then if you see the smaller image, there's a 40-foot area of a setback up with the Dunedin neighborhood. I know there's still concerns being expressed in some of those communities tonight, but we will continue to have those meetings to ensure that there's confidence with regards to the buildings and the uses next door to those existing neighborhoods. I'm not going to go through, but this gives you again the flavor of the interconnectivity that we're seeking to achieve not only with the greenway internally to provide for these pedestrian and traffic improvements and road improvements that we think will make this development function efficiently but also work well for the neighborhood.

Jake Carpenter did a good job of talking about where the transportation work is. I just wanted to indicate that we have already included in the development standards possible transportation improvements at a number of these intersections. We've included in development standards possible access management, which is the potential traffic signals, which is the potential of medians being adjusted to try to encourage the flow. What we need to do is continue working to determine what's the best bang for the needs. What are those areas that need the most attention and what are the improvements that provide the highest yield for making this situation not only mitigating traffic, but potentially improving the traffic flow on Providence. This is the segment

running from roughly Landsdowne on the north past Hamilton Mill Road on the south. It's not an easy thing to read I realize, but this is what we're talking about when we're talking about access management. The potential for a new traffic signal at Folger for example, potential for a new traffic signal at [inaudible] Mill Road to be able to allow the community to get back out on Providence without having to wait and also perhaps making some ways in which the community would go back through the neighborhood to get to a signal as opposed to having a driveway that gets out on to Providence that slows up traffic. Those are the types of things we're really doing when we talk about the access management.

This is a couple of examples. I know this is not easy to read, but it tries to give you a flavor of the various punctuation marks along that corridor that we think can provide some improvements, similarly with medians. That's the kind of work that we're dealing with and we look forward to doing this. We are not coming back next month. We know we have work to do, but we're very confident that we can make something that is tremendously positive for this area and at the same time leverage its revitalization not only for the good of the development, but also potentially to improve the traffic flow. We'll continue working with them. Mr. Chotard prepared material that does recognize that Providence Road is a challenging road, but we're going to try to use the development to leverage it in a way that we think we can make some improvements. Happy to answer any questions. Thank you so much.

**Joan Killian, 7301 Folger Drive** said good evening, Mayor and Council. I am Joan Killian. I have lived on Folger Drive for just shy of five years. I am an avid walker, so I know this area intimately. I do appreciate, I am speaking against, but I do appreciate the opportunity to have this area redeveloped because so much of it has not been well-maintained or well-utilized for some period of time. I also appreciate the emphasis on walkability and accessibility. I like the idea of mixed-use and mixed-income neighborhoods and some increase in density is obviously going to happen in this City, but the massive size of the increase in density for this development just so far outweighs the existing neighborhoods that are there. I have other concerns as well. We've talked about affordable housing being part of this, but if you were look at the existing housing, it would seem that there's far more affordable housing units available now than what will be there when this development is complete. So, I appreciate Ms. Mayfield's comments about assuring the sustainability of affordability in this area that for years into the future there will still be workforce housing and lower AMI percentages that are available. I'm concerned about the height limitations. Directly behind me where there's currently woods would be a 50-foot limit on buildings that would be peering down into the yards of the folks in Dunedin and on Folger and 90 feet at the other areas and that's very high for us to have the best use of our property as well.

They just discussed the buffer zones, and I would want to have clarified what the landscaping in those buffer zones means. If it's a 40-foot buffer zone and I think 30-foot landscaping, there was a mention of tree saving, but could all those mature trees that have been there 60 or 100 years that are healthy be saved and not developer sized landscaping put in? I'm concerned about the loss of habitat and the wildlife byways that are going through there for the owls and the foxes and the other creatures that live there. I'm concerned about light pollution from all of the businesses and all the traffic that will be in this area, especially at night. I'm concerned about the tree canopy. Charlotte has a goal of 50 percent by 2050, we've already shrunk two percent in the five years I've lived here, and I just want to make sure that the mature trees are maintained in this property and that we don't just go in and clear cut and then put in little stuff that won't be mature for another several decades. When I was reading through the departmental descriptions or the sign offs, I think that Parks and Recreation asked for a four-to-five-acre park. I would encourage you to think about this property, the A portion of this property being a part of that park. It's got existing tennis and pickleball courts, it's got existing infrastructure. It has wildlife area to use as part of the park in there. So, thank you. I appreciate the opportunity to speak, and I just want us to emphasize affordability and the environment.

**Barbara Devinney, 5404 Dunedin Lane** said I'm Barbara Devinney and I live on Dunedin Lane, and I concur in all the comments that will be made by Marilyn Dotson who will be speaking on behalf of our homeowner's association, but I have a couple of other issues I really want to raise and that's the loss of affordable housing. The Crest Apartments have long been a naturally occurring affordable housing location and 80 percent of AMI for a single individual is \$59,400 a year. So, I'm wondering where the employees at Cotswald and the arboretum are going to find housing. Also, I'm concerned about the 15-year commitment to retain those units at the 80 percent AMI. That seems to be considerably seriously low. Mr. Levine has presented a couple of different options recently and a couple I heard different from staff here tonight. The Providence Square retail plans should not include a new high profile destination grocery store that will bring in traffic from outside the Providence area. A 100,000 square foot grocery store is really not needed there. A 50,000-grocery store that would be suitable for a Harris Teeter or a Publix would be more than sufficient. He's also proposed to build his plan A for Area A, to build 125 townhomes. That would be in an area that currently has three homes and the tennis courts. We much prefer his more recent plan B which is for a long-term lease to a private school for tennis and sports activities. Whatever they do there, they're really going to need to seriously divert stormwater from impacting Dunedin Lane. Thank you.

**Marilyn Dotson, 5515 Dunedin Lane** said my name is Marilyn Dotson and I am here on behalf of Dunedin's Homeowner Association. I have lived in Dunedin for 30 years and I have watched this area develop and grow and become more and more dense. I would like to stop a minute though and thank Daniel Levine for all the times that he has met with our HOA because the first time he met with us was right after he bought Providence Square Shopping Center and what was then Providence Square Apartments. That area had become so depressed, potholes all over the shopping center parking lots and he vowed to revitalize this area and that is the part that we are very much in favor of. Seeing that what was at one time a very viable shopping center that was neighborhood oriented being revitalized back to that purpose. Our concerns though have to do with what the staff has already identified as the overall density that's being proposed for this project. There's so many negatives when you start building high rise 80 feet that's going to occur on the existing neighborhood structure. In 1994 we filed in Dunedin our first petition to have stormwater addressed. We never made it to the top of that list. We're still dealing with stormwater runoff, we're still dealing with flooding at the bottom of Sardis Lane right at Valley Brook and Ramsgate. We're still dealing with the traffic congestion that every year becomes worse and worse. Sardis Lane alone has had over 30 new housing units built in the last five years. More driveways cutting in, more water runoff, etc.

Our schools, well the schools that service our area are Landsdowne Elementary, McClintock and East Meck. All of them are over 90 plus percent at capacity and McClintock is at 127 percent capacity and we just rebuilt that school five years ago. So, what do you think is going to happen to our schools when we add another 2,000 plus units between all three of these developments? Thank you.

**Dennis Grills, 2525 Lynbridge Drive** said I'll be brief. You've heard two people talk about the magnitude. Let me help you. It's a Neighborhood Center, that's what it has been. They want to make it a Community Activity Center. We have a Community Activity Center two miles away, Arboretum Shopping Center, but if you go two miles north from this, you have Strawberry Hill Shopping. Those are both Community Activity Center. I support the redevelopment of this as a Neighborhood Center. The square footage that they're asking for, to give you some idea of nonresidential square footage, it's the same size as Carmel Commons Shopping Center. We don't need that big of a shopping center on Providence Road between Strawberry Hill and the Arboretum. Yes, we do need it improved, we do need services there, but not to the magnitude. They're asking for a CAC and calling it a Neighborhood Center. Thank you.

Mr. Brown said thank you very much and I appreciate the comments. This is a balance situation. We want revitalization. We can't have it without a certain amount of new development to make the economics work. We want to keep affordable housing and to

promote the affordable housing, but we have to also have new development to make that work. We have to have new development in order to be able to provide for the project and we also need to make sure the roads and the infrastructure that we're providing is sufficient to handle it. There are some benefits. When you do redevelop, you do things like improve the stormwater approach. This is a very old development that didn't have the stormwater activity and the types of development needs that you now have under the more recent ordinance. So, redevelopment does bring you into modern opportunities, the same with our trees, the efforts to ensure that we're providing for those in new and positive ways. We recognize the concern again, fundamentally about the density and we want to continue to have conversations with the appropriate level. We have to urge everybody to realize this will not get done without a certain amount of increased development to make it work. This is expensive stuff. We're redeveloping and we're trying to take older buildings and make them new and it's challenging.

So, we're going to do our very best over the next several months on transportation. We're going to do our very best to keep you informed Councilmember Bokhari. We thank your approach on this and we'll look forward to coming back and having opportunities for further updates and I can assure you that's what we'll be doing, to work with everybody including all stakeholders. Thanks so much.

**Councilmember Bokhari** said thank you all once again. It's late and your commitment of being here and relaying this is really important. Again, I think everyone's starting to see. I've been doing this now for seven years maybe longer. This is pretty unique and the three of these stacked up to each other. One alone is a big thing to wrap your mind and then you're thinking we haven't even gotten to one yet. So, we're going to see all that. So, one that is a unique opportunity. Two, it's a unique situation with the grandfathered districts, the April 2024 hearing that we're coming here a month some might argue, a little earlier. So, a lot of things that we would've seen done and dusted behind the scenes are still to be figured out and nobody could've done anything about that. I think on the positive side, unlike other rezonings that we typically have, another thing that's unique is and you've heard, we're not sprinting to a decision in 30 days from now. I think that's probably the most important take away for everyone. We have time and I will be as big of a fair arbiter of the amount of time we need to make sure everybody's voice is heard. All the things that haven't been figured out, shared, analyzed, feedback given and then negotiated all has time and I'll make sure I hold us accountable on all fronts to that. I'm really looking forward to the community engagement in this next chapter. Council colleagues, I huddled with Dave Pettine over there for a minute, again, with the uniqueness of this there's going to be some work that's going to happen, some updates, some things that will occur. I recommended and he agreed that there needs to probably be some more formal of an update between that but before Zoning Committee so that folks can see where staff's head's at, what has changed that we can relay what the community feedback is.

So, I'm not sure what form that will take, but clearly, we can't let the next time all of the rest of you hear about this be when everything's done. So, we'll figure that out for all of you and I'll hold that to account. Then for the community members, luckily, I've had many different opportunities over the last seven years to shepherd complex situations like this through and I've come up with a very simple model that helps to ingest complicated things, which is where we don't have answers, we follow up and we get them. We bring it down to its most base level and we go through a piece at a time and say, "Okay. Well, like things we heard were affordability is important, but funding and driving." An important part I liked a lot was what we're going to get without having to tap in to public subsidy on some of those things. I'll tell you where I think something is not as fair of a critique as possible and I'll push back. One right away is comparing the naturally occurring affordable housing that's there today with the benefits in working with Inlivan on the first one and seeing the workforce housing here. It's not just about something being there and a bit dilapidated that can be afforded, it's about having good infrastructure in place, good accessibility to a lot of innovative upward mobility concepts. So, it's not as simple as doing the math in number of units or dollar amount of rent today and tomorrow, but there's some other fair points that I'll push back hard on and one of them is going to be transportation and making sure that we take all of the details and

the studies you've given us. Then we go break those down with them when the traffic studies are complete, and we make sure are you indeed mitigating the impacts that you're creating and how much more are you going over and above to give community benefit to those around who experience the deep pain that we hear and at a NCDOT level simply cannot solve and continue to ignore in a lot of cases.

So, I mean to give you those two examples just to show you that I will be a down the middle arbiter and coordinator amongst all of us. I just ask all sides as I always do to operate in good faith in trying to get to an outcome that ultimately everyone can be happy with and as long as we try to do that for as long as we can, we'll see where we get and reevaluate from there. This is an amazing opportunity. This has generational impact opportunity for our community and that part of town and there's a lot of reasons why if I lived there I might be annoyed with it. So, we just take those principles, and we see if we can't work through things so that everyone feels like their voice was heard and things are done. That's my commitment to all you guys and I'll primarily be working with the neighbors to be quite honest. So, more to come. I've reached out to many of the leaders that have been identified earlier today to tee us up and we'll go from there. Thanks.

**Councilmember Johnson** said this does seem like a major project, a major revitalization. This is the first time I'm hearing of it. What I would like to see, because while it's presented as three different petitions, for the residents it's one big project. So, I would like to see this from a cumulative impact. I mean this is a great petition. You've got John Carmichael and Jeff Brown and Collin Brown, and you know, you've got Inlivan and Mr. Levine. So, it's a big deal. I would like to see a map of this petition, of this project and how they relate to one another. So, all three petitions together. I'd like to review it from a cumulative perspective. How many units total is it? What improvements total is it? So, I'd like to see this, how the residents are going to have to receive it instead of looking at this from a siloed approach, I think that would help me in the consideration. So, I know that the maps are here, but I would like to see if we could, just a one-page image of how they relate to one another and what the total number of units are, total retail space because this is a project. So, I'd like to see a project scope of these three petitions.

Mr. Oliver said we can get you a map and a count of total units and square footage.

Ms. Johnson said okay, thank you.

**Councilmember Ajmera** said my head is already spinning. It's just a lot of information, projects that are interconnected but certainly there are a few things that I want to highlight. I think Mr. Bokhari kicked us off pretty well in terms of the community engagement, the things in terms of traffic impact. Certainly, I believe this is a little bit premature and I think part of the reason that Mr. Brown mentioned earlier is because of the April 2024 deadline. A lot of things still need to be worked out, but a couple of things that I would look at very closely based on the feedback that Ms. Killian, Ms. Devinney and Ms. Dotson had provided along with Mr. Grills. So, first is the park. I believe there was a park that was proposed two to three acres. If we can increase it because we are looking at a very large development. Mr. Levine, you have worked with the City on various other rezonings, and you have certainly provided great community benefits. So, I would certainly use that as a model to potentially even push the park's space further. Obviously one of the speakers had brought up concerns around high rise. I know that was another concern we had in another rezoning of yours. So, if we can look at that where you were able to garner community support. If you can model the same level of support from the community here, that would certainly be tremendous for me.

Density. In terms of the affordable housing commitment, I certainly applaud you for doing that without the subsidy from the City. I think that's tremendous. If you can look at that, increasing it to 30 years. I can go on and on about other things, but I think these are just the basics. Let's start with this. I thought that hearing would give me enough information, but it certainly looks like I need to meet with you to understand because of the complexity of this rezoning. There are so many. There's Area A, B, C, D, E. The

same with the previous rezoning and there is one more coming up, Item No. 33. To Councilmember Johnson's point, we need to look at it from a cumulative perspective but certainly I think having one presentation on all three of them would be very helpful. There's more to come but I certainly appreciate how well those speakers are. I appreciate they used very technical terms that we use like NOAHs (Naturally Occurring Affordable Housing), park space and certainly you all had done your homework and I appreciate that.

**Councilmember Graham** said I too want to lend my voice to what I think is a very exciting but very complicated scenario that's almost like having a thousand-piece puzzle set. How we put the puzzle together is going to be interesting. So, I look forward to working with and learning from Councilmember Bokhari. If anyone can solve a puzzle, I think he can. He's demonstrated that before in terms of working with neighborhood groups and developers on very complex issues and bringing folks together. So, I look forward to working with him as well as the residents of the community. I'm very familiar with the site. I play tennis on the courts. So, I know exactly where it's at and the impact that it really can have. I think it's already been mentioned, one, the affordability of the housing. I think that's really important that we maintain that and do it in a way that it protects what's already there in a new development, which is a difficult puzzle piece. Certainly, transportation and the grid system up there is going to be critically important and when you have two other developments that are in close proximity then it creates certainly some impact. So, I think it is a good idea that we kind of examine them as independent units because they're three different proposals, but certainly the cumulative impact, this is a true example of that, that I think we can all get our hands around. So, working with staff on the transportation and Mr. Bokhari's scenario is going to be critically important I think as we begin to redevelop how that looks over there.

Then we talked about the cumulative impact. I think I heard earlier that there's going to be a comprehensive traffic study for all three petitions which I think is going along the lines of what we said earlier in terms of making sure we understand the impact of all three on the grid system on that road. So, I look forward to learning and following Mr. Bokhari's lead. I may step in from here or there to kind of add my two cents in reference to it, but I'm excited about what's coming. I'm very interested in making sure that the neighborhood leaders voices are heard and that we talk about some of the things that they articulated tonight. That has to be critically important for the success of the project. So, willing to learn, listen and then to lead when necessary. Thank you.

**Councilmember Watlington** said thank you. I won't belabor all of the points that have been said, but I just want to add one because I think this is a particularly opportune time from a policy standpoint to really think about what does it mean to look at something comprehensively. We've seen excellent examples as it relates to the infrastructure conversation. What I would love for us not to miss is an opportunity to really walk through this as a pilot for how do we think about planning for particular places. I know that we've got place types and the maps and things like that, but as it relates to how we're looking at rezonings really and truly. I think this is an opportunity to start to document a process for considering the broader areas because I think that's the piece that's really going to make the difference as we are moving forward with the Policy Map and moving forward with these zoning decisions as we come to the end next year of this process that was started a couple of years ago. So, [inaudible] I don't know if that is something that needs to go through a Committee referral or how official that needs to be but I would like us to put some structure around it. Thank you.

Mayor Pro Tem Anderson said thank you Ms. Watlington. I will say that this is actually a unique opportunity here. The area between Strawberry Hill and the arboretum hasn't really been touched significantly in a long time and if done properly, it can really be a reimagining of how to open up that corridor and make it more enticing and inviting outside of vehicular traffic. So, the micro modal aspect I think of this particular project can be very much a blueprint from other projects coming down the pipeline. I do agree with my colleagues that there's some added complexity because you have three separate petitions here, but the congruency of the thought and the planning I think will help significantly upfront. So, happy to hear that Mr. Bokhari is on tap for this and not

going to rush the process and encourage the three entities to work together, not only for the residents who came and spoke and shared their perspectives, thank you for that, but just an overall. If we take a step back, just more of a macro view of that corridor and how you can unlock connectivity and provide a great place to live, work and play.

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

Ms. Watlington said I just want to formalize my request for a Committee referral. Where it ends up will be fine, but I do just want to put that on the record that I am asking for a Committee referral as it relates to the conversation.

Mayor Pro Tem Anderson said you're formally asking. Okay.

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

**David Pettine, Planning, Design & Development** said Mayor Pro Tem, if I may real quick. We just need some clarification on that Committee referral because we need that spelled out.

Ms. Watlington said I'll work on some language.

Mr. Pettine said right now we're just asking what that is for us. We don't really know exactly what we're being asked.

Mayor Pro Tem Anderson said Ms. Watlington will work offline after the meeting for the clarification.

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**ITEM NO. 33: HEARING ON PETITION NO. 2023-039 BY NORTHWOOD RAVIN FOR A CHANGE IN ZONING FOR APPROXIMATELY 20.12 ACRES BOUND BY THE EAST SIDE OF OLD PROVIDENCE ROAD AND WEST SIDE OF PROVIDENCE ROAD, NORTH OF RIVER OAKS LANE FROM N1-A (NEIGHBORHOOD 1-A) AND R-20MF (GENERAL COMMERCIAL) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT - OPTIONAL).**

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

**Maxx Oliver, Planning, Design & Development** said Petition 2023-039 is bound by the east side of Old Providence Road and west side of Providence Road, north of River Oaks Lane. The site is approximately 20.12 acres. It's currently the site of two single family houses. The current zoning is actually just N1-A, Neighborhood 1. The R-20MF statement was a holdover from a previous site plan. Proposed zoning is MUDD-O, Mixed-Use Development District-Optional. The 2040 Policy Map recommends the Neighborhood 1 Place Type for this site. The MUDD-O district is inconsistent with the N-1 Place Type. Approval of this petition would revise the 2040 Policy Map recommendation to the Neighborhood 2 Place Type. The proposal calls for up to 745 dwelling units. Dwellings including 650 multi-family units up to 85 feet in height, 80 single family attached units and 15 detached single-family units up to 50 feet in height. The site is divided into four development areas, areas A, B, C, and D. Development Areas A, C, and D are limited to single-family attached or detached units. The petition requests optional provisions including allowing parking and maneuvering to be located between the building and streets as generally depicted on the site plan. Allowing one parking space per street for visitor drop-off and parking. Architectural standards are proposed for multi-family structures and single family attached townhomes including preferred and prohibited building materials, fronting buildings to public streets and modulation and articulation standards, blank wall limitations, minimum slipped pitched

roofs, screening of mechanical equipment in service areas, prohibition of driveways on individual units and front stoops.

Transportation improvements will include dedication of additional right of way on Providence and Old Providence, expanding existing bus waiting area, building a 12-foot multi use path and eight-foot planting strip on Old Providence Road and eight-foot sidewalk. Multi use path is on Providence Road, eight-foot sidewalk is on Old Providence Road. Petition will provide a Class C buffer a minimum of 10 feet in width at the southern property boundary and a six-foot masonry wall in that same location. There's several outstanding issues including traffic impact study has not been approved. Cross access connection between the site and the rising site to the north which is petition 2023-023 should be coordinated. The maximum building height should be reduced, clearly state the maximum development potential for all four development areas. The plan should specify the number of units currently developed on site, commit to providing a 12-foot multi-use path along Horizon property development site if this petition is built out prior to the property to the north to allow access to the McAlpine Creek Greenway through Petition 038. Mecklenburg County Park and Rec request a one-acre park. Staff does not recommend approval of the petition in its current form. The site lacks connectivity to the north with Petition 2023-023 being the four access points of Old Providence Road and three on Providence Road that are less than one-third of a mile apart. TIS has not been approved. Maximum permitted development potential is not clearly stated for each development area and the proposed height is unprecedented in the Providence Road corridor. Happy to take any questions following Mr. Brown's presentation.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said good evening, Mayor Pro Tem, Council members, Zoning Committee members, Collin Brown on behalf of the petitioner Northwood Ravin. A lot has been said. So, I'll try to expedite. We have a few more petitions on the agenda that we'd like to get to, but I would like to just say a few things. Certainly, enough has been said about the comprehensive nature of this. I do think this is unprecedented in my career to see major projects and major developers and nonprofits working together. So, I think that's exciting. Councilmember Johnson, as you always say, "What's the cumulative impact?" So, to see these three with one traffic study, I think it's helpful. I can attest a lot of time, especially Mr. Levine and Mr. Wilson from Northwood Ravin going out and spend evenings in living rooms and dining rooms. This will be a transformational project in an area that needs some transformation. I think it's a testament to their effort that we don't have several hundred people standing behind me tonight. I will say on this particular project, Maxx has given a good overview, but Mike Wilson and his team from Northwood Ravin have really spent a lot of time with the adjacent property and you'll hear from one in a moment to try and make some modifications ahead of time. The internal street network has been realigned, especially this one on both ends at the request of neighborhoods here and here to give them a little space, to line those up a little better. There's been extensive conversations about the buffer along this property line to give them some greater separation preserving tree save in this area and certainly we've had to make some of the changes to our plan to accommodate Horizon. They had some restrictions by the way they're governed. So, that's constrained our plan a little bit, but we're excited to continue working with them and continue working with the neighborhood as we go forward, C-DOT and come back to you with a plan. Hopefully that we have staff supporting. So, I said I'd be quick. I do want to give a moment, Kevin Chapman, the President of the Chambray neighborhood is here tonight. If he wouldn't mind, I'll ask him to speak and then we'll hear from opponents.

**Kevin Chapman, 933 Dacavin Drive** said City Council members, thank you for the opportunity to address tonight the proposed rezoning requested by Northwood Ravin. Again, my name is Kevin Chapman. I'm here on behalf of the Board of Directors of the Chambray Homeowners Association. We're a neighborhood of 42 lots over 16 plus acres located directly across Old Providence Road from this proposed development. Look, we love the area as it currently exists right now. It's two fantastic single-family homes and a gorgeous farm, but we're resigned to the fact that in reality this will be developed. We've known this for many years and frankly we prefer it occur with our



involvement. So, to that extent Daniel Levine and Northwood Ravin have been proactive in reaching out to us, responsive in trying to address our requests and the concerns that we've had. Traffic and maintaining full access, specifically the ability to turn both left and right coming out of our neighborhood are concerns that we have raised on the several meetings we've had with the Northwood Ravin team along with expanded access to turn both in and out of our community and to avoid congestion. We're waiting for detailed plans and commitments in writing to reflect this, but they have communicated their intent to address both items. We're also waiting to see, as many of you are, the final results of the traffic impact study and any feedback from C-DOT to make sure it doesn't impact requests that we've asked for and they've committed to on us with.

At our request, as Collin previously mentioned, Northwood Ravin has shifted one of the proposed roads on the side to align with the existing Old Providence Lane on our side which will help with traffic congestion we believe, but similar to the staff we do have some concern about the project's height and hopefully that'll be continue to be addressed because it's taller than is normal in the area. So, we're hoping for some relief on that point. Overall, we've been very pleased with the responsiveness and communication of the Northwood Ravin team and their counsel throughout the process. Pending addressing and completing documentation of these mentioned item, as of today, our Board is generally in support of the Northwood Ravin project. We look forward to continued refinement with the Northwood Ravin team going forward.

**Dennis Grills, 2525 Lynbridge Drive** said I want to start by stressing our pleasure with working with Northwood Ravin, with Mike and Daniel Levine on Levine Property. We've been meeting on and off since October 2023 when we first started, and it's been congenial. We know we're not always going to agree on everything on either side but they've been a pleasure to work with. I'm not going to say everything I was planning to say tonight on this particular petition. I want to stress that as we look at this, you have to look at how do we feel about the Policy Map? That is a future land use. It was voted in. It's in effect. We have to look at that. You talk about the zoning; I don't talk about the zoning I'm talking about the Place Types. You talk about the height, there are two developments nearby, Providence Road which is Fairview, new apartment complex up there. It's limited to five stories. About a mile south of the Northwood Ravin there's the Connery Proffitt Dixon rezoning. It's limited to 50 feet. So, 80 feet is not appropriate either for the corridor or for the Place Type. So, we have to look at what are we going to do with the community area mapping. We've gone through our workshops, and it talks about it. Councilmember Bokhari brought it up. We talked about Cotswald. We don't want another Cotswald. Now Cotswald's difficult because it's in two different community area plans. This is all in south middle. So, you need to think about the Policy Map, our community area as well as the exciting opportunity. I agree it's exciting, but how does that excitement fit into our future land use that we voted on? Thank you.

**Chris Chotard, 6545 Alexander Road** said I'll be really quick. Just two additional points to add on to the traffic analysis that I gave earlier. One, Dennis mentioned that the height of the Connery at 50 feet as compared to this one, it just so happens that that site is also the same size. They're both 20 acres. So, I think it's just a good parallel to think about the Connery's 241 units versus 745 units. So, a comment was made about a large investment and the need to make profit, but we've got a site just [inaudible] down the road with 500 less units that seems to be a reasonable return for the developers. So, just that as a parallel. Then last, I just wanted to mention that all of the improvements that have been suggested and proposed, and Jake's done a great job I think of working with C-DOT, are effectively baked into the TIS already. There's just not much more that can be done. I'm sure little tweaks can be made, but I think they've done just about everything that can be done. So, to say that we're having a positive impact on the traffic flows on Providence Road is true. Some certain intersections are being addressed. They're some right of way concerns with some of those that need to be addressed and then also if one of the three of these does not go through, it needs to be certain that these improvements will be paid by the others. The point I wanted to make was that in some certain intersections, there are improvements being made but overall, there's nothing that can be done to mitigate the 22,000 trips that these are generating. So, it really is going to get back to they can't do anything to mitigate that, it's

just a question of density at the end of the day. So, for me it's going to come back to a tough decision for you between another Neighborhood Center and 1,800 units or gridlock on Providence Road is what it boils down to. Thank you.

**K. Doyle George, 3214 Springs Farm Lane** said thank you again. You're quite right that these rezonings are interconnected. There's absolutely no way you could divorce one of the three. I want to supplement exactly what Chris has said about the TIS. It's not just the TIS improvements. There's something called access management improvements and they're distinguished from the improvements that are suggested by the TIS and it's important to understand that there's no agreement now on exactly who pays for those access management improvements. What I mean by that is medians are being built, U-turn signals are being created to accommodate U-turn traffic which is part of what you do when you have median. So, those things are not yet addressed and won't be addressed in the TIS at all. The TIS does not address those items. So, either the City pays for those items, or the developers pay for those items. Now getting to the other issue, you could see from the site plan that was originally put here that there are two access points on Old Providence, two access points on Providence Road. The two access points on Providence Road are right-in, right-out. The two access points on Old Providence are full motion. So, you can see from the staff analysis that that creates a real conflict, a vehicular conflict and a pedestrian conflict. So, we would hope that the northern road could be eliminated altogether, and we've actually had discussions with Mike Wilson about that. I'm not going to speak on his behalf. He can tell you what he thinks about that, but originally, we were told that was a subdivision requirement and I'm telling you here that I've had conversations with Josh Weaver who's the subdivision head and only one road would actually be required. So, it's something that hopefully we can address when we have further discussions with Mike Wilson.

The real problem though is that the density is an issue. It's a huge issue for all three of these projects, but particularly this particular piece of property. When you look at what they're proposing, they haven't had enough time to actually figure out what buildings will be put where. They had building envelopes and that violates the whole concept of MUDD-O. If you look at the list of items that have to be approved for a MUDD-O rezoning, it's very clear. There are 15 separate items and it's important to know where the buildings are going to be located, what their proximity is to vehicular and pedestrian access, all of that has to be taken into account and we have a building envelope. The buildings can shift around, and you really can't do that. So, under the MUDD-O requirements there's actually another section in the MUDD-O, 9.8509 and 9.8510. 9.8510 specifically says that Charlotte City Council, all of you, can impose requirements to mitigate the increased density and other aspects of this and there's no way to do it because all we see are building envelopes. We don't really see any real detail about what's being proposed. So, that is a very important item that has to be addressed and Old Providence, if you end up with two access points on Old Providence and two on Providence Road it is going to be a nightmare. So, that's basically all I have to say. Thanks.

Mr. Brown said enough has been said. Obviously, we're going to continue working with the neighbors and staff and Councilmember Bokhari and anyone else who would like to be involved. So, happy to take any questions you have.

**Councilmember Bokhari** said yes. So, I won't repeat the last two opening statements from chapters one and two, but all the same things apply. Just a couple of comments from what we heard and at a macro level. Specifically, I think one of the points I'm going to disagree on, and this is part of what we're going to do in the constructive neighborhood conversations that take place from this point forward, is I don't think it's a binary decision that density of magnitude is not coming. It's coming. Just what form it's going to come, when it's going to come and how much community involvement is there in being able to help shape some of the things around it. So, I think my first punch line there is we don't get many transformational transportation opportunities like this that is around this item. To Mr. Chotard's point, I don't agree there's nothing we're going to be able to do. Again, we'll start these conversations and we'll figure out in good faith what can be achieved, but the bottom line is this is a massive project of which we can push

back on certain things as we understand what needs to be done, but beyond that we can use this massive project as leverage for the responsibilities that the City of Charlotte and NCDOT have in that corridor and they are not fulfilling either. So, I don't think density is, if this doesn't happen, density is not going to occur and I don't think that if this doesn't occur or in some form or fashion with what we're doing, somehow anything magically is going to change about Providence Road. That has been a broken record for the seven years I've been sitting around here, and nothing happens. So, one thing I'm excited about is the opportunity to use this in a macro sense to get all different parties involved to kickstart what should've been happening a long time in that front. That will either prove to come to fruition or not, but the point is I want to make sure we don't come into these conversations with preconceived notions that it's all impossible. When I say operating in good faith, that's what I mean. We're trying to find solutions first and if they end up hitting a dead end, so be it, but good faith means we're going to try to get there together.

Number two is I think that this is another deep challenge. You know, the statement that Mr. Grills, you made that I agree with at some extent and like is the question how do we feel about the Policy Map and how do we feel about the Place Types? There's two points I'll make here. One is just in the time that Policy Map and the Place Types have been there on little tiny things, we have found deep contradictions and issues that back us into corners of this saying no you shouldn't but we're like, "Why would that be the case?" So, there's tons of flaws baked into all of that, but even putting that aside the one thing this doesn't at all account for or consider is a massive macro project like this that has the opportunity to change the face of an entire part of town. I think that makes us have to step back and say, "Okay, well what would this change?" Because that kind of stuff is designed for folks to come in and they want this parcel or that parcel to see what the broader vision is, see what the community benefits and what they want to achieve and then bake what they're doing into there. It doesn't contemplate even remotely something of this magnitude. So, while we will consider that, what I won't allow for is we go back to a point of pointing out and saying, "It says X, Y, Z, this is W therefore we can't do it." We need to think out of the box creatively to say, "Why was that put in place? What does this new opportunity present us in order to maximize everyone's win out of it?"

Then finally, my district doesn't get many affordable housing opportunities. It's just the nature of what land costs basically. So, when I see something in my district and of magnitude, it isn't just about counting the numbers or the potential rent amounts or whatever that is, it's about magnifying this broader concept of upward mobility of wrap around services of capabilities that will surround an exciting thing and be part of it baked in. So, those are some of the things and I just want to give you all a taste. Again, I'm going to push back and have been on the petitioner, on staff, but also on the community in the hopes of finding what the core of the desired outcome is and we work towards in good faith the opportunity to get it solved. So, you can count on me. I'll be anywhere you need me to be. Starting tomorrow morning we'll continue the conversation I started this morning to set up meetings, to figure out what needs to happen, but I cannot emphasize enough, good faith is what I expect in return for my time over the next many months of going to work for you. That's all I ask.

**Councilmember Johnson** said I won't be long, thank you. I have a question when we talk about cumulative impact. Just so I'm clear, aren't these petitions adjacent to one another? Are they?

Mr. Oliver said yes, they're all at the intersection of Providence and Old Providence.

Ms. Johnson said there are different schools that are listed?

Mr. Oliver said they fall under different school districts. The two petitions on the west side of Providence Road fall in to one school district and the petition on the east side falls into a different.

Ms. Johnson said okay. So, when we're looking at the cumulative impact and the project scope, this is an area where we can take a look because some of the schools are the same where we can take a look and look at the cumulative impact on the schools instead of looking at them one by one, if we're able to do that.

Mr. Oliver said CMS provides memos for us. So, we can get updated memos if necessary.

Ms. Johnson said so, maybe this is when we talk about that referral to the Committee, Councilmember Watlington. That's an area when we look at the pilot, we should look at the school impact cumulatively instead of the siloed approach. This is a great example to show that we're not adding these together that we are looking at this independently. So, this is a great example and I'd like to take a look at it. Thank you. That's all I have.

Mayor Pro Tem Anderson said thank you. I just want to remind us when we've had several presentations in the Transportation and Planning Committee, that the CMS numbers that are in our packets, we can't just read them directly like they represent the population at that school. CMS has a very specific rubric that they go by to determine these numbers and it doesn't directly correlate to what we believe is at capacity. So, Mr. Driggs has had presentations, had CMS at his Committees several times and so I want to just make sure that if we do look at numbers like that, we can't simply just add them up because that's not a true reflection of what CMS is indicating.

Ms. Johnson said that's right, but neither is ignoring it. So, I just want to make sure.

Mayor Pro Tem Anderson said yes. We just want to make sure that when we're looking at something and we're saying it's an apple, that it is an apple and it's not an orange. That's all. So, we'll make sure we get the right information.

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

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**ITEM NO. 34: HEARING ON PETITION NO. 2023-033 BY CRD ELIZABETH, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.63 ACRES LOCATED ALONG THE NORTHEAST SIDE OF EAST 7TH STREET, SOUTH OF LAMAR AVENUE, AND NORTH OF CLEMENT AVENUE FROM CG (GENERAL COMMERCIAL) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL).**

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

**Holly Cramer, Planning, Design & Development** said this site is just over an acre and a half along the northeastern side of East 7<sup>th</sup> Street between Lamar and Clement Avenue. It's located in the Elizabeth neighborhood on a corridor where we see a lot of commercial, office and residential uses among mixed-use developments. It is currently zoned General Commercial, and they are proposing to go to Mixed-Use Development District-Optional. The 2040 Policy Map calls for a Neighborhood Activity Center at this site which this petition is inconsistent with. The proposal itself would allow for up to 213 residential units and up to 5,600 square feet of nonresidential uses. There are some prohibited uses such as car washes, hotels, and accessory drive-throughs. There is one optional provision being requested to allow parking and maneuvering at the setback and that's where the one space provided on Clement Avenue as called out on the site plan. The minimum parking spaces being provided are 1.1 space per residential unit and the building would have a maximum height of 78 feet with a stepdown in height at the rear of the proposed building where the site is adjacent to single family uses. There would be an eight-foot planting strip and eight-foot sidewalk along all three frontages. The petitioner commits to upgrade the rapid flashing beacon pedestrian crossing at Clement

Avenue and East 7<sup>th</sup> Street by providing an upgraded pedestrian crossing at Lamar Avenue and East 7<sup>th</sup> Street. There is provided bicycle parking within 50 feet of the entry of each commercial occupancy at a rate of one space per 500 square feet. Provides architectural standards related to preferred building materials, building massing and height, pedestrian oriented building placement, transparency requirements, and others. There's a commitment to a 20-foot rear yard along the site's rear backside with plantings to provide screening against the adjacent single-family homes. There would also be an eight-foot masonry wall along that rear boundary line. They provide screening details for the parking deck and notes that the intention is for the majority of the parking structure to be located below-grade. It commits to freestanding light structures that are no more than 21 feet in height.

Staff does not recommend approval of this petition in its current form. The proposal is inconsistent with the adopted Neighborhood Activity Center Place Type. The Elizabeth area is defined by low to mid-rise structures along pedestrian corridors where mixed-use and denser developments intentionally transition to the adjacent single-family neighborhoods with moderate height limitations and the adoptive reuse of single-family structures. This proposal would entitle the site to a scale of development that is not compatible with the adopted Place Type as well as the existing buildings in that area. Buildings that align with the Neighborhood Activity Center Place Type would not have a base height exceeding 65 feet and in its current form, the 78-foot-tall building being proposed is incongruent with the intent of this Place Type and it's not being mindful of the adjacent uses. It also does not assimilate the long-established character as well as the newer developments that we've seen in Elizabeth. We have requested that the petitioner decrease the maximum height to no more than 65 feet and provide additional details in the notes as to how the height plane transitions to the Neighborhood 1 areas at the rear.

Our other outstanding issues are related to transportation and a commitment to the minimum amount of nonresidential uses that may be located on the ground floor. The adoption of this proposal as is would modify the adopted Place Type to Community Activity Center as opposed to Neighborhood Center. Such a small application of this denser more urban Place Type would be inappropriate and does not meet our criteria when we are assessing a Place Type change. Although we do expect further densification to occur in this neighborhood, we believe that new developments must be cognizant of the existing neighborhood character. The uses proposed are consistent with the Place Type, but we would just like to see the site and building design also conform with this adopted policy. I'll take any questions after the petitioner's presentation.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said thank you Mayor Pro Tem. Collin Brown on behalf of the petitioner Centrum Realty. Happy to go ahead and get through this. This has been a project that is a long time coming. Larry Powers and his team have spent an extensive amount of time working with the property owners, the Elizabeth Community Association on this project and really, I kind of hate to bring up the by-right boogeyman, but the truth is really evaluating what can be done by-right, what can be done with the zoning. What was figured out, I'm not going to wave the boogeyman, I think I'll let the ECA (Elizabeth Community Association) speak to that. Certainly, something can be built by-right when you conform to the coordinates, you kind of get a box and I think the Elizabeth Community Association really challenged the development team to work with them to take the time and spend over a year going through a detailed design to try and address the priorities that the Elizabeth Community Association set forth. I don't think we've made all of the people happy all of the time, but I think the project has a very thoughtful design. I hope you'll hear that from the Elizabeth Community Association officers that are joining me tonight. So, the current zoning on the site is Commercial General. That would allow a certain type of development. We looked to the 2040 Plan that has a Neighborhood Center designation. It would allow a height with bonuses up to the heights that we're talking about but it's important really, the thrust of the rezoning is though we are asking for a maximum height of 78 feet, this project has been thoughtfully designed to step that height down in the rear and be much lower at the rear of the site where there's then the greatest sensitivity from the

neighborhood. So, kind of to do that stepdown, we're asking for a little more on 7<sup>th</sup> Street which we think is an area that can handle that intensity.

So, that's really the thrust of our conditional plan. There's some height planes built into that. So, you can see from this image here which is part of our rezoning document. We've got some height up here on 7<sup>th</sup> Street and then it transitions down as was also mentioned in the staff report this would have underground parking, includes some design guidelines and some conceptual images so you can see the building. Again, this is really that look from Lamar. I've got some better elevations later, but I want to give plenty of time to the folks from the ECA, but I did want to show maybe this rendering that shows it the best. So, we do have height. That height is concentrated up on 7<sup>th</sup> Street. We've even got a step back there and then really stepping down as we move to the neighborhood with a thoughtful design throughout. So, appreciate all the time that the Elizabeth Community Association and its officers have put into this petition, and I will pause there and turn it over to Evan Kettler to share their perspective.

**Evan Kettler, 100 North Laurel Avenue** said I'm Evan Kettler, I'm the Vice President of the Elizabeth Community Association. I'm also the Chair of our Land Use and Development Team. We have a total of about 10 people typically working on that team. Architects, attorneys, commercial developers, long time community residents and community activists. We have encouraged this petitioner to move forward with this. We've worked with them actually for 18 months. We contacted them the day we heard that property had been sold. It had been land banked for many years. It was occupied by abandoned buildings to be honest with you, and it had been in that condition for some period of time. This petitioner actually fulfilled our objectives to be honest with you and I say that in the sense of we knew that we were running these twin paths. This is a binary choice. We can go UDO when we know what the UDO and a Neighborhood Activity Center looks like and we know that developers are set to optimize. So, it was going to be 65 feet in front, 50 feet in the back with whatever goes with the code and the ordinances. We challenged them to come up with something of beauty that would be more reflective of this particular neighborhood, this particular site and more respectful of the smaller scaled development nearby because 50 feet right outside your backyard 20 feet away is really not what we had hoped for. We've gotten everything we've asked for and that's why we're here today. We accept the greater height on 7<sup>th</sup> Street because there's so much less height on the 8<sup>th</sup> Street side. We have improved setbacks, we have step backs all over the place. The look of the building and the design is tailored for that particular spot. We shifted the mass the developer did. We got community specific architecture and materials of a high quality. The landscape is enhanced and that masonry buffer, a six- to eight-foot-high masonry wall will cost this developer quite a pretty penny, but it will ensure the privacy of those nearby neighbors and we're happy to hear that. The parking ratio, we challenged them to improve upon the minimum parking ratio provided in the UDO. Our path here all along has been, "What's it going to be?" UDO by-right with no influence from the neighborhood or this MUDD rezoning which we are fully supportive of and for those reasons. We're really trying to build something special there and honestly if you look at these rendering, this will be a beautiful building. It will be a housing type that we lack in Elizabeth because we have a shortage of elevator buildings. There's just not very much of it, and we're less concerned with the precedent than we are with the precedent for doing the right thing in the right place, and that's what we're looking for here. Thank you very much.

**West Bryant, 2404 Kenmore Avenue** said hello. I'm West Bryant. I'm the President of the Elizabeth Community Association. Thank you for hearing us tonight. I'm not going to repeat because as you might imagine, we've been working together for a long time. So, we share a lot of the same thoughts. I do want to reiterate that we approached this team, the Centrum Team with a sense of optimism due to where this particular project would be located. It's in a very central part of our neighborhood, a focal point, not just for those neighbors around there but for the whole neighborhood and really connects to a park that's already very activated just up the road. It also is a focal point for those that work and visit our community because of its proximity to Independence Park. Maybe I'm stating the obvious, but it was a lot more work to go at it this way for everybody. We spent an incredible amount of time, person hours' worth of phone calls, emails, ad hoc

meetings on the sidewalks and porches, small group meetings, meetings in neighbor's living rooms, larger community meetings where we really tried to pull out as much as we could from the community to kind of get their input, and also really try to build something that, like Evan said, was really for Elizabeth and special to Elizabeth for our needs and the needs of those that work and live and play in our neighborhood. As you might know, we were not able to satisfy every single person. You ask 10 neighbors, they're all really smart, really caring people, you get 11 different answers and sometimes those answers will change over time. So, we really did our best to bridge that gamut between let these properties go back to nature and let them build whatever they want and everything in between. As a leader of a volunteer community association elected by our peers, I want to commend the entire team for being able to synthesize and contextualize all that feedback into something that I really do think is pretty amazing and will serve us well for many decades in the future. Again, just to kind of sum up and I'll stop now after this, this focal point of our neighborhood would really benefit from a project like this and we would ask you to please vote in favor of this petition. Thank you for your time.

Mayor Pro Tem Anderson said thank you. I will say, I believe Evan reached out to me the day that he found out that this property was sold. So, we've been talking about this particular property and working on it and ideating with the neighbors. I've met with Evan and West several times throughout this process and there are some concerns in the neighborhood. I've sat in some homes and looked at some of this particular property that's directly adjacent to neighbors and there has been some collaboration which has been great. So, I'm grateful Evan and West that you are representing the entire neighborhood and collectively listening to all of the voices and working for what's the right answer for Elizabeth. So, I'm happy that we're at a point because we really have been working on this for a while. So, thank you.

**Councilmember Ajmera** said yes. I just wanted to thank Evan and West for being here. It's almost 10:00 p.m. It just shows how committed you are and how much you care about your Elizabeth neighborhood. That certainly speaks volumes. So, thank you.

Motion was made by Councilmember Driggs, seconded by Councilmember Bokhari, and carried unanimously to close the hearing.
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**ITEM NO. 35: HEARING ON PETITION NO. 2023-042 BY WILMORE PRESERVATION, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.23 ACRES LOCATED ON THE NORTHEASTERN CORNER OF THE INTERSECTION OF WEST BOULEVARD AND MINT STREET FROM N1-D (NEIGHBORHOOD 1-D) TO MUDD-O (HDO) (MIXED USE DEVELOPMENT DISTRICT, HISTORIC DISTRICT OVERLAY).**

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

**Joe Magnum, Planning, Design & Development** said Petition 2023-042 is approximately 3.23 acres located on the northeastern corner of the intersection of West Boulevard and Mint Street, the site of the former Wilmore School. The current zoning is N1-D. Proposed zoning is MUDD-O, HDO. The 2040 Policy Map recommends Neighborhood 1 Place Type. The proposal is to redevelop the site of the Wilmore School including adaptive reuse of the existing school building. It would allow for up to 250 multi-family and/or single family attached residential units as well as 3,500 square feet of retail, EDEE (eating/drinking/ entertainment establishment) or personal service uses, and 4,300 square feet of office, community recreation centers, museums, theaters, galleries and other similar indoor community facilities. Would prohibit several uses including adult establishments, automotive service stations, building material sales, bus passenger stations, children's homes, telecommunications and data storage facilities, utility and related facilities, and warehousing within an enclosed building for self-storage. Allows for conversion of multi-family residential units at a ratio of one

residential unit per 1,000 square feet of office uses up to a maximum of 190,000 square feet. Requests few optional provisions to allow the existing Wilmore School building to remain and to be renovated without being brought into full compliance with MUDD design standards, to allow existing off-street parking and maneuvering areas between the Wilmore School building and public streets to remain, and to allow existing parking infrastructure to function in the current location. Would limit building height to 65 feet from the center of the site with a transition down to 55 feet along Mint Street and 37 feet along West Kingston Avenue. Commits to negotiating building materials and massing with HDC (Historic District Commission) and HLC (Historic Landmark Commission). Prohibits vinyl siding and concrete masonry as exterior building materials. Provides a 10-foot Class C buffer with fence along the eastern property boundary. Access would be from West Boulevard, Mint Street and Kingston Avenue. Commits to providing a 12-foot multi-use path along West Boulevard and an eight-foot planting strip and eight-foot sidewalk along both Mint Street and Kingston Avenue. Will install APS (Accessible Pedestrian Signals) pushbuttons and pedestrian ramp upgrades at the existing traffic signal at West Boulevard and Mint Street.

Staff recommends approval of the petition upon resolution of outstanding issues related to transportation and site building design. Most notably the HDC did approve a plan I believe two months ago just making sure that all of the measurements that are sited on that HDC plan matched what's on the rezoning plan. It is inconsistent with the Neighborhood 1 Place Type, however, would allow for the adaptive reuse of the school building as well as new construction. As I mentioned the HDC has approved the plan and HDC and HLC will remain involved through the permitting process to ensure compatibility of the new building with the former school building and surrounding Wilmore Community. I will take any questions following the petitioner's presentation and comments from the opposition.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said Collin Brown on behalf of the petitioner, Wilmore Preservation, LLC. This development team has been through it all. They're buying a property from CMS. It is a historic landmark within a history district. So, they're going through the hoops. What has been the most important thing in this conversation about this site from the community has been the preservation of that historic school. I think that is one of the reasons this development team was selected for the project. The rezoning frankly is fairly straightforward. Staff has done a good job on the overview. We are using the MUDD-O zoning district. Frankly we need some of those optional provisions to be able to maintain that existing structure. So, this is one of those petitions that we had to bring to you this month by the deadline, but our rezoning petition is fairly basic. The nuts and bolts of it are essentially maintaining the existing school with a view from West Boulevard, construction of a new mixed-use building behind that and then some townhomes along Kingston. The key here, most of the design is not built in the zoning document because this site has so many layers of approval. Generally, most of the time it has been handled by the HDC, the Historic District Commission.

As Maxx mentioned, our zoning plan, fairly simple. So, I don't have a lot of detail to share with you on that tonight, but it does contain the commitments to preserve the school in those general design guidelines that Maxx mentioned. The bulk of the importance, the design of this building, how it fits in the neighborhood, how it relates to this surrounding community has been handled through the Historic District Commission process. I'm going to turn it over to some others to talk about that. So, Stewart Gray from Historic Landmarks I'll ask to speak next about their perspective and then I believe we have a member of the community as well. The neighborhood has been very involved in this process. So, Stewart, I'll turn it over to you.

**Stewart Gray, 2100 Randolph Road** said okay. Good evening, Mayor Pro Tem, members of the Council and the Planning Commission. I'm Stewart Gray, Staff Director of the HLC. The Charlotte Mecklenburg Historic Landmarks Commission. We are the preservation commission for the City of Charlotte for individual properties like the Wilmore School and we just celebrated our 50<sup>th</sup> anniversary of serving the City of Charlotte. I'm glad to be here to support an important preservation effort, the



rehabilitation and adaptive reuse of the Wilmore School which is a singularly important historic element of the Wilmore neighborhood. Charlotte City Council designated the Wilmore School as a historic landmark in 2018. Since that time, the historic building has languished and deteriorated. The proposed rezoning for this property would save the historic Wilmore School and if the rezoning is denied, I'm afraid that the nearly 100-year-old school building will be lost. I applaud CMS for choosing a developer dedicated to the preservation of the historic school, but if this rezoning fails, I'm afraid the whole process for finding and approving a new preservation friendly development plan for the site would take so long that the preservation of the school would eventually be a failure, that the historic school would be doomed. If the proposed development proceeds, the neglected site has the potential to become a character defining feature of Wilmore. The redevelopment of the school would benefit the neighborhood, reflect well on the City and demonstrate a much-needed additional example of development that celebrates the City's character and history by saving and incorporating Charlotte's historic buildings. The Charlotte Historic Districts Commission and the Landmarks Commission have already reviewed and approve the site's development plan. Especially significant in the plan is the proposed removal of a 1980s addition that currently obscures much of the school's façade. The development of the rest of the site is designed in such a way that the restored school building will be the new project's most prominent element along West Boulevard.

I could talk a lot more about the significance of the building, the architecture and how it reflects the history of Wilmore, and I will be glad to answer any questions you may have, but I think it's more important to share a situation playing out in Charlotte in application for the demolition of the Midwood School. A designated historic landmark in the Plaza Midwood neighborhood has been filed with the HLC, the HLC can only delay that approval and the outlet for that important historic Charlotte landmark is bad. It probably will be demolished this year. In the case of the Wilmore School, the development plan includes a permanent preservation covenant with Preservation North Carolina. That means if this rezoning is approved, the Wilmore School will be protected and will continue to contribute to the character of Wilmore and the City of Charlotte for generations to come. When this body voted to designate this property as a landmark back in 2018, they likely saved the closed school from demolition at that time. For its permanent preservation, this Council should approve this rezoning so that the restored rehabilitation and permanent preservation of Wilmore School can proceed. Thank you.

**Valerie Barry, 1549 Wilmore Drive** said good evening. I'm Valerie Barry. I live on Wilmore Drive. So, I wanted to come share my support for this project as a neighbor tonight. You've seen some slides of the design. The townhome portion, they took a lot of input from the community and neighborhoods and made the design very cohesive with all the neighboring homes. Also, the reuse of the school is just going to keep the charm of the historic neighborhood at what it is. Right now, the current state of the school like you saw, those photos, it really attracts vandalism and crime right now. So, getting a project like this in the neighborhood would really just be a great impact and bring that site up to par with the rest of the neighborhood. That's it. Thanks.

Mr. Brown said we'll let the opponent speak and then be happy to take any questions after that.

**Jodi Monahan, 1724 South Mint Street** said good evening, my name is Jodi Monahan. My husband Steve and I live right across the street from the current Wilmore School. We're at 1724 South Mint Street. There are probably five or six properties right there that are directly looking at the school right now and have been for the past century or so. I would say that we were not consulted. There was no one that reached out to us directly and some of the comments that were made at the Historic District Meeting, the immediate adjacent properties have voiced concerns and opposition to the plan's structure. We, like many of our neighbors were thrilled when the building was designated as a historical landmark in keeping with the fact that we bought a house in a historic neighborhood, did not want to live in an area that was Dilworth and had a bunch of different large houses being built and just completely changed the character of that neighborhood if you look at what's happened on Ideal Way. We were not looking for

anything like that. I would say that the Committee should reject this proposed use and preservation, alleged preservation of the building. I think that the plans as proposed essentially block what those of us who live directly there and are used to seeing the school building. The majority of the neighborhood will no longer be able to see it based on the plans that have been brought forth. Directly across the street from us now, instead of having some open spaces and the school, there will be a 50-foot mountain built and I do think that directly affects the historic district of Wilmore. Just to quote the Charlotte Historic District Design Standards, "These historical districts are residential areas that date from the early 20<sup>th</sup> century and have rich collections of historic buildings with various architectural styles, street patterns, open spaces and landscaping. These minute areas, there's only eight of them, have become more treasured as they survive subsequent generations of development. Charlotte has wisely designated these neighborhoods as local historic districts to celebrate this uniqueness and offer additional regulatory protection for their preservation."

As noted in the presentation that was just up there, the use does not correspond with the City's 2040 Policy Plan. We are a unique and vibrant neighborhood. The purpose of having a designated historic neighborhood is to preserve the energy and the uniqueness of those neighborhoods. The HDC's objective is to maintain historic hue and scale, pedestrian orientation of visual variety of streetscape. Clearly this affects the human scale in pedestrian orientation tremendously. Again, as I've stated previously those of us who are immediately adjacent to this property will no longer have a view of the protected property that we were all so happy to have protected. Again, living across the street as well, I'm aware of the vandalism and the crime and it's not very much. There has been a few break-ins. We've seen some high school kids over there on a few occasions, but for the most part we have not experienced any significant crime or seen anything that is overly concerning. While I commend both the historic district and petitions, I know that there's been as stated, multiple iterations of the plans, but nothing that has come forth in even the most recent modifications to the plans, do I think that there's been a workable solution that both preserves the school and preserves the integrity of the community as a historic district as a whole. So, again as a neighbor who was very happy to have that particular building restored, I went to school in an elementary school like that. I think it would make a beautiful condominium complex, but not at the expense of the rest of the neighborhood. So, I cannot support saving one building at the expense of the rest of the community, and I do think that introducing such a large-scale apartment building in what is generally a single family residential. If there are duplexes, quadraplexes and triplexes and that's fine. I would point to the example of the condominium complex, the new condominium complex on West Boulevard. I think it's called Kingston on West. That would be lovely. I would be supportive of that even though they're three stories I believe, and I do think that is in keeping with the character of the neighborhood. Again, my main concern is that an apartment building by nature is more transient than a single-family dwelling or even a condominium where you can purchase the units and you become a member of the community. I don't think that an apartment complex has that same vibe, if you will, that will continue to enrich and allow this to be a historic district. I think that the contributing factors of having multi use and commercial use starts a slippery slope, and it leads the neighborhood to being less and less historic. I do think will eventually in generations to come, I think it will actually detract from the overall specialness and uniqueness of having a designated historic district.

The last thing I will say is I do believe in some of the comments of the historic district. The petitioner says that the building will appeal to those who wish to move out of the South End party area. However, in reality, I think that once that party phase of your life is over, generally the decision to move is to be able to purchase a property so you can start developing equity and homeownership. Our next-door neighbors actually are a good example of that and they lived in South End for many years, bought the house next door to us at the corner of Mint and West in 2020 and now they have started a family and they have a baby that is a year and a half. Those are the kinds of families that I think we want in that area. I think again, the apartment use is in complete contrast to having a historic district single family neighborhood. Again, it's only one of eight

designated historic district neighborhoods. I would encourage the Committee to deny the rezoning petition as it stands now. Thank you.

Mr. Brown said thank you. I will say in my experience too, it is almost impossible to offer diverse price point housing in a historic district. It is incredibly difficult to deliver any for rent product. This development team led by Tarlton Long is a Charlotte native, has just done an incredible job. On this site, I just want to show you what is mixed in the site because the importance is preserving the school. So, this allows that. This has a variety. So, on Kingston, this is the look from Kingston. These are townhome style units on Kingston that were designed to blend in with the neighborhood and have that single family look. So, if you see it from the street that does not look like an apartment building because it's not. That's the look there from the corner. That mass, this apartment building which sits in the middle of the site. So, it's hidden from Kingston by these townhome style units and then as we go to West, this is the façade of the old school. As was mentioned, currently there's this old 80s addition on the front of it, that gets cleared. So, the site that you have from West Boulevard is of the old school and there is an apartment and mixed-use project between those buildings. So, it's really an incredible job that this team has done, and I can't tell you the detail and the hours that the Historic Landmarks Commission and their Board have put into this design. I thought it was incredible that this team was able to get their endorsement. So, happy to be here and happy to take any questions. Tarlton Long, who led the design, is here if you have any technical questions for him.

**Councilmember Ajmera** said yes. I just have a comment. I mean, I haven't seen anything like this. This is very creative where you are preserving the site while to trying to reuse and preserving the neighborhood's character. The first pictures that you showed us, that really looks like it fits in with the neighborhood's character. To the speaker's point, I think it was Jodi, just by reading it, it was difficult to understand how it fits in, but if you look at the pictures, I think that addresses your concerns around neighborhood character and how this preserves it. That's all I have.

Ms. Monahan said that's not my [inaudible].

Mayor Pro Tem Anderson said hang on. You can't really speak.

Ms. Monahan said oh I'm sorry.

Mayor Pro Tem Anderson said are you asking her a question?

Ms. Ajmera said no. I don't have questions, but her concern was around the neighborhood's character, preservation of that.

Mayor Pro Tem Anderson said yes.

Ms. Ajmera said so, if you look at the picture, I'm just telling my colleagues, the first picture that Mr. Brown showed us that addresses how these ties in with the neighborhood's character, the Wilmore neighborhood, it's historic and certainly it's beautiful. That's all I have. Thank you.

**Councilmember Brown** said absolutely, you know that West Boulevard is near and dear to my heart. I grew up in the Wilmore center. I went to Marie Davis Elementary and so all of my friends went to Wilmore Schools. So, Ms. Jodi I definitely can relate to you and just to hear you choke up, I understand as a Charlottean and just seeing historic neighborhoods evaporate, disappear in our City as the City continues to grow. So, you weigh heavily on my heart with your comments and your concerns. I feel I can relate. Completely can relate. I also respect Mr. Collin Brown. I know this project had to be something that was done way before I came along. So, I sit in the chair now which I have a tough position, as I sit in the chair for things that have already been orchestrated or in the making before I came along and then here comes this phenomenal district rep from District Three that's lived in the district her entire life and get to see and can relate to every aspect of Wilmore and it is truly like home to me. This is a tough one and I'll be

interested in hearing. I see that we had in the community, there were 16 people in the meeting but I'm also looking at 250 multi-family and single family attached residential units. Mr. Brown, I'll be in touch with you. I'll be speaking with you so we can go into detail. I certainly would like to include you and thank you so much for staying past 10:00 p.m. That shows your commitment, your dedication to the preservation of your neighborhood and good old Wilmore. So, thank you so much. That's all I have.

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

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**ITEM NO. 36: HEARING ON PETITION NO. 2024-004 BY THE DROX GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.1 ACRES LOCATED ON THE EAST SIDE OF SOUTH TRYON STREET, WEST OF NATIONS FORD ROAD, AND NORTH OF QUEEN ANNE ROAD FROM N1-B (NEIGHBORHOOD 1-B) TO N2-A (CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

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

**Joe Magnum, Planning, Design & Development** said Petition 2024-004 is approximately 4.1 acres located on the east side of South Tryon Street, west of Nations Ford Road and north of Queen Anne Road. The current zoning is N1-B. Proposed zoning is N2-A (CD). The 2040 Policy Map recommends Neighborhood 1 Place Type. The proposal is for a community of up to 50 multi-family attached residential dwellings in buildings containing either two or three units. Commits to a 15-foot Class C landscape yard with fence along all property boundaries except for the South Tryon Street frontage. Provides an eight-foot planting strip and 12-foot multi-use path along the South Tryon Street frontage. Building height would be limited to 48 feet. Commits to constructing usable front porches or stoops for all units as well as providing recessed garage doors, transparency, and/or enhanced hardware treatments for each unit. Staff recommends approval of the petition upon resolution of outstanding issues related to transportation. Just a couple of transportation issues highlighted by a request for a right turn lane into the site. The petition is inconsistent with the Neighborhood 1 Place Type; however, the site is a remnant parcel by additional housing option in the South Tryon Street corridor as well as improving multimodal mobility in that corridor through the multi-use path. I will take any questions following the petitioner's presentation and opposition comments.

**Nolan Groce, 1213 West Morehead Street, Suite 450** said good evening, Mayor Pro Tem, members of City Council and the Zoning Committee. Nolan Groce with Urban Design Partners representing The Drox Group, LLC on Rezoning Petition 2024-004. In the interest of time, I won't take up too much time tonight. I know we're running late this evening. Joe has highlighted a lot of features within our rezoning petition proposing up to 50 multi-family attached townhome units. We held our required neighborhood meeting and had low turnout; however, we received good feedback. In the interest to garner neighborhood support and really determine how this proposal would impact residents, we held two in person meetings with the neighborhood. There were four predominant factors and concerns that came from those meetings, be it traffic, buffers and screening, building elevation and the proposed stormwater control measure.

So, first off, the proposed stormwater pond. We provided information on where it's located at the low end of the site, why it's located there and how it functions as well as it being a City requirement. Building elevations as Joe mentioned in his presentation, we're committing to numerous architectural features that are above and beyond the minimum of code standards. Brick and stone siding, cementitious fiber siding, recessed garage doors, transparency features, enhanced hardware. Each townhome shall also have a usable front porch or stoop. So, we're trying to commit to façade elevations that will provide an aesthetic blend with the existing neighborhood.

The buffers and fencing. We're going above and beyond the 10-foot Class C landscape yard requirement. We've increased that by 15 percent around the entire property to encompass a 15-foot Class C landscape yard that will also include a minimum six-foot privacy fence surrounding the entire site. The predominant concern, traffic. Traffic's always a concern. To mitigate those, as Joe mentioned there is an outstanding issue related to a right turn lane. We've been coordinating with C-DOT as well as NCDOT. We are committing to the installation of a right turn lane along the frontage of South Tryon Street. So, in our resubmittal Thursday, the site plan will be modified to include the visual of that right turn lane as well as an updated development note committing to its installation. With that being said, I'm happy to answer any questions City Council may have following the opposition's presentation.

**Donna Canup, 616 Knight Court** said bear with me, my voice amplifies, and I don't hear very well. So, I'm just going to go through this quickly because it's late and I know everybody's tired. My name is Donna Canup and I'm here to speak to you on behalf of the people in Yorkmont Park Community regarding the Petition 2024-004. This rezoning for the development of 50 townhomes on property located at 5215 South Tryon Street. This property lies within Yorkmont Park Community. It lies between Skipwith and Southampton Road. Yorkmont Park is located between South Tryon and Nations Ford Road. Kind of have two sides there so to speak. The community consists of approximately 400 homes. That's not counting Cedar Knoll apartments and two other townhome developments on Nations Ford Road. Yorkmont Park began around 1959. The neighborhood has been the home of many generations, working class people striving to live their lives, raise their children, sometimes grandchildren and enjoy the community. Concerns of this rezoning petition are as follows: The first thing is the congestion at the intersection of South Tryon, Nations Ford and Yorkmont Road. It backs up very quickly. We already have a development going in at 5106 I believe it is, South Tryon Street. That's 33 townhomes that have been approved. Directly across the street at Kingman Drive they are in the process now of grading and so forth to go in with a development as I understand, 39 townhomes.

So, the neighborhood is very concerned about the backup of traffic. Tryon carries a phenomenal amount of traffic every day and it goes all the way past Town all the way down to Lake Wylie and then into Lake Wylie. So, we carry a lot of all that traffic to South Carolina traffic. That's probably first and foremost, more traffic on South Tryon Street. It'll also could put it on Nations Ford because there are four ways in and out of the park. Queen Anne Road is a main thoroughway, I consider it a main thoroughway and Nations Ford is a main thoroughway. So, you can go from Nations Ford and quickly get over to South Tryon, all through the park, as a matter of fact down Southampton, down Skipwith or you can come in Queen Anne, and you can go all the way through to Nations Ford Road. That was another concern that come up, was cut through traffic. We're concerned about that. We already have it. We have had it for years. On Nations Ford Road, they're just now finishing up a 90 room Tru hotel on the corner of Nations Ford and Tyvola. We have the other hotels within there. It's probably I know four or five. So, we already have that traffic coming through, plus when anything happens on the interstate, they will route these people off on Tyvola or Nations Ford to come on Nations Ford and people learn quickly, cut down Sleepy Hollow Street and go straight through, you're going to get over to Tryon Street if that's where you're going, or you can go out to Tyvola either way. Either way it's a cut through. It's cut through for us because people will use mainly Sleepy Hollow and Queen Anne Road. Also on Queen Anne Road, we're fortunate enough to get a 7/11 down on the corner of Tyvola and South Tryon. We also have a public storage and now we have a Dunkin' Donuts. So, we're getting that traffic as well. So, that's a real concern to the neighborhood. More cut through traffic.

The folks were not happy with the number of townhomes. They feel that 50 is just far too many, just too many for the neighborhood. They did not like the height, three story. They feel that could somehow invade their privacy, the people that back up to it, their yards connect with it. I know that's in the plan now with these folks about fencing. They're talking about six-foot privacy fencing, and we appreciate that. We'd rather see eight or 10 feet. You're talking about 48 feet of townhomes versus one level of an average home in Yorkmont Park. I don't know the height because I couldn't find it on

any paperwork I had on my house. So, I couldn't hold up the tape measure. Didn't have nobody on the roof to find out the actual height of my house, but I can tell you that the townhomes would tower quite over it. So, that's concerning. The height of it, invasion of their privacy. Now I'm talking about Skipwith and Shady Grove. I call that an upside-down L where these townhomes would sit. You've got one side of Skipwith, and you go down and you've got that part of Shady Grove and I'm talking about these folks that their property actually does adjoin this property in question.

Additional parking they have put in their plan. We appreciate that but we still have concerns about side street parking. You've got Skipwith, you've got Southampton. I walk it. I know how many steps it is from A to B. It's a short distance. It's a short distance there. So, in other words what I'm trying to say is if somebody parked on Southampton to go around to the townhomes to a party or whatever, they don't have far to go. They can come down Southampton, pull over and park on that street, walk a few feet and they're right there at the townhomes, that's how close it is. You can do the same thing with Skipwith, same situation. I'm going to have to wind this up because I think I've sat here too long tonight and so forth. These are the primary concerns about these townhomes. Another thing was the dry pond. We don't know anything about dry ponds. These folks don't know much about dry ponds. We've never dealt with that. We're [inaudible]. We have City water, City sewer but in talking with these folks they assure me that their plan will be more than safe for the neighborhood. Ms. Canup said I've lived in Charlotte all my life and I've lived in Yorkmont Park for 53 years. We're a mix of people, we're a mixture of age, we're currently overwhelmed with children again. We've kind of turned, you know, every so many years, we've kind of turned. Our children don't have a playground. We had one, they took it out, they never gave it back. Something to do with the lead paint in the equipment. So, our children in the neighborhood rely on their backyards. Sometimes front, but mostly their backyards and they enjoy that. The people feel that growth is a good thing.

Mr. Groce said so I'm going to go ahead and jump over to the rendered site plan for a little visual aesthetic while we're running through a few of these. Donna thanks for being here tonight. We met with Donna in person twice. She's been great to work with. Very assistive in getting feedback from the community. I'll touch on a few points that she brought up. So, these are proposed as for sale market rate units geared toward first time homebuyers. Trying to bring in a wide variety of folks to the community and allow additional housing that can support people of all ages. Existing development on South Tryon, as Donna did mention there are townhomes to the east of the site. We're trying to continue an existing trend while providing that additional variety of housing. In relation to cut through traffic, this is South Tryon Street. There's a lot of traffic in the area. Given we only have 4.1 acres and 50 multi-family attached townhome units, we're limited on what we can do to mitigate those impacts. With that being said, providing a dedicated right turn lane outside of the existing two through lanes will allow traffic turning into the site to get out of the flow of traffic, slow down and safely turn into the site.

In relation to privacy and height. The buildings at the southern end of the site plan that you can see on the screen are approximately 120 feet from the property line. We increased that landscape yard to 15 feet to try to provide additional buffers as well as the screening fence, being in mind that there are existing homes in this area. Skipwith to the east, units are designed to front and face South Tryon as well as interior to the site on greenspace. So, it'll only be sidewalls fronting those rear yards giving as much privacy to the exiting neighborhood as possible.

**Councilmember Ajmera** said Ms. Canup thank you so much for being here. This is one of the last rezoning petitions and appreciate you speaking and waiting until 10:30 p.m. almost. In terms of infrastructure and congestion, cut through traffic, that's what we hear throughout the City, almost in every rezoning petition and that's something that we as a Council have to address. The petitioner with 50 units, that's not something they can address as part of the infrastructure. So, I certainly appreciate the buffer that you are providing to address some concerns that Ms. Canup has raised. In terms of height, she had mentioned invasion of privacy and just the height. Can you tell us what is the height of this and what is the height of the nearest home?

Mr. Groce said sure.

Ms. Ajmera said where is it located?

Mr. Groce said the majority of the abutting properties are one story ranch style homes. I believe the one at the corner here may be one and a half. Internally these are proposed as three-story townhome units.

Ms. Ajmera said three stories. So, the abutting homes are all single family?

Mr. Groce said correct.

Ms. Ajmera said so, one story.

Mr. Groce said yes.

Ms. Ajmera said okay.

Mr. Groce said around the immediate vicinity as she mentioned. The reverse L, Skipwith, Shady Grove is down here to the southern end and then Southampton Street is on the western edge.

Ms. Ajmera said what is the buffer to the right and to the left?

Mr. Groce said so, around the externality of the entire site is a minimum 15-foot Class C landscaped yard along with a six-foot privacy fence. Where these buildings are located, it's beyond those 15 feet. I believe the closest in this area at the southern end is 20 feet from the property line. When you start looking south, you're north of 120 feet to the property line. The majority of these homes as you can see along Skipwith Place, they're not located at the rear of their parcels. There's an additional buffer. So, between this front unit along South Tryon to this existing home, there's roughly 30 yards, 90 to 100 feet.

Ms. Ajmera said is this a natural buffer? Uninterrupted?

Mr. Groce said there's existing foliage on site. If it must be removed, it will be replanted. Ideally, we can keep as much foliage as possible to remain within that screening.

Ms. Ajmera said on the left as well? Is that a natural buffer?

Mr. Groce said correct. So, all the way around the property. What you're seeing in the southwestern corner is the proposed green area for the tree save.

Ms. Ajmera said that's all I have. Thank you.

**Councilmember Brown** said thank you so much. Good seeing again. This presentation is not new to me because I tried to meet with the constituents and the developers. I did speak with Nolan, and they explained to me what their project was. For Ms. Canup, thank you so much. It's truly a blessing to be born and raised in Charlotte and when I say my entire family lives in District Three, I mean that. Yorkmont Park, my aunt lives over there. My family, they're resting peacefully across the street in the cemetery, many of them. We're all designated to go there. So, I'm very familiar with Southampton because that's where I spent a lot of my childhood time. It's unfortunate that the playground was taken out of there. You know, we all want to have playground areas for our children. The backyard and the front yard, those are our homes. The homes in the neighborhood are very nice, spacious out with backyards and front yards. I've walked that street plenty of times. I spoke to Nolan and his team, and they said that they met with you and another constituent Virginia [inaudible] and that you guys were not in opposition. So, I'm transparent when I approach community and so I'll be in touch with you just to see if there's something we can work out because I know they've met a couple of times with you to try to work out your concerns and to try to be upfront and

honest and make changes as needed. South Tryon is crowded all the way from Steele Creek all the way up to downtown Charlotte. It is crowded. There was a time when there were only trees on there. No development at all. I know that. Now there's Dunkin' Donuts like you said, 7/11, storage, there's a lot of things going on, on that corner. So, I understand your concern with the traffic, and we want to be sensitive to that. Thank you for staying and diligently expressing your concerns about your community that you've lived in for over a half of a century. That's amazing. I can see why because that is truly a place that you want to call home. So, we'll just continue to work through things and see what else we can answer for you as your district rep and also working with them and being intentional with trying to put the buffers around and the privacy fence that you guys asked for. So, we'll just be intentional and in good faith as we move forward with this project and seeing what we can do to appease the constituents. Again, I'm looking at the community meeting, there's two people. So, maybe we could revisit that and see what we can do, but I'll be more than happy to be in contact with you and see how we can work this out, okay.

Mayor Pro Tem Anderson said thank you and thank you Ms. Canup for coming out and speaking this evening and staying with us.

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

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**ITEM NO. 37: HEARING ON PETITION NO. 2024-005 BY PORTMAN RESIDENTIAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.21 ACRES LOCATED ON THE WEST SIDE OF CHAMBERLAIN AVENUE, NORTH OF STATE STREET, AND SOUTH OF YELLOWSTONE DRIVE FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO IMU (INNOVATION MIXED USE).**

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

**Holly Cramer, Planning, Design & Development** said thank you. This site is just over an acre on the west side of Chamberlain Avenue just a little bit south of Rozzelles Ferry Road. It's between the Enderly Park and [inaudible] neighborhoods. They are proposing to go to Innovation Mixed-use from the current zoning of Manufacturing and Logistics-2. This is in between the broader redevelopment projects at Savona Mill that you're probably familiar with. This is a conventional request. So, there's no associated site plan. The Innovation Mixed-Use request is consistent with our Policy Map here and I'll take questions after Mr. Brown's presentation.

**Collin Brown, 1420 East 7<sup>th</sup> Street, Suite 100** said it's just a donut hole that was left. So, we are changing it from the ML to kind of match what's around it to allow that continued development. Happy to take questions.


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

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**ADJOURNMENT**

The meeting was adjourned at 10:47 p.m.

  
Stephanie Kelly, City Clerk MMC, NCCMC

Length of Meeting: 5 Hours, 44 Minutes  
Minutes completed: November 19, 2024