

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, September 19, 2022, at 5:07 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, Ed Driggs, Malcolm Graham, Renee Johnson, LaWana Mayfield, James Mitchell, Marjorie Molina, Victoria Watlington and Braxton Winston II.

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Mayor Lyles said thank you for joining us for the Charlotte City Council September 19th Zoning Meeting. I want to welcome everyone here and call this meeting to order. Tonight's meeting is being held consistent with the virtual meeting laws that are in the electronic meeting statute and the requirements for notice access and minutes are being met electronically. You're all invited to watch this meeting on the Government Channel, the City's Facebook page, or the City's YouTube page. First, I'd like to begin with introductions starting without our city attorney and having everyone around the dais introduce themselves.

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INVOCATION AND PLEDGE

Councilmember Mitchell gave the Invocation followed by the Pledge of Allegiance to the Flag.

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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, Vice Chairman of the Zoning Committee said thank you Madam Mayor. My name is Douglas Welton. I am the Vice Chairman of the Zoning Committee. Our Chair, Phillip Gussman is away on business this evening. So, I'm sitting in for him. Let me introduce the other members that are here with me tonight. We also have Erin Barbee, Melissa Gaston, Courtney Rhodes, and sitting in with us tonight, our Chairwoman Keba Samuel. The Zoning Committee will meet on Tuesday October 4th at 5:30 here at the Government Center. At that meeting the Zoning Committee will meet and discuss and make recommendations on the petitions that have a public hearing tonight. The public is welcome to the meeting. 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 input. You can find contact information for each petition on the city's website at charlotteplanning.org. Thank you, Madam Mayor.

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DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Mayfield, seconded by Councilmember Ajmera, and carried unanimously to defer a decision on Item No. 3, Petition No. 2021-209 by Coastal Acquisition Entity, LLC to October 17, 2022; a decision on Item No. 4, Petition No. 2021-213 by Goldberg Companies, Inc to October 17, 2022; a decision on Item No. 5, Petition No. 2022-010 by MAGLC, LLC to October 17, 2022; a decision on Item No. 7, Petition No. 2021-238 by Lennar Carolinas, LLC to October 17, 2022; a decision on Item No. 22, Petition No. 2022-003 by Joy Homes, LLC to October 17, 2022; a decision on Item No. 23, Petition No. 2022-016 by Vision Properties to October 17, 2022; a decision on Item No. 24, Petition No. 2022-027 by Childress Klein to October 17, 2022; a decision on Item No. 25, Petition No. 2021-232 by Chick-Fil-A to October 17, 2022; a decision on Item No. 31, Petition No. 2021-285 by Clearwater Development Partners, Inc to October 17, 2022.

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DECISIONS

ITEM NO. 6: ORDINANCE NO. 381-Z, PETITION NO. 2021-234 BY MATT GALLAGHER, AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.48 ACRES LOCATED ON EAST SIDE OF ONEIDA ROAD, AND WEST OF CITADEL PLACE, NORTH OF INTERSTATE 85 FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE FAMILY RESIDENTIAL).

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Harvey) to recommend approval of this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) 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. 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 Charlotte Future 2040 Comprehensive Plan Goals #2: Neighborhood Diversity & Inclusion, #5: Safe & Equitable Mobility, #7: Integrated Natural & Built Environments, and #9: Retain Our Identity & Charm. The petition is generally consistent with the area's existing character. The petition offers an appropriate transition from denser residential development to the south and lower density neighborhoods to the north. The petition commits to enhancing the pedestrian environment through site design elements which include a 6-foot sidewalk and 8-foot planting strip along Oneida Road and Citadel Place as well as an internal pedestrian network. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from current recommended use to new recommended use for the site.

David Pettine, Planning, Design & Development said so, the following notes were added to the plan. No changes were made to the overall design or layout of the site. Just some additional notes. Staff does believe these changes are minor and do not warrant additional review by the Zoning Committee.

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. Prior to issuance of the site's first building certificate of occupancy the petitioner will work with the neighboring communities and neighboring HOA's to install "Slow Down, Children At Play" signs outside the right-of-way on Oneida Road, Teton Trail, or Osage Circle.
2. Petitioner agrees to provide or contribute to the installation of additional traffic calming measures such as signage, speed bumps/cushions, or other measures as approved by CDOT throughout permitting and prior to final acceptance of the

proposed roads this project by CDOT. Petitioner agrees to provide measures up to an amount not to exceed \$10,000.00.

3. Petitioner agrees to provide stormwater detention and attenuation for the 10-year and 25-year storm events.

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

Motion was made by Councilmember Anderson and seconded by Councilmember Watlington to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) 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. 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 Charlotte Future 2040 Comprehensive Plan Goals #2: Neighborhood Diversity & Inclusion, #5: Safe & Equitable Mobility, #7: Integrated Natural & Built Environments, and #9: Retain Our Identity & Charm. The petition is generally consistent with the area's existing character. The petition offers an appropriate transition from denser residential development to the south and lower density neighborhoods to the north. The petition commits to enhancing the pedestrian environment through site design elements which include a 6-foot sidewalk and 8-foot planting strip along Oneida Road and Citadel Place as well as an internal pedestrian network. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from current recommended use to new recommended use for the site, as modified.

Councilmember Anderson said thank you Madam Mayor. There are several constituents within District 1 that are opposed to this petition, and they lift up two key areas that the petitioner has provided concessions for. Outside of the petition, there are just two cumulative issues within that area. One being traffic congestion and speeding along Graham and Oneida. The second one is relative to storm water accumulation that again, outside of this petition, continues to be an issue within this area. The petitioner has agreed to install new drainage water mitigation and the neighborhood will be better off as it relates to water mitigation and storm mitigation after this construction has taken place. So, I just wanted to lift up that I have the discussions with the constituents. I have met with the petitioner and those concessions have been made.

Councilmember Johnson said yeah, I just want to piggyback off what Councilmember Anderson said. This was initially in District 4. The developer reached out very early on, and I referred him to the Derita Association. I've had the chance to go out to the site to meet with the neighbors several times and their concerns are outside of this petition, the storm water issues, the traffic issues. We've met with C-DOT. The rules did not allow a traffic light at Oneida and Graham nor speed bumps. This developer was willing to concede but he was unable to. So, he's done what he's been able to do and this is the type of development that we should all seek in our district. A developer who's willing to provide these concessions and neighbors who are engaged in the process. I'd like to continue to work with Councilmember Anderson and our city staff to help the neighbors with the drainage issues that they are having because those are ongoing issues due to the cumulative impact of all the growth in the city, but it's outside of this development. This petitioner has worked very hard at providing concessions and this development will improve some of their current issues. So, I'll be supporting also.

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

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 217-218.

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ITEM NO. 8: ORDINANCE NO. 382-Z, PETITION NO. 2021-242 BY ROBERT D. DOWDY, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.19 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF EAST 35TH STREET AND NORTH MCDOWELL STREET, NORTH OF CHARLES STREET. FROM R-5 (SINGLE FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

The Zoning Committee voted 5-0 (motion by Welton, seconded by Rhodes) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the Charlotte 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: The 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 Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #4: Trail & Transit Oriented Development (2-TOD), #6: Healthy, Safe & Active Communities, and #9: Retain Our Identity & Charm. The petition attempts to balance the provision of service retail with protection of residential areas. Adaptive reuse of an existing building will protect and enhance the existing character. The petition is compatible with adjacent uses considering the existing building and character will be retained. The petition limits the number of uses to be allowed on the site by right and under prescribed conditions. A fence or landscaping is proposed to screen the rezoning site from the abutting single family residential lot. The N1 Place Type allows for continued and adaptive reuse of existing non-residential buildings for retail uses.

David Pettine, Planning, Design & Development said so, again no changes to the overall project. Just additional notes for clarification and to address some outstanding issues. Staff believes they are minor and do not warrant additional review by the Zoning Committee. We'll take any questions. Thank you.

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. In order to preserve the existing building, the area between the building and sidewalk on N. McDowell shall not be required to have a planting strip, however this area shall not be exempt from perimeter tree calculations.
2. In order to preserve the existing mature oak tree on the adjacent residential lot and provide for bicycle parking area, the bicycle amenity area shall not be required to have a planting strip or landscape screening, however this area shall not be exempt from perimeter tree calculations.
3. Petitioner shall provide a sidewalk utility easement set at two feet behind back of sidewalk where feasible, and shall update the sidewalk easement upon additional sidewalk completion.
4. Petitioner shall remove the non-compliant curb cuts on 35th street.
5. The existing curbline is to remain on 35th street and N. McDowell Street, with the exception of changes to the corner necessary for installation of an ADA compliant corner ramp.
6. Petitioner shall not install tents or tent-like canopies or other non-permanent structures in the rear-yard for more than 72 hours at a time or more than once a month, provided that sun-shades and shade umbrellas shall still be allowed, subject to applicable ordinance.

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

Councilmember Mayfield said thank you Madam Mayor. Actually it's a question that's potentially for staff. For those of us that are reading this online versus paper, can we

just make sure that when there are any updates of amendments that that is uploaded to our legislate so that we can have access to read it as well if we don't have a booklet?

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

Motion was made by Councilmember Anderson and seconded by Councilmember Watlington, to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Charlotte 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: The 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 Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #4: Trail & Transit Oriented Development (2-TOD), #6: Healthy, Safe & Active Communities, and #9: Retain Our Identity & Charm. The petition attempts to balance the provision of service retail with protection of residential areas. Adaptive reuse of an existing building will protect and enhance the existing character. The petition is compatible with adjacent uses considering the existing building and character will be retained. The petition limits the number of uses to be allowed on the site by right and under prescribed conditions. A fence or landscaping is proposed to screen the rezoning site from the abutting single family residential lot. The N1 Place Type allows for continued and adaptive reuse of existing non-residential buildings for retail uses as modified.

Councilmember Ajmera said many of us on the Council have received an email from a resident who lives nearby and asked for limited hours for outdoor amplified music. I know Ms. Anderson has worked with the petitioner and community to come to the middle ground where the hours are limited, and those changes were reflected in some of the changes that were made by the petitioner. So, thank you for your work on that and petitioner Mr. Sam if you are listening to this, I know you didn't get everything that you had asked for, but I think Ms. Anderson has worked hard with the petitioner to come to the middle ground here. I think that is a good compromise. So, I'll be supporting that.

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

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

NAYS: Councilmember Johnson

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 219-220.

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ITEM NO. 9 ORDINANCE NO. 383-Z, PETITION NO. 2021-246 BY MPV PROPERTIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.50 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD, NORTH OF PINEVILLE-MATTHEWS ROAD, AND SOUTH OF BEVERLY CREST BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO O-1 (CD) (OFFICE, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Barbee, seconded by Gaston) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be inconsistent with the 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: the map recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the petition could facilitate 2040 Comprehensive Plan Goal 1: 10-Minute Neighborhood and Goal 5: Safe & Equitable Mobility. The petition provides access to office and medical office uses. The site is located 300 ft

north of CATS bus route 14 stop. The petition constructs a 12 ft multi-use path along Providence Road frontage and commits to install trees and landscaping behind the path to enhance the pedestrian network. The petition constructs a right turn lane into the site. The parcel is an infill parcel on a major thoroughfare. The proposed office use provides a transition between the single-family homes to the north and west to the more intensive apartment uses to the south. The petition installs an 18 ft Class C buffer abutting residential uses and provides a 6 ft tall solid fence along the northern property line. The fence will not reduce the buffer width. The site plan locates to the building on the south side of the parcel away from single family homes. The plan limits the building height to 45, 5 ft more than the maximum allowed in single family zoning. The plan limits the size of the building to 16,400 square feet and uses to medical and general office use. The approval of this petition will revise the adopted future land use as specified by the 2040 Policy Map, from Neighborhood 1 to Commercial.

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 based on the information from the final staff analysis and the public hearing, and because: the map recommends Neighborhood 1. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition could facilitate 2040 Comprehensive Plan Goal 1: 10-Minute Neighborhood and Goal 5: Safe & Equitable Mobility. The petition provides access to office and medical office uses. The site is located 300 ft north of CATS (Charlotte Area Transit System) bus route 14 stop. The petition constructs a 12 ft multi-use path along Providence Road frontage and commits to install trees and landscaping behind the path to enhance the pedestrian network. The petition constructs a right turn lane into the site. The parcel is an infill parcel on a major thoroughfare. The proposed office use provides a transition between the single-family homes to the north and west to the more intensive apartment uses to the south. The petition installs an 18 ft Class C buffer abutting residential uses and provides a 6 ft tall solid fence along the northern property line. The fence will not reduce the buffer width. The site plan locates to the building on the south side of the parcel away from single family homes. The plan limits the building height to 45, 5 ft more than the maximum allowed in single family zoning. The plan limits the size of the building to 16,400 square feet and uses to medical and general office use. The approval of this petition will revise the adopted future land use as specified by the 2040 Policy Map, from Neighborhood 1 to Commercial.

Councilmember Driggs said this one has been difficult, partly because we are in this unsettled transition from our old ordinance to the principles of the 2040 Plan and the UDO (Unified Development Ordinance) although that's not effective yet. It's an infill site which means that it's a parcel of land that represents kind of a detail in terms of the way the Policy Map was drawn. The Policy Map is a broad brush. There are actually over 240,000 parcels and many of them are unique or unusual. I did read carefully a lot of the input I got, emails I received from residents nearby and I apologize for saying in the hearing that there was a house. I should have said there had been a house there. It wasn't there anymore, I understand that. The objections did have to do with the UDO and the application of some of those principles. This petition was developed under the old rules, and I believe it deserves to be judged by our old rules.

The staff recommends approval. The Zoning Committee was unanimous recommending approval. The petitioner did respond to input from residents by for example relocating the building, making other changes to the site, changing where the entrance was and trying to mitigate the impact of this use at that location. I did talk also with C-DOT at length about concerns related to the safety of the U-turn on Providence Road, which I will remind people, was a reason that I rejected a petition probably seven years ago now to put a daycare center there. That would've involved surges of traffic making dangerous U-turns, but I got a long memo back from C-DOT saying that the expected number of cars making a U-turn could be accommodated within the gaps between the

life cycles and that this has not been identified as a high accident area. Therefore, their recommendation was part of the staff's conclusion supporting this.

So, there are issues that people have raised about the applicability of our new rules, but I think in fairness to petitioners, we need to be a little careful about how we start imposing some of our new concepts on these existing petitions. It's going to be a little bumpy for a while and this one is an example. My conclusion about this was that it was a reasonable land use. That I doubt that a residential use is commercially viable there. I've been told that. Some people who wrote to me said, "We want single family." We can't require that. So, I think this is an outcome at that location that is less onerous than some that might have been proposed there. Partly because the traffic that goes in and out of here occurs during the day throughout the day. There will be arrival of people who work at that location, but a lot of the traffic numbers are related to patients coming and going throughout the day. Of course, the real sensitivity on traffic is rush hour. I'm acutely aware that Providence Road is a huge headache in traffic.

I've been proposing for a couple of years to council that we have a congestion overlay or establish some rules that would communicate to petitioners the limits on what kind of trip generation we were willing to accept. That was not taken up. We were too busy with the UDO. We weren't able to create that. So, we don't have in place guidelines that say, "You can do this many trips but not that many trips." I think again, given that the trip generation from this use doesn't occur as concentrated during rush hour as some uses and I don't think residential is possible. My own conclusion is that we should support this, and I ask my colleagues to join me. Thank you.

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

YEAS: Councilmembers Ajmera, Anderson, Bokhari, Driggs, Graham, Molina

NAYS: Councilmembers Johnson, Mayfield, Mitchell, Watlington, and Winston

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 221-222.

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ITEM NO. 10: ORDINANCE NO. 384-Z, PETITION NO. 2021-247 BY HRLP MORROCROFT LP AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.56 ACRES LOCATED ON THE EAST SIDE OF COLONY ROAD AND WEST SIDE OF MORRISON BOULEVARD (NOW NAMED CARNEGIE BV.), NORTH OF FAIRVIEW ROAD FROM B-1SCD (BUSINESS, SHOPPING CENTER) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Harvey) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: The map recommends a Regional Activity Center place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the petition proposes a mix of office and commercial and EDEE (eating/drinking/entertainment establishments) uses. The site located in a Regional Activity Center an area recommended for more intense uses in a walkable, pedestrian friendly form. There are existing office, retail and institutional uses adjacent to the site. The petition will add adjacent mix of uses to the area. The plan provides new sidewalks improving pedestrian connectivity around the through the site. The site plan makes use of underutilized space and redevelops existing surface parking lots on the site.

Councilmember Bokhari I just want to call out how great of a rezoning opportunity this is. Really appreciate not just the developer coming in and doing something special in

the area that needs to be done. The neighbors and the community coming together negotiating finding middle ground around improvements of the intersection dollars that are going to be invested there by the petitioner, which is directly going to impact pedestrian safety, which is a big issue. So, we know we need more city money eventually at some point here to make all this really work, but this is a huge step in the right direction. I'll just give, aside from all the neighbors and individual folks that have worked, a shout out to the South Park Association of Neighborhoods.

Motion was made by Councilmember Bokhari and seconded by Councilmember Winston to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: The map recommends a Regional Activity Center place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition proposes a mix of office and commercial and EDEE uses. The site located in a Regional Activity Center an area recommended for more intense uses in a walkable, pedestrian friendly form. There are existing office, retail and institutional uses adjacent to the site. The petition will add adjacent mix of uses to the area. The plan provides new sidewalks improving pedestrian connectivity around the through the site. The site plan makes use of underutilized space and redevelops existing surface parking lots on the site.

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

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 223-224.

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ITEM NO. 11: ORDINANCE NO. 385-Z, PETITION NO. 2021-257 BY LENNAR CAROLINAS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 52.67 ACRES LOCATED ON SOUTH SIDE OF OLD DOWD ROAD AND EAST SIDE OF AMOS SMITH ROAD FROM MX-2 (INNOV) LLWCA, (MIXED USE, INNOVATIVE, LOWER LAKE WYLIE CRITICAL AREA) TO MX-2 (INNOV) LLWCA SPA, (MIXED USE, INNOVATIVE, LOWER LAKE WYLIE CRITICAL AREA, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Russell) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the proposed site plan amendment is consistent with the Neighborhood 1 Place Type for lower density housing. The Neighborhood 1 Place Type may consist of smaller lot single-family detached developments, small townhome buildings, and small multi-family buildings. The petition meets 2040 Comprehensive Plan Goal 2: Neighborhood Diversity and Inclusion and Goal 7: Integrated Natural & Built Environments. The petition commits to implementing an 8' planting strip and 8' sidewalk along Old Dowd Rd and 8' planting strip and 6' sidewalk along Amos Smith Rd. The proposed development would only increase the number of daily trips by 20 over the existing conditional zoning that would permit 240 single family detached dwellings.

Motion was made by Councilmember Watlington and seconded by Councilmember Winston to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Neighborhood 1 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 site plan amendment is consistent with the Neighborhood 1 Place Type for lower density housing. The Neighborhood 1 Place Type may consist of smaller lot single-family detached developments, small townhome buildings, and small multi-family buildings. The petition meets 2040 Comprehensive Plan Goal 2: Neighborhood Diversity and Inclusion and Goal 7: Integrated Natural & Built Environments. The petition commits to implementing an 8' planting strip and 8' sidewalk along Old Dowd Rd and 8' planting strip and 6' sidewalk along Amos Smith Rd. The proposed development would only increase the number of daily trips by 20 over the existing conditional zoning that would permit 240 single family detached dwellings.

Councilmember Watlington said I just wanted to lift up on this one. I know there was a lot of work done between the residents and the developer. Unfortunately, and I'll confirm with staff, but as I'm understanding we weren't able to work with the county to get Park and Rec because of some of the restrictions with the land use there. However, this in particular, you see that the entitlement versus the proposed zoning is only 20 trips different in terms of the traffic generation. Though this is a market rate development, because it's townhomes here in an area where there are many more single families, that does give the opportunity for a little bit lower price point or entry point if you will for people to be able to live here. So, I think it provides some of that missing middle that we talked about. So, I will be supporting this one.

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

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 225-226.

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ITEM NO. 12: ORDINANCE NO. 386-Z, PETITION NO. 2021-262 BY CRD DILWORTH, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.14 ACRES LOCATED IN THE WESTERN QUADRANT OF THE INTERSECTION OF EAST WORTHINGTON AVENUE AND CLEVELAND AVENUE, EAST OF SOUTH BOULEVARD FROM TOD-M (O) (TRANSIT-ORIENTED DEVELOPMENT – MIXED, OPTIONAL) TO TOD-NC (CD) (TRANSIT ORIENTED DEVELOPMENT – NEIGHBORHOOD CENTER, CONDITIONAL) AND TOD-UC (CD) (TRANSIT ORIENTED DEVELOPMENT – URBAN CENTER, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Samuel, seconded by Harvey) to recommend approval of this petition and adopt the consistency statement as follows: 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 policy map recommends Regional 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: The site is located within a ½-mile walk of the East/West Station as well as the proposed Rampart Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station. And the TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station. The small portion of this site requesting TOD-UC(CD) runs along the northwest side of the parcel that is closest to South Boulevard while the rest of the site commits to TOD-NC(CD), a more appropriate and less intense district to transition from the higher density uses along South Boulevard into the residential and mixed uses of moderate intensity east of the site. The subject site is directly adjacent to the Dilworth Historic District. Many residents in this

area rely on onstreet parking as the typical parking structures that would be used on a lot are limited due to historic district regulations. The conditional note in this petition to commit to minimum parking standards above what the ordinance would require by-right may help to alleviate future on-street parking demand that could be generated with any new development. The portion of the site being proposed for TOD-UC (CD) is directly adjacent to other areas zoned TOD-UC.

Motion was made by Councilmember Anderson, seconded by Councilmember Driggs and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The policy map recommends 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 site is located within a ½-mile walk of the East/West Station as well as the proposed Rampart Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station. And the TOD-UC district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station. The small portion of this site requesting TOD-UC(CD) runs along the northwest side of the parcel that is closest to South Boulevard while the rest of the site commits to TOD-NC(CD), a more appropriate and less intense district to transition from the higher density uses along South Boulevard into the residential and mixed uses of moderate intensity east of the site. The subject site is directly adjacent to the Dilworth Historic District. Many residents in this area rely on onstreet parking as the typical parking structures that would be used on a lot are limited due to historic district regulations. The conditional note in this petition to commit to minimum parking standards above what the ordinance would require by-right may help to alleviate future on-street parking demand that could be generated with any new development. The portion of the site being proposed for TOD-UC(CD) is directly adjacent to other areas zoned TOD-UC.

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 227-228.

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ITEM NO. 13: ORDINANCE NO. 387-Z, PETITION NO. 2021-263 BY COLWICK DEVELOPMENT, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 2.8 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF COLWICK ROAD AND CHISWICK ROAD, SOUTH OF GREENWICH ROAD, AND EAST OF RANDOLPH ROAD FROM O-2 (OFFICE) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Gaston) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with 2040 Policy Map recommendation for Area A and inconsistent with the 2040 Policy Map recommendation for Area B based on the information from the post hearing staff analysis and the public hearing, and because: The map recommends Neighborhood 2 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: The site is located adjacent to the Cotswold Neighborhood Center an area intended for higher density residential and non-residential uses. The petition provides a transition from the elementary school and single-family homes east of the site to the commercial uses west of the site. The site walkable to the elementary school, shopping, dining, and employment opportunities. The proposed office use replaces an existing office building, but the scale of the office is greater than what is supported in the N2 Place type. The petition limits the maximum building height to 60 ft for the portion of the site nearest to single family residential uses. Commits to a 10.5 ft wide landscaped area planted to Class C standards abutting single family zoned parcel fronting Chiswick Rd. The approval of this petition will revise the adopted future land use as specified by the 2040

Policy Map, from Neighborhood 2 to Neighborhood Center for the Area B portion of the site.

David Pettine, Planning, Design & Development said thank you. Again, no significant changes to the plan. Staff feels they are a result of community input and are more restrictive and that they are minor and do not warrant any additional review by the Zoning Committee at this time.

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. Reduce the height of the proposed multi-family building in Area A from 85 feet to 78 feet.
2. Install a no left turn sign from Colwick Rd onto Greenwich between the hours of 7am-9am if approved by CDOT.
3. Install a pedestrian crosswalk across Colwick Road near the Publix access road if approved by CDOT.
4. Correct the truck restriction signage on Chiswick Road, near the intersection with Colwick Road, to ensure that all signage faces the correct direction and is not obscured by tree foliage, if approved by CDOT.
5. Contribute \$75,000 to the Cotswold Elementary PTO for improvements to the playground and exterior amenities.
6. The petitioner shall replace the existing wood fence with a new opaque low maintenance fence, minimum height of seven (7) feet as permitted by Ordinance, in the area generally between the Site's property boundary and Cotswold Elementary School (approximately 30-35' from the property line), to be further coordinated with CMS.

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

Councilmember Bokhari said as you've heard I don't believe these warrants any send back at this point. All of the additions and changes at this point are just positive items of concessions with the community and the dialogues we've been having. I've conferred again with our Zoning Committee who agrees with that sentiment. They supported it unanimously before. So, we just need to come to a decision here. There's nothing they're going to take with this new information that would change their minds. I think it's now on our plates.

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

Motion was made by Councilmember Bokhari and seconded by Councilmember Winston to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with 2040 Policy Map recommendation for Area A and inconsistent with the 2040 Policy Map recommendation for Area B based on the information from the final staff analysis and the public hearing, and because: The map recommends Neighborhood 2 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is located adjacent to the Cotswold Neighborhood Center an area intended for higher density residential and non-residential uses. The petition provides a transition from the elementary school and single-family homes east of the site to the commercial uses west of the site. The site walkable to the elementary school, shopping, dining, and employment opportunities. The proposed office use replaces an existing office building, but the scale of the office is greater than what is supported in the N2 Place type. The petition limits the maximum building height to 60 ft for the portion of the site nearest to single family residential uses. Commits to a 10.5 ft wide landscaped area planted to Class C standards abutting single family zoned parcel fronting Chiswick Rd. The approval of this petition will revise the adopted future land use as specified by the 2040 Policy Map, from Neighborhood 2 to Neighborhood Center for the Area B portion of the site, as modified.

Mr. Bokhari said thank you all for coming out. This is a difficult one. This has been many many months of work and a lot of hours with the neighbors and onsite. I think what's clear right now is two things. One, many neighbors as you can see and as we've all experienced with emails and calls are incredibly frustrated with the density of this project and more specifically with the congestion that exists on that corridor. On the other side of the coin, what's also clear is we know we need housing desperately. Overall, putting those items aside, this is a good development and it's ultimately aligned with what we've called for on this corridor. A few months ago, as we had the public hearing for those of you that were here for that, you might remember that some folks stepped up that had just engaged at that point in time and were upset, very upset. I asked the petitioner to give us more time so we had time to be able to dive into their details and figure out if we could ultimately work to find common ground. We had that time, we worked for several months. The good news is we were able to find concessions as you can see. We found a lot of things and those groups and the leaders of those neighborhoods that worked hard for a lot of months there. I wouldn't classify them as people who are excited with this petition or development right now, but I would say those folks understand that working in good faith, those concessions make it a little better and it's something that they are pleased with.

The bad news is a new group of neighbors came together and emerged on my radar at a minimum last week that wasn't a part of those conversations. As you well know, having the time to work with folks and to move through these things is all the difference in the world. So, we were already in a really rough spot. As you heard, with those concessions, we were able to gain improvements to the elementary school, \$100,000 in funding and traffic improvements of which I've been assured that C-DOT who has to also agree in those things would likely be very supportive as well unlocking the petitioner's investment there. The height reduction is small, we're not going to try to play it off like that's some massive thing, but it is a nod towards that concern. All are things that were negotiated and at this point, even though I would love to spend more time with all the neighbors, I think we'll ultimately recreate what we've done over the last two to three months.

For those of you who have just had this hit your radar or just started to engage, I do deeply apologize that you haven't had the chance, but trust me when I say, we worked very hard with a lot of groups in your area who were very concerned just like you were throughout these last several months. So, I truly feel the pains of these neighbors and I understand what they're going through because I don't live that far from here and we have our own issues that are very similar. I would say though that, and it's a broken record that we say every single rezoning that I've been in for the last five years at some

point each month, we can't just bring these topics up during petitions during rezoning months. We have to figure out how to attack this and make it our top priority as a council and I've called for the creation of an infrastructure investment committee. I've called for multiple things, but if we continue to grow at this pace, to do all the work like we did with the UDO and the Comp Plan and then not make a top priority of investing in these corridors that are being crushed right now with congestion and traffic. All we're going to do is find ourselves in these positions where we're debating do we bend to the neighbor's will and call a moratorium on development or do we go ahead and let development continue on while we're not delivering on the needs they have for infrastructure, and that is a lose-lose situation every single time.

So, I've come to the conclusion that after many, many conversations, I believe this is the right thing for us to do. It's clear to me that through the Comp Plan, through the UDO, despite many concerns and push backs that I had on it, an activity corridor like this is designed for housing as long as we put the infrastructure in place for dealing with the congestion. If we do not approve this right now today, what ultimately, I think will happen is June 1st, this will transition into the new world of the UDO and the Comp Plan. While it will go from O to Office, to OFC office it is quite clear, my deep dives with staff this was always by the Comp Plan's design and everything else to be Neighborhood 2, N2. How I've arrived at this decision and not lightly I want you all to know is that all the concessions and things we've been able to do in the last several months, if it goes down this path that I am highly confident it will now, N2 will allow a higher and denser product by right for this site and will ultimately put us in a position where not only they'll go do that, we can no longer engage and get the community benefits that we've just achieved.

So, as everything in this topic it's highly complicated, hard to explain, hard to dive into which is another critique of the UDO and Comp Plan that we have to get our hands around. We're going to go and do exactly this to dozens and dozens of neighborhoods and corridors in our community in the coming year. If we're not able to crisply explain to them this is where it's all heading, we're just going to have a lot of really tough battles on our hands because of our own lack of process and consistency. So, I understand you guys. I hope you understand that I had to come to this conclusion not in a light way, but it is the right thing in my opinion. I apologize that I'm letting those of you who came in here down.

Mayor Lyles said I wanted to say that this particular zoning area was before this Council in 2014 and I put the minutes of that public hearing and some of these same issues have come up as we go through this, when we talked about what was going to happen when we put the Publix there. I think it's really important to read some of this and go through it because it has not changed. It has been a situation that I'd really like to hear C-DOT explain what went on with those discussions, because those same discussions resonate today. So, Jake I think if you could come in and talk about how the idea for density was going to be addressed in this, it would be good to share that with the public.

Jacob Carpenter, CDOT said thank you. So, from a density aspect, this development did not trigger a traffic study, but the developer offered to do one because of the location and the concerns that were present back at that time. The Publix development did complete all of their improvements that they were committed to at the time. So, the developer performed their traffic study and worked extensively with C-DOT to arrive at the improvements that are included in this petition including some multimodal improvements that are going to be very valuable to this area. So, there's no answer to existing traffic problems, but this petitioner has worked to address what they could in this corridor.

Mayor Lyles said so, I think that what we're really learning is that these problems don't go away when we're trying to address them. I think that Mr. Bokhari is correct when we talk about this infrastructure, but I also think that we have to be very careful in the way that we look at this because several of these things are things that we are responsible for doing. Right now, we have at Greenwich and at Sharon Amity along Randolph that

the Super Block down by Greenwich and Sharon is really just too big a block and that was in 2014.

We haven't done anything about that at this point and I know that it's really necessary for us to get some ideas of what we can do. Thank you for the \$100,000 contribution, but I think it's something that this community is going to have to really struggle with and make it possible and we have to be a partner in that effort. So, I would encourage you to look at those notes and read because I think it is an idea of what we have been talking about and what we're trying to plan to do differently.

Councilmember Johnson said I just want to piggyback off what you said that in 2014 the Council was discussing traffic issues. That was the concern with the petition that Councilmember Anderson had neighborhood opposition. The same thing with Councilmember Driggs and with this one. We know that there's 1,745 trips in this petition. There's a pending petition across the street from it that's a Chik-Fil A and then there's an elementary school behind it. So, we know the traffic issues that you're facing. So, at some point Council has to make some tough decisions because we can't hold the developers accountable or city staff accountable. It's going to be up to us to do something different in order to get different outcomes.

We hear you and I'm just for one, Mayor, that we do something. If it's taking a month, instead of having zoning meetings to discuss policies. If we considered a 30-day moratorium I don't know, but we have to do something. Our residents are hurting, and we can't keep making the same decisions and expect a different outcome. So, I won't be supporting this petition today.

Councilmember Driggs said so, further to what I was just saying, we're in this unsettled situation. Colleagues, I will point out to you, we just issued a loud call for the creation of more housing and more density. That's a centerpiece of our UDO and we issued that call without reference to the impact on infrastructure. I'm feeling it in my district. Right now, the developers who are used to being told, "No, you're limited to R8 or whatever," are now being told, "We want more." We need to put in place boundaries that make it clear what we are willing to tolerate in terms of infrastructure impact. So, to a certain extent, the fact that we're in this situation and that Mr. Bokhari is between this rock and this hard place is on us. I don't know how under the current circumstances and given our goal of bringing the cost of housing down through an increase in the supply of housing, how this Council can reject this petition.

So, I want to assure everybody we all got your messages and read them carefully. I feel uncomfortable in this situation because I do understand how you feel squeezed by this and at the same time the direction in which the city is going through its growth is going to entail repeated instances of this kind of discomfort. We cannot keep Charlotte as it was and the density as it was. We have to make room for the hundreds of thousands of people we think are going to move here and try to do so without allowing the cost of housing to go through the roof. So, that to me is my rock and hard place but I do intend at the end of the day to join my colleague in support of this petition. Thank you.

Councilmember Winston said so, I think the Mayor and Mr. Bokhari highlight a good point. I hope Council and staff, as we go into further implementation of the Comp 2040 and the UDO plans and policies, as we get into that small area planning process, I think this is a particular issue that is different. Even smaller than the Community Area Planning processes. We know that there are some choke points. Randolph and Sharon Amity, Wendover and Providence Road, Park Road and Woodlawn. There are certain places where our policies don't necessarily conflict, but they're not working together well. Whether they be land uses, pedestrian infrastructure investments. Just overall change in growth patterns. We can't let these things just linger and shrug our shoulders and put our hands up when new rezonings come on down the line. So, I would hope that we can identify some these specific areas and really find a way to deal with it without it just kind of being a revolving door of throwing our hands up in the air. I think there's a will on Council to do this. I think we have a lot more tools as Mr. Driggs said. A

lot more tools at our hands and new goals that we put out. Now it's time for us to really put our hands around them and wrestle with them.

Mayor Lyles said I do want to remind Council that we do have an infrastructure commission and I talked to the Chair a couple of days ago and they said they are two months out. Their idea was to start off with some of the communities and corridors that we are working with, but they will be bringing forth recommendations to the Council. I think that would be good to let them do that and then come out and talk about how do we deal with some of this in a more specific way.

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

YEAS: Councilmembers Ajmera, Bokhari, Driggs, Graham, Mitchell and Winston

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

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 229-230.

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ITEM NO. 14: PETITION NO. 2021-264 BY CHUCK PRICE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 4.7 ACRES LOCATED ON THE NORTH SIDE OF OAK DRIVE, EAST OF OLD STATESVILLE ROAD, AND SOUTH OF PETE BROWN ROAD FROM I-1 (LIGHT INDUSTRIAL), R-4 (SINGLE FAMILY RESIDENTIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Harvey, seconded by Gaston) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Manufacturing & Logistics 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 proposed use is aligned with the recommended Manufacturing & Logistics Place Type. The petition is requesting expansion from the existing lumber business adjacent to the site. The petition proposes the same industrial uses found in the area along the Old Statesville Road Corridor. The petition commits to a 100-foot Class A buffer adjacent to the abutting residential properties. The petition commits to a 50-foot class A buffer along Oak Drive. Access to the site will be limited to only the existing adjacent property and avoid creating additional traffic or access on Oak Drive. This petition helps to fulfill the Comprehensive Plan's goal of contributing "to Charlotte's economic viability by accommodating places of employment for a range of uses related to manufacturing, logistics, production and distribution."

Motion was made by Councilmember Graham and seconded by Councilmember Winston to defer Item No. 14, Petition No. 2021-264 by Chuck Price until October 17, 2022.
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Councilmember Graham said I would like to request from council a 30-day deferral.

Councilmember Mayfield said what is the conversation for the deferral?

Mr. Graham said I would like to give more time to make one last effort to get the petitioner and the neighborhood association one more time to resolve some outstanding issues.

Councilmember Watlington said I'm hearing that one of the fundamental issues is the what, not the how. So, if there are some how things that you think will get folks closer to it, what are those?

Mr. Graham said I think just more dialogue between the two in terms of some of the outstanding issues. Obviously, the petition and the write off speaks for itself in terms of the recommendations from both the Planning Commission and the staff in terms of approval. I just want to give it one more effort to see if we can get them closer together in terms of help this petitioner to move forward to making sure that everyone is comfortable in terms of the outcomes.

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

NAYS: Councilmembers Mayfield, and Watlington

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ITEM NO. 15: ORDINANCE NO. 388-Z, PETITION NO. 2021-280 BY THE DRAKEFORD COMPANY AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 15.30 ACRES LOCATED SOUTH OF JOHNETTE DRIVE, EAST OF LAWRENCE ORR ROAD, AND WEST OF EAST W.T. HARRIS BOULEVARD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO MX-1 (INNOV) (MIXED, INNOVATIVE).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Russell) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to consistent with the 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. 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 Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #2: Neighborhood Diversity & Inclusion, #5: Safe & Equitable Mobility, and #9: Retain Our Identity & Charm. The petition's proposal for single family units at four dwelling units per acre (DUA) is consistent with Neighborhood 1 Place Type. The Neighborhood 1 Place Type may consist of smaller lot single family detached developments, small townhome buildings, and small multi-family buildings. The petition is compatible with neighboring residential and institutional uses.

David Pettine, Planning, Design & Development said thank you. The following changes were made after the Zoning Committee's recommendation. Staff has no concerns with the changes and believe they are minor and cannot warrant additional review by the Zoning Committee.

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

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. Correct Sheet 2 of the rezoning plan to reflect 63 units, not 64.
2. Removed Development Note VII.4. that stated "The Petitioner shall provide a Class C buffer as generally depicted on the Rezoning Plan if townhome-style units are proposed adjacent to existing single family residential zoning." The condition is not applicable to the site design as currently proposed by the petitioner.

Motion was made Councilmember Molina, seconded by Councilmember Mayfield, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. 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 Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #2: Neighborhood Diversity & Inclusion, #5: Safe & Equitable Mobility, and #9: Retain Our Identity & Charm. The petition's proposal for single family units at four dwelling units per acre (DUA) is consistent with Neighborhood 1 Place Type. The Neighborhood 1 Place Type may consist of smaller lot single family detached developments, small townhome buildings, and small multi-family buildings. The petition is compatible with neighboring residential and institutional uses, as modified.

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 231-232.

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ITEM NO. 16: ORDINANCE NO. 389-Z, PETITION NO. 2021-282 BY GREYSTAR DEVELOPMENT EAST, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.54 ACRES LOCATED SOUTH OF GOLF LINKS DRIVE, WEST SIDE OF MIDWAY PARK DRIVE, NORTH OF ARDREY KELL ROAD FROM MUDD-O (MIXED-USE DEVELOPMENT – OPTIONAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT – CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Harvey) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: the map recommends 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: The site is located in a Community Activity Center within walking and biking distance to employment, shopping and dining opportunities and transit service. The petition meets goals 1, 2, 5, 6 and 7 of the Charlotte Future 2040 Comprehensive Plan. The plan includes a mixture of housing types. Increases pedestrian access in the area by providing pedestrian walkways east/west and north/south through the site.

Motion was made Councilmember Driggs and seconded by Councilmember Winston to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the map recommends Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is located in a Community Activity Center within walking and biking distance to employment, shopping and dining opportunities and transit service. The petition meets goals 1, 2, 5, 6 and 7 of the Charlotte Future 2040 Comprehensive Plan. The plan includes a mixture of housing types. Increases pedestrian access in the area by providing pedestrian walkways east/west and north/south through the site.

Councilmember Driggs said this is proposing instead of putting office on this 7 ½ acre sub portion of the large mixed-use Rea Farms Development to put apartments there reflecting the fact that after COVID, demand for office space has gone way down and of course we want development of apartments. Also, the new proposal has 1,225 fewer

trips than the old one on the corner of Providence Road and Ardrey Kell. So, I'm very much in favor of this.

The vote was taken on the motion and carried unanimously.

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 233-234.

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ITEM NO. 17: ORDINANCE NO. 390-Z, PETITION NO. 2022-004 BY WHITE POINT PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 25.25 ACRES LOCATED ON THE NORTH SIDE OF THE PLAZA AND EAST SIDE OF EASTWAY DRIVE, SOUTH OF EASTWAY PARK DRIVE FROM B-1SCD (SHOPPING CENTER), B-1 (NEIGHBORHOOD BUSINESS) TO TOD-TR (CD) (TRANSIT ORIENTED DEVELOPMENT-TRANSIT TRANSITION, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Harvey, seconded by Welton) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the Charlotte 2040 Policy Map (2022) based on the information from the post hearing staff analysis and the public hearing, and because: the adopted policy map recommends the Place Type Neighborhood Center for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: The petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #4 Trail & Transit Oriented Development (2-TOD), #5: Safe & Equitable Mobility, and #6: Healthy, Safe & Active Communities. As written, TOD-TR is applicable to parcels within a 1- mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The site is within a mile walk of the Old Concord Road Station. The petition fulfills goals to support walkable, mixed-use environments with access to a variety of amenities and services.

Motion was made Councilmember Anderson, seconded by Councilmember Driggs, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the Charlotte 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the adopted policy map recommends the Place Type Neighborhood Center for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the Charlotte Future 2040 Comprehensive Plan Goals #1: 10-Minute Neighborhood, #4 Trail & Transit Oriented Development (2-TOD), #5: Safe & Equitable Mobility, and #6: Healthy, Safe & Active Communities. As written, TOD-TR is applicable to parcels within a 1- mile walking distance of an existing rapid transit station, or within ½ mile walking distance of an existing streetcar stop. The site is within a mile walk of the Old Concord Road Station. The petition fulfills goals to support walkable, mixed-use environments with access to a variety of amenities and services.

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 235-236.

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ITEM NO. 18: ORDINANCE NO. 392-Z, PETITION NO. 2022-012 BY RANGEWATER REAL ESTATE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 18.45 ACRES LOCATED ON THE EAST SIDE OF IBM DRIVE, WEST OF INTERSTATE 85, SOUTH OF WEST W.T. HARRIS BOULEVARD FROM RE-2 (RESEARCH) TO R-17MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Harvey) to recommend approval of this petition and adopt the consistency statement as follows: This petition is found to be consistent with the 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: The map recommends 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: the petition provides additional housing opportunities in the University Research Park area. The petition supports goals 1, 5 and 6 of the Charlotte Future 2040 Comprehensive Plan. The petition's orientation towards IBM drive and commitment to a 12-foot multi-use path and an 8-foot planting strip increases the walkability of the area. The Petitioner commits to conveying to Mecklenburg County for the development of a greenway the portion of 100-foot SWIM buffer associated with Doby Creek. This area will be dedicated and conveyed to Mecklenburg County prior to the issuance of the first certificate of occupancy for the Site.

Motion was made Councilmember Molina, seconded by Councilmember Mayfield, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: The map recommends Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition provides additional housing opportunities in the University Research Park area. The petition supports goals 1, 5 and 6 of the Charlotte Future 2040 Comprehensive Plan. The petition's orientation towards IBM drive and commitment to a 12-foot multi-use path and an 8-foot planting strip increases the walkability of the area. The Petitioner commits to conveying to Mecklenburg County for the development of a greenway the portion of 100-foot SWIM buffer associated with Doby Creek. This area will be dedicated and conveyed to Mecklenburg County prior to the issuance of the first certificate of occupancy for the Site.

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 239-240.

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ITEM NO. 19: ORDINANCE NO. 391-Z, PETITION NO. 2022-007 BY ST. CHARLES AVENUE LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.34 ACRES LOCATED ON THE WEST SIDE OF CASTLETON ROAD, NORTH OF NORTH SHARON AMITY ROAD, AND EAST OF CRAIG AVENUE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Gaston) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent with the 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: the map recommends Neighborhood 1 (N1). 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 allows the subdivision of the existing single-family parcel into two lots each for a single-family home. The site is located in an area developed with single family homes. The petition supports Goals 1, 2, 5, 6 and 7 of the Charlotte Future 2040 Comprehensive Plan. The site plan limits the maximum building height to 40 feet, same as allowed in the surrounding residential zoning. The plan provides a 20 ft setback from the future back of curb (6 ft more than the minimum required by the district). The plan provides architectural design standards to ensure a compatible residential design that includes porches or stoops and recessed garages.

Motion was made Councilmember Johnson, seconded by Councilmember Mitchell, and carried unanimously to approve this petition and adopt the following statement of consistency: this petition is found to be consistent with the 2040 Policy Map based on the information from the final staff analysis and the public hearing, and because: the map recommends Neighborhood 1 (N1). 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 allows the subdivision of the existing single-family parcel into two lots each for a single-family home. The site is located in an area developed with single family homes. The petition supports Goals 1, 2, 5, 6 and 7 of the Charlotte Future 2040 Comprehensive Plan. The site plan limits the maximum building height to 40 feet, same as allowed in the surrounding residential zoning. The plan provides a 20 ft setback from the future back of curb (6 ft more than the minimum required by the district). The plan provides architectural design standards to ensure a compatible residential design that includes porches or stoops and recessed garages.

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 237-238.

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ITEM NO. 20: ORDINANCE NO. 393-Z, PETITION NO. 2022-022 BY APPALOOSA REAL ESTATE PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 26.65 ACRES LOCATED ON THE EAST SIDE OF BEARD ROAD, NORTH OF MALLARD CREEK ROAD FROM R-3 (SINGLE FAMILY RESIDENTIAL) TO R-22 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL), UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Russell, seconded by Welton) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be inconsistent with the 2040 Policy Map based on the information from the post hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: The petition is consistent with the existing multi-family uses adjacent to the site. The petition adds to the variety of housing options in the area. The petition commits to extending the street network via Odell School Road and Rickenbacker Road. The petition commits to enhancing the pedestrian network by building an 8-foot planting strip and 8-foot sidewalk along Beard Road and the newly built Odell School Road and Rickenbacker Road. The petition commits to enhanced building design features such as usable porches and/or stoops when possible. The petition proposes a one-acre park, to be dedicated to Mecklenburg County, which supports the Comprehensive Plan's goal of "protecting and enhancing its tree canopy and natural areas with a variety of open space at different scales throughout the entire community". The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 place type to the Neighborhood 2 place type for the site.

Motion was made Councilmember Johnson and seconded by Councilmember Mayfield to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map 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 is consistent with the existing multi-family uses adjacent to the site. The petition adds to the variety of housing options in the area. The petition commits to extending the street network via Odell School Road and Rickenbacker Road. The petition commits to enhancing the pedestrian network by building an 8-foot planting strip and 8-foot sidewalk along Beard Road and the newly built Odell School Road and Rickenbacker Road. The petition commits to enhanced building design features such as usable porches and/or stoops when possible. The petition proposes a one-acre park, to be dedicated to Mecklenburg County, which supports the Comprehensive Plan's goal of "protecting and enhancing its tree canopy and natural areas with a variety of open space at different scales throughout the entire community". The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 place type to the Neighborhood 2 place type for the site.

Councilmember Johnson said I just want to lift up the developer and just to thank them for the amenities. They're going to be providing one acre of park land to Meck County Park and Rec. They are going to provide two street connections for further city connectivity. They've limited the height of the townhomes. So, I just appreciate the attention to the greenspace, and I look forward to the development. I'll be supporting.

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

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 241-242.

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ITEM NO. 2: FOLLOW UP REPORT

Mayor Lyles said If you would go back to the section of your book that talks about the follow up report. Ms. Watlington asked at the end of the decisions that we go back to the follow up report.

Councilmember Watlington said thank you. As far as the follow up report, I see in here associated with 2021-257, there was a question asked about the Charlotte Water reviews and the petitions and it was noted here by Charlotte Water that knowing about rezoning petitions is helpful in Charlotte Water's planning efforts as it brings awareness to upcoming growth and trends. It isn't until the specific development applies for a [inaudible] review that Charlotte Water gets into the details of collection systems and treatment plant adequacy. That feels like an opportunity to close a potential gap in the system. I want to make sure that I'm understanding that correctly. That unless and until a developer in particular goes to Charlotte Water and applies that there is no significant analysis done for water capacity. Am I understanding that correctly?

David Pettine, Planning, Design & Development said as far as I know that's correct. Yes.

Ms. Watlington said okay. I'd like to see that changed. I think that we need to get that systematic so that that's a part of the review. Maybe there's levels to it, you have some go no go gauges so you don't have to do the full analysis every time, but I think that we can clean that up so we're not relying on an external initiation for a process. When we talk about infrastructure, water is included. So, I think there's an opportunity there and I'd like to see that.

Mr. Pettine said just to clarify that. They do have to submit all that when they go in for permitting. So, the entitlement process just gives them the opportunity to potentially do the project if the project doesn't have that water sewer capacity. Then they have to work with Charlotte Water after that to either time the project where that capacity is in place, provide contributions to bring that infrastructure up to the need that would serve the project or just wait for a project that is in the works already through capital investments or something to improve that infrastructure for them to have the capacity to do it. So, if we entitle the project that doesn't have capacity, it doesn't mean that it gets built regardless. They still have to go through that process in permitting just like a by right project would and if there's not capacity then they have to work through the solutions at that stage when they're engineering the project.

Ms. Watlington said so, what is Charlotte Water getting at here? They're basically saying they don't necessarily know about all the petitions unless an application is put in. So, how are they tracking capacity for things that don't show up on their radar?

Mr. Pettine said they get all of our rezoning petitions sent to them as well. So, they do evaluate all the rezoning petitions and they look at what's going on in that area wide system and if they know they have some potential capacity issues, they just put the petitioner on notice that you might have some things to do after the rezoning. If it's approved, you might have to work with us on a different level than just paying whatever tap fees you might have to or however that process works in permitting. So, they look at all the rezoning petitions, but we don't have that capacity analysis done at that point. That comes in during the permitting phase just like they would during a by right project. So, by right project has to deal with the same thing. If they apply for a certain amount of homes and there's not capacity or certain square footage and there's not capacity, then they have to work with Charlotte Water to make sure that they have the infrastructure to support that in order to get a permit in hand to actually build the project out.

Ms. Watlington said okay, if we could connect on this one with Charlotte Water because I just want to make sure that what's written here and what you just said effectively addresses all of the particular communication linkages.

Mr. Pettine said yes, will do.

Ms. Watlington said thank you.

Mayor Lyles said I appreciate that. I asked the same question of the staff and I think that the real issue is while we approve something, if the design changes the engineering, and the soil testing, all of those things have to be done and then they can go to Charlotte Water and see how it works. So, I think that it's done it's just when is it done? I believe also they have the opportunity to invest in the infrastructure themselves as well. So, it was not clear because I wrote down did they come to an agreement with Charlotte Water. That's the way I read it. What I learned is what Mr. Pettine has said.

Mr. Pettine said yes, this was kind of an opportunity to put them on notice to say we might have some issues that you need to address and then if they get it entitled then they work through those issues on the back end. If that entitlement isn't granted, then there's no issue to work through at that point. Yes, it's kind of a we'll put you on notice that you might have some things that you need to work with us on in permitting.

Ms. Watlington said so, in the event that they get entitled and then they can't address the issues, what happens then?

Mr. Pettine said it would come down to how they can get permits to serve whatever they're proposing. Whether it's housing or commercial or industrial. They would have to make sure that they have the capacity to it and it could limit how many units they could build or what square footage they could build. They might have to phase a project until certain other infrastructure projects come online. They may have to contribute to those

projects themselves as developers, but it would have to all be timed out to make sure there's capacity to serve.

Mayor Lyles said this is the bottom line that they don't get a permit if it's not done?

Ms. Watlington said yes, but I'm saying what does that mean to the project? Does it sit there? It gets closed out? Where does it go and is there an opportunity to have that answer before they start the permitting process?

Mr. Pettine said right. Okay, yes, we'll connect with Charlotte Water as well and we might need to just schedule something offline so we can all talk through it and understand it clearly.

Ms. Watlington said thanks.

Mr. Pettine said no problem.

Councilmember Mayfield said on a similar line as Councilmember Watlington, I think it would be helpful if Charlotte Water staff actually presents the Council as we're getting ready to come into meetings and discussions. Where are we with the current projects that are already on the books and our current water capacity so that we can get an idea? That would help, if I'm hearing my colleague correctly, that would also help the development community to look at growth because I know one of the challenges that I've heard even during the time that I have not been in office is some projects that feel like their project is put on the back burner because of not being able to pay the additional fee to offset the cost for water capacity. If we had a better picture of what our capacity looks like in comparison to the projects that are coming through, that gives an opportunity to really look at where growth is happening and how we plan for it. I believe it also goes back to my colleague Renee Johnson's comment regarding having a meeting that is specifically designated to looking at how we're planning growth. The challenge is council approves the language. The council approves a project, that project may very well be inconsistent with the language, but we are the ones that are allowing the development to happen and then we are the ones trying to attempt to create adjustments that are better for the community.

So, if we have an update that's presented to all of Council, whether it's in the form of a workshop, sooner rather than later so that we can get an idea of the projects that we already know are on the books and what is the water capacity currently and what is it that we're looking to need an investment so that we are not looking at some of the challenges that our sister cities in other parts of the country are facing with their water issues. Thank you.

Councilmember Winston said I'm hearing Ms. Watlington and Ms. Mayfield clearly. It is one thing to say that we'll take care of it in permitting but I think we look at some neighborhoods and we look at the challenges that we've had when it comes to capacity. For instance, around Scaleybark and up and down South Boulevard the disruption that a lot of the community have felt because the level of development. I don't think it was necessarily anticipated and when you had certain developments going up higher than it was anticipated as Ms. Charles often says, it's a lot of brushing and flushing and you don't anticipate those issues. You can run into some severe problems that are more expensive to work on after all is said and done. So, I think Ms. Charles would love to talk to us about some of those things. I think we could have that type of conversation because it's pretty relevant. I don't know, maybe it's something in the bigger context of that infrastructure conversation Mayor Lyles was talking about.

Mayor Lyles said I think that we have some ideas about how we're going to do with safety across all committees. I don't know if this might be a good start for budget and intergovernmental to talk about this as an issue because it's first an enterprise fund. So, everybody is paying into it for whatever gets done. It's not a property tax supported fund and it's also a place where we have other communities that join us in our system that we work with and that intergovernmental connection. So, it may be good to just start off

with that discussion there, if we can do that and have Ms. Charles do that. I think that would be a helpful start to it. So, I expect that growth and infrastructure will come across a number of every committee as well when we're talking about what we're trying to do with housing and what we're trying to do with transportation and the UDO and all of that. So, why don't we take a start and see if there's a model there. I'll write something up and send it to you.

Councilmember Johnson said is there a way that we can ask our residents to reach out to us? Maybe if there's an email address we can create. I know in my neighborhood I've had neighbors that have had to mitigate storm water flooding multiple times. The neighborhood across the street, Chestnut, the neighborhoods that we talked about earlier today. So, are we actually capturing how big of a problem this is for residents in the city? If there was an email address or something that the residents can reach out to let us know the storm water issues, they're having so that we can begin to really factor how big of a problem this is in our city and that it needs to be addressed.

Mayor Lyles said I think there is some work that's been done by the staff around storm water as an enterprise fund as well. Mr. Driggs may know better about that, but I think that there is an issue that we at one time counted everything. I don't know. Mr. Driggs, in terms of storm water, the survey of storm water needs, how they're done, and I thought that there was some discussion around that already.

Councilmember Driggs said storm water budget does have an operating component and a capital component. The capital component is based on an inventory of the facilities we have and the anticipated needs for repairs and new investment similar to Charlotte Water. So, that is in place. I don't know to what extent it takes onboard individual expected development proposals, but it should also be noted we do have quite a robust process throughout storm water engineers for considering any petition and requiring mitigation in such a way that the absorption of water is no different. It's better than or the same as before. So, I think it's a good environment. There's probably room for more information.

Mayor Lyles said I think we should look at the inventory that we have and maybe review that and get us educated on what we're doing and what's included already in our inventory. So, another opportunity for an enterprise fund and the committee that works in this area.

Councilmember Ajmera said I think it would be helpful to provide a copy of the work that was done a couple of years ago so that we are not reinventing the wheels here. I think we had a billion-dollar storm water crisis that I remember Mr. Driggs was the Chair of the Committee which we worked through and adjusted the program. I think the reference material could help and then we could certainly discuss it further to Ms. Johnson's question.

Mr. Driggs said if I may just mention that related to request for service as opposed to the maintenance and development of our infrastructure. Thank you.

Ms. Watlington said yes. I know we're talking about storm water here and we were talking about domestic water earlier, but I think as we go about doing this, I'd love to see how this connects to our community area planning process. Because I know we're talking budget, but from a planning standpoint, all of these things that go into infrastructure should inform what we do think should go where. I know we have this Policy Map; we've already talked a couple of times tonight about instances and what's on the Policy Map. It's not the intention of what they want to go there. I know we spoke about how the environment changed around particular development areas where things would have made sense in a particular way and now it's changed. I think those things have to be at the table as we're having this community area planning discussion because otherwise what are we planning? So, to the extent that we can understand how those go together, I think that has to be a part of the work even as we talk about the

infrastructure committee. If they're two months out and we're talking about beginning a storm water process that feels like a disconnect.

Mayor Lyles said I think this is ideal for October the 3rd when we have the committee meetings, and we can have a deeper discussion. Especially when we come together as a combined group of everyone to be able to do more around this. What are our ideas? What are we thinking about? That is the whole idea of having all of council have the opportunity to talk about what's on our minds and where we can make a difference on that. So, we just keep on pushing that until we get to the committee reports and then the discussion by the full council which is going to be led by the committee chairs on October the 3rd which isn't too far away.

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ITEM NO. 21: ORDINANCE NO. 394-Z, PETITION NO. 2022-085 BY CITY OF CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.12 ACRES LOCATED ON THE WEST SIDE OF BEAM ROAD, NORTH OF SHOPTON ROAD, AND SOUTH OF CENTER PARK DRIVE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Samuel) to recommend approval of this petition and adopt the consistency statement as follows: 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 Manufacturing and Logistics for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post hearing staff analysis and the public hearing, and because: the subject site is not adjacent to any residential uses or zoning districts, development under the existing zoning district would be incompatible with the site's context. This is an appropriate site to rezone to institutional uses as it is surrounded by existing government institutional uses along the eastern side of Beam Road and there are industrial uses and zoning districts along the rest of the rezoning boundary. The site is directly surrounded by areas within the Campus Place Type that host existing government uses. Institutional land uses are more directly compatible with the Campus Place Type as opposed to Manufacturing and Logistics which supports manufacturing, logistics, and distribution uses. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing and Logistics to Campus for the site.

Motion was made Councilmember Winston, seconded by Councilmember Anderson, and carried unanimously 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 Manufacturing and Logistics 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 subject site is not adjacent to any residential uses or zoning districts, development under the existing zoning district would be incompatible with the site's context. This is an appropriate site to rezone to institutional uses as it is surrounded by existing government institutional uses along the eastern side of Beam Road and there are industrial uses and zoning districts along the rest of the rezoning boundary. The site is directly surrounded by areas within the Campus Place Type that host existing government uses. Institutional land uses are more directly compatible with the Campus Place Type as opposed to Manufacturing and Logistics which supports manufacturing, logistics, and distribution uses. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Manufacturing and Logistics to Campus for the site.

The ordinance is recorded in full in Ordinance Book No. 65, at Page(s) 243-244.

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HEARINGS

ITEM NO. 26: HEARING ON PETITION NO. 2021-274 BY DICKERSON REALTY FLORIDA, INC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.57 ACRES LOCATED ON THE WEST SIDE OF WEST CARSON BOULEVARD, NORTH OF SOUTH MINT STREET, AND EAST OF WEST PALMER STREET FROM MUDD (MIXED-USE DEVELOPMENT DISTRICT) TO TOD-UC (TRANSIT-ORIENTED DEVELOPMENT - URBAN CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said thank you Madam Mayor. 2021-274. It's just over a half an acre on West Carson just on Graham Street just south of Mint Street. It is currently zoned as mentioned, MUDD, mixed-use development district and the proposed zoning is for TOD-UC (Transit-Oriented Development-Urban Center). You can see on this slide we have a lot of the TOD-UC zoning that was done through 2019-109 which was the alignment rezoning for TOD (Transit Oriented Development). This petition would have been included in that, other than it being a MUDD (Mixed-use Development District) conditional, we didn't take conditional plans through that alignment process. So, just wanted to note that. It is recommended for a Regional Activity Center for this site and the surrounding area on the 2040 Policy Map. This is a conventional TOD request so there's no site plan or conditions. No outstanding issues to make council aware. Staff is recommending approval of this petition. It is consistent with the Policy Map recommendation for Regional Activity Center. It's within a half mile walk of the Carson Station. That TOD -UC district is applicable within that half mile walking distance. We'll be happy to take any questions following the petitioner's presentation and presentation by the public. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 3300 said thank you Mayor. I'll try to be efficient with your time and our time. Good evening, Mayor, Mayor Pro Tem, members of City Council, members of the Zoning Committee. Keith MacVean with Moore and Van Allen. Jeff Brown of our firm and I are assisting Dickerson Realty of Florida Inc. with this petition. With me tonight as you mentioned Mayor is John Joyner who is the petitioner and represents the property owner. I want to thank Dave for his presentation. As Dave mentioned, the site is located just south of John Belk Freeway and on Carson, near and close proximity to the B of A's (Bank of America) current stadium and Charlotte Pipe property.

The future alignment of the silver line actually has a station in close proximity to the site as well. Site is zoned MUDD and is used for a surface parking lot. This site in the area is located in an area that has become an extension of downtown and Southend. If you go by the site, you will see that occurring as currently under way. A lot of new development in the area. It's high density residential. As a result, the area is really an appropriate location for the type of development allowed and encouraged by the TOD urban center district. As Dave mentioned, this site is also within a half mile of the existing Carson blue line station. Most of the zoning in this area is TOD- Urban Center and I2 (Industrial). There is some I2 as you move to the west. The proposed zoning is TOD-Urban Center which would align it with the majority of the zoning that's in the area. As Dave mentioned, it was established by the 2019 alignment rezoning.

As this map shows there's really three predominant zoning categories here. UMUDD (Urban Mixed-Use Development), purple to the right. TOD -Urban Center, the lighter beige and then the one spot of red that's the site itself which is MUDD. Then I2 as I mentioned going to the west.

The MUDD zoning for this parcel was established in 2006 and there's really no longer the appropriate zoning district for the area or the parcel. Rezoning this half acre to TOD-Urban Center really brings the property up to date with the zoning on the surrounding

parcels and it's really the most current zoning category with the most up to date urban design standards and regulations, including the bonus provisions for additional height which the MUDD district is not subject to.

As Dave mentioned, the 2040 Plan does show all this area and all the surrounding parcels for the general area and any parcels in the surrounding area as a Regional Activity Center, as I mentioned, an extension of downtown and Southend. This petition as Dave mentioned is consistent with the Policy Map in terms of Regional Activity Center, the TOD zoning district being the right category to implement that place type. The difference between MUDD and TOD-Urban Center, just quickly to run through those. The TOD -Urban Center, TOD -UC zoning district has a more appropriate list of uses than the MUDD district. The MUDD district allows service station, climate-controlled storage, automobile repair building materials, sales, equipment rental and uses. Those are things that are allowed in MUDD, but not allowed in the TOD-Urban Center district. The TOD-Urban Center does allow building heights up to 130 feet and then without a bonus provision, above 130 feet utilizing the bonus provisions. MUDD allows buildings up to 120 feet but is not subject to the bonus provisions at all. TOD-Urban Center brings as I mentioned before more up to date building design standards that regulate building form and use as well as type. MUDD district are older set of standards than a current TOD district.

In terms of side yards, we did have several conversations with the residents of the Altura townhomes that are new townhomes that were built in 2019/2020 just to our south of the site right here. We've had several conversations with the residents to understand some of their concerns about side yards. Both zoning districts, the current zoning on the ground, the proposed zoning district don't have side yards in this situation, don't require side yards. The MUDD district has a 10-foot building separation. The townhomes are actually about 12 ½ feet off the property line. So, that would allow a building under MUDD to be on the property line. TOD-Urban Center the same way, the only other point I would mention here is in the translation, the MUDD district will translate to the Community Activity Center to district next June on June 1st. The new CAC2 (Community Activity Center) district allows building heights up to 200 feet with the bonus provisions and again does not require side yard in this particular situation,

Now side yards may be provided by the development that occurs on this site. As Dave mentioned, this is a conventional rezoning request, so we don't have specific development plans at this time. We're happy to answer questions.

Patrick Bugas, 2115 Foxton Court said good evening, Council. My name is Patrick Bugas and I'm here on behalf of Altura Southend HOA. The Altura community is 31 townhomes located directly next door to the property in the petition. The HOA submitted an official statement to council which I hope you all have received and read. So, I won't read it word for word, but I wanted to summarize some of our thoughts. Our community's request is that the Council seeks to have this petition converted to a conditional rezoning which would then require a site plan or else reject the petition until our concerns are addressed by the eventual developer. While we have had friendly discussions with the petitioner, the heart of the issue is they cannot provide any details about the potential future of this site because they are not themselves the developer. Instead, they plan on selling their investment to a developer.

Given that TOD-UC is a denser zoning type that allows for the largest breadth of outcomes, the lack of any plans or ideas about what the property may become has our residents worried as you can likely understand. They're worried about worst case scenarios. Among them, they're worried about how close a new building would be given TOD's lack of side yard requirements, and while they understand Community Activity Center 2 also doesn't have, we would at least love the opportunity to engage with any sort of site plan to potentially benefit both parties on side yards. They are worried about potential height that TOD allows for which is up to 300 feet. We're talking about our townhomes which are three story townhomes. They're concerned about the minimal open space required versus the current zoning. With Community Activity Center 2 which

this MUDD will eventually become, TOD-UC requires 50 percent less open space. We're concerned about the traffic. Minter Place there is a privately paid for and maintained drive. Our bedrooms and garages open out on to it. As you can see, the property, the main access point for this specific lot is South Graham Street and it goes down to West Palmer Street which has lights on it. Minter Place does not. So, we get cut through traffic and we're concerned about any sort of development created traffic and what it would have on our private driveway.

So, without any input into any site plan, the residents are worried about ending up with a 20 or 30 story tower built next door like what's being built on Camden Road or Tremont. Neither of those are directly adjacent to residential uses. Such a tower could sit right on the property line. As Keith mentioned, literally on the property line feet away from all of our resident's windows. I know previous council and many of the current council members were wary of the disconnect between the adjacent uses and the types of buildings that the new UDO could lead to. There was some big disconnects between height and uses and density. Well, here's a prime example, it's already happening. We're not anti-development, but unfortunately this rezoning decision is the only opportunity that our residents have to try and have any input into the design of the lot and what goes in next door. If this rezoning is approved as a conventional petition, then anything can happen as long as it follows the letter of the ordinances and codes.

Instead, we would like this rezoning decision to include some information or site plans and commitments to hopefully at least try to compromise on certain concerns and help us understand what we will be living next door to. If we can't get that, then we would prefer this site remain MUDD and be converted next June into Community Activity Center 2. Again, lower height limits as well as more open space requirements under that among other things.

We're sympathetic to the petitioner wanting to maximize his investment by getting this conventional rezoning done, but Altura homeowners have also invested millions of dollars into their properties. Just because this is Southend and as city staff has put it, "In the line of redevelopment and rezoning," doesn't mean that this should be rubber stamped without the opportunity for additional compromise and information. Being pro densification and redevelopment does not mean you can't try to provide the homeowners with some information, protections and a voice to try and compromise on what goes in next door. Thank you.

Mr. MacVean said as Patrick mentioned, we have had several conversations with him and a couple of other members of his board. We have looked at a way of providing additional information regarding the development, but Mr. Joyner and his company are not developers, they are the property owners. They're seeking to align the zoning with the remainder of the property that's already zoned TOD Urban Center which is again the more appropriate zoning district than MUDD. It does allow additional height, but after 120 feet, whether it's 200 feet or 300 feet, I'm sure the difference in terms to the adjacent townhomes is going to be hard to notice when the side yards are all the same. If we could provide information regarding the plan, we would be happy to, but we don't have a specific plan at this time. Again, trying to align the zoning. We did look at seeing a way to provide a five-foot side yard requirement between the property line as a note or a condition, however, part of the issue that comes up here is this site has easements on the other portion of the site that narrow the developable area of the site making it prohibitive to provide additional five-foot side yard adjacent to the neighbors.

They have a private street on their property, we would have access on Graham and Mint. The developer of this site would not have the right to use the private street within the townhomes and that's something that I'm sure could be regulated by gates on the townhome's private street. Open space, the TOD does regard five percent of the site to be open space and 50 percent of that to be public. MUDD does not require any public open space and is only a one percent open space requirements. CAC2 does increase that to 10 percent with 25 percent public open space requirements, but that open space can also be met on the roof of the building. So, there are some differences that are

subtle, but again the existing zoning and the proposed zoning allow the same type of development.

Councilmember Bokhari said I'm not going to comment on this specifically. Just as a side note for staff, Dave and you guys, given that now we're in the new post UDO post Comp Plan world, but before it actually happens, and some process questions exist. I think we have to have a new section in this page that basically lays out for us this is what we're heading towards in a post June 1, 2023, world, and what would be done automatically. There's so much confusion that's existed in several items already just today. I know we don't have all the answers yet, but maybe as a starting point just like where you have staff recommendations there's almost a block right under it that says, "If you do nothing, this is exactly where it's heading," and we tease it out from there because this is just going to get worse and worse and worse for us.

Councilmember Watlington said I agree with that because a couple of my questions have to do with exactly that. Asking to reiterate. I've spoken a number of times with residents and the developer and petitioner agent on this one. This MUDD piece, I know we're comparing the existing to the proposed, however, given that the UDO is slotted for next year to be effective, likely MUDD is really not the discussion, right? It's what is the Community Activity Center 2 versus this TOD-UC. So, given that, I just would like to understand really quickly two things. The difference between the Community Activity Center 2 in terms of open space and in terms of side yard if any versus the TOD-UC.

Mr. Pettine said that's probably something I'll have to get you either in a follow up report or take some time to read through. I apologize for that, but just haven't had the capacity to get in and understand what all the requirements and differences are between that. The TOD districts aren't changing greatly. So, what we have on the ground on TOD now is going to be pretty well intact in the UDO minus some tweaks, but I'd have to dive into that a little bit more to see what the differences are. You're asking about the difference in open space just so I know what we need to follow up with you on.

Ms. Watlington said those are the two main things because I think as I listen to the residents, those are the two big issues that we're really looking at in terms of what impacts them. The other piece, while I certainly understand the idea that if you had a developer, you could have a site plan. When we think about going forward with TOD and these adjacent uses, I think you all hit the nail on the head in the discussion that that's really the crux of it, right? We talk about broadly what makes sense, but how do these parcels line up next to each other especially those that are already built upon. I think that's the question here and I just want a plus one if you will to my colleague that those are some of the things that we have to figure out quickly because they're already here.

I have other questions specific to the petitioner, but it would probably be best asked offline, only because they're specific to your particular business case. I'd be interested to understand what could be possible in terms of identifying a developer and coming back with some ideas of potential so that there's a little bit more information provided to the residents. So, that there could at least be that condition associated with the setback and how does that really truly impact the developer. So, this one, I think this is one of what will be many as it relates to us trying to decide what is proper land use, and we already know we have existing conflicts but don't exactly know what's coming in the future. So, we'll touch base offline and talk a little bit more about that piece. Thanks.

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to close the hearing.
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ITEM NO. 27: HEARING ON PETITION NO. 2022-020 BY DENCITI PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.71 ACRES LOCATED ON THE WEST SIDE OF DEWITT LANE, EAST SIDE OF ELLENWOOD PLACE, AND

NORTH SIDE OF FREELAND LANE, WEST OF SOUTH BOULEVARD FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-3 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said alright, thank you Madam Mayor. 2022-020. It's 0.71 acres located on Freeland Lane just off of Dewitt and Ellenwood Place. It's currently zoned as mentioned, R-5. Proposed zoning is for UR-3 conditional. The adopted place type on the 2040 Policy Map does recommend Neighborhood 1. You can see we also have some Community Activity Center and Regional Activity Center in the immediate surrounding area as well. The proposal under this petition is to construct up to 16 residential units. They would be in groupings of no more than six in each building and a minimum of three buildings on the site. Maximum building height would be 40 feet which is consistent with our single-family zoning districts as well as the R5 district that it's currently zoned.

Residential structures would be placed within structures would be placed within a build-to-zone of 0 to 20 feet and that would begin at the 18-foot setback from the proposed back of curb. Surface parking spaces would be located to the rear of the buildings, and vehicular access to the garages would also be from the rear of the buildings when they're not facing frontage or a common open space. Residential structures would also incorporate architectural elements such as usable porches and stoops, balconies, bay windows, and raised entries of 18 inches or greater above grade. It does commit to provide either 400 square feet of private open space per unit or develop 10 percent of the site as usable common open space. Also includes the following transportation and pedestrian improvements: 8-foot planting strip and 8-foot sidewalk along all frontages. That would be Ellenwood, Freeland and the portion on Dewitt. Also installs curb and gutter on Dewitt Lane to provide optional on-street parking adjacent to a standard bike lane per the Charlotte Streets Map.

Just note, if that street parking is built out, the petitioner would then stripe a 5-foot bike lane and a 3-foot buffer between that on-street parking and the bike lane. Along Freeland and Ellenwood Place, the petitioner would install curb and gutter to provide on-street parking. Access would be provided generally where those areas on the red arrows are. That would be along Ellenwood Place or Freeland Lane or alternatively, they'd provide two one-way driveways with an ingress on Freeland and egress on Ellenwood. So, you would come in the stie on Freeland, and you'd exist the site on Ellenwood. Then also commits to provide accessible ramps at both street intersections.

As mentioned, staff does not recommend approval of the petition in its current form. It is inconsistent with that policy recommendation for Neighborhood 1. Our rationale has been written out. Included in your staff report it's pretty lengthy. So, I won't get into all of that with you all here just reading it verbatim from the slide, but just know that staff had some general concerns about some of the transition where the building forms along Freeland. As they encroached a little bit further into the neighborhood. It's a bit of a challenging site from a standpoint of constraints as far as size goes, but it's also a bit of a challenging site as just given the proximity to the existing single family as well as in an area that's seeing some pretty increased development pressures from being close to that transit station there. I think we're really within about a half mile of a transit station. So, with this petition, staff would like to continue to work on it and see some changes to before our recommendation would be reconsidered. So, with that, I will turn it over to the petitioner and the opposition speakers and we'll take any questions following their presentations. Thank you.

Eric Lemieux, 1320 Fillmore Avenue said thank you Mayor, Mayor Pro Tem and members of City Council. My name is Eric Lemieux with Denciti Partners. I'm a small scale developer and we're actually very grateful to be able to present this petition to you all. We're also appreciative of the engagement with the community and looking forward to receiving the feedback in opposition this evening. We're also appreciative of the city

staff feedback. Our values for Denciti Partners, we focus on urban infield small scale projects with transit access, architectural integrity, housing diversity, walkability and open space.

So, the rezoning site is approximately 0.2 miles from Scaleybark Station. Everything in purple is TOD zoning. You'll notice in the planned southwest portion of this screen there's a little pocket actually further away from our site. That's recently been rezoned to TOD. Everything in yellow is currently R5 zoning. I've been working with the community and the name of that neighborhood is Freeland Park. It was actually rezoned in I believe 1993 for multi-family zoning for the light rail. We have three properties currently under contract highlighted in green in the top left corner of your screen, and I'm with Rob Kepner for parcels one and two. He's a property owner.

So, just to follow up on the context. These are some recent petitions that have been rezoned for TOD or urban residential from single family zoning that are noticeably further away from Scaleybark Station. So, we took that into account. We initially actually started and reviewed with staff for the possibility of a conventional TOD zoning, but after receiving the engagement and all the comments back from the community, we collaborated with staff and also with Councilmember Watlington. We thought it was most appropriate to change our petition to conditional to allow for appropriate engagement to take place given the single-family fabric of Freeland Park.

So, this is our current site plan submittal. You'll notice that we've committed to essentially TOD standards within a conditional site plan to essentially limit the residential uses that can be permitted on site. The build to zone will orient all the units to the sidewalk. We've committed to pedestrian crossing improvements. Recessed curb line for traffic calming. Public parking to be accommodated by the residents of Freeland Park as well as residents for our future community.

So, we were very appreciative with staff's prehearing analysis, and we understood that they recognized the value our project would bring with accomplishing goals one, two and four through six. I think we can acknowledge, and we understand that we have more work to do with goals three, housing access for all and goal nine. Retain our identity and charm. We understand it's very sensitive given Freeland Park as an existing single family established neighborhood. So, we don't really like to commit to contributing to the neighborhood fabric through architectural design standards given that's one of our values. Like Dave mentioned, we like to limit our height to 40 feet which is the existing allowable height in R5 zoning. We're proposing a minimum of three buildings to remain consistent with the three single family homes that are currently on the site. Given Freeland Park's strong communal atmosphere, speaking with the neighbors, we thought it would be appropriate to incorporate front porches or balconies fronting the sidewalk to engage future neighbors.

In terms of housing access for all, we're really committed to providing homeownership opportunities with limited or no vehicular access as well as reducing the cost burden of transportation costs. We're also looking forward to providing small units, hopefully which would then lead to more attainably priced units given market demands as well as having smaller units with an HOA in place to make the units less maintenance driven.

So, after walking around in the neighborhood and doing some research, images one and two are some recent projects that are either in construction or recently finished. I think we can understand some of the concerns from the community about all the development activity that's happening around Freeland Park. Then also there's an affordable housing project planned that is a large single family four to six story building. That's also planned on Dewitt. So, I think we understand where the concerns are coming from, from the community.

So, given that we're trying to focus in on retaining our identity and charm with the Comp Plan, we thought it would be helpful to start thinking through some conceptual architectural imagery. Images three and four shows some mass reduction techniques

architecturally that kind of disguise or be thoughtful about how we design our buildings. Images one and two show some great front porches in the Dilworth community that we thought might be appropriate given our context in the neighborhood. Images one, two and three are some architectural conceptual images. We're really fond of number three. That's a project that I think executes very well in terms of delivering the single family feel within an established neighborhood that's single family.

This was actually a report from the Brookings Institute. Gentle density can save our neighborhoods. Of course, I'm sure this is a graphic that you're familiar with missing middle housing. Essentially the thesis of their findings is where land is expensive, building more homes per parcel increases affordability. We took that to heart after digesting staff's feedback about possibly reducing building massing or building form as we encroach into the neighborhood further. When we started thinking through that a little bit more on the development side, I actually took a picture that's of a duplex project that's being built near Southend. It's larger. It's certainly going to feel more like a single-family home, but from our perspective with our development philosophy, we thought that might lead to a more expensive product. It'd be more supportive of cars. It kind of goes against our development niche that we've created for ourselves.

So, after all of the opportunities we've had to review with the citizens and the neighbors after having a community meeting, we thought it was helpful but I think we're trying to understand the key issues so we can collectively deliver a successful project into the neighborhood. Some of our big take aways were it seemed like they didn't support apartments or future townhome projects. It may not necessarily support or value walkability or transit. They desire more parking. Concern this petition may drive out neighbors from their homes. They desire new market rate single family homes. Believe density will contribute towards more problems or crime. I think we certainly are cognizant of those concerns, and we certainly welcome and remain open to working with the community while still trying to meet the goals of the city.

Item number 2. I've reviewed some of the public benefits, but I think the biggest item that we certainly would like to take care to is displacement risk. I think the city recently rolled this out, the Displacement Risk Dashboard. There's currently three vulnerability displacement metrics. I believe it's four or more becomes a very vulnerable displacement neighborhood profile. So, I'm trying to certainly remain committed, and we'll be proactive working with the local community, working possibly with the local county on tax relief strategies. We're even working with the NEST (Nuisance Enforcement Strategy) Commission. I understand they're just now getting kicked off with their work planning, so, certainly would like to hopefully maybe use my project as an example or a collaborative type of effort.

I'd like to introduce Rob as our property owner in terms of reviewing it from his perspective as the seller.

Robert Kepner, 216 Freeland Lane said good evening. I'll be brief. My name is Rob Kepner. My wife and I have lived in the neighborhood for a decade. We've owned the homes that we're talking about today for almost two decades. There before the light rail, before Old Mecklenburg Brewery and all the other things that are around us. I really just came here today because when I read through what staff had written, it seemed a little unfair that our petition was not supported by staff. I walked out, stood in my driveway and saw 18 units going up across the street.

Why couldn't units go right here? I then walked over to the other house, and I stood there and I looked and I'm like, "Man that building going up is going to be 25 stories high," 30 feet across the street. I'm for keeping this a neighborhood. The neighborhood is just going to be a little bit different with a little bit more density. I just see that that drop from 25 stories to a single-family home seems a little dramatic.

Anita Zarey, 3800 DeWitt Lane said good evening Ms. Mayor and Council members. As I said I'm Anita Zarey from Freeland Park and we're all opposing Petition 2022-020.

I'm just going to read what I said because it's a lot of technical stuff going on about the different types of coding and I did look at that coding enforcement or coding book, zoning codes. You need a degree in engineering to understand all of that. So, we're just residents of a neighborhood from 50, 60, 70, 80 years when that part of Charlotte was nothing but country. So, our neighborhood of single-family homes have been a part of Charlotte for nearly 90 years or longer. From when E. H. Jacobs' manufacturing company opened its second plant in Freeland Park around 1926 to the grand opening of Queen Park Drive-In movie theater.

We have seen many changes. Mark Twain said, "We in favor progress, it's changes we don't like, but we know change is coming." We even saw the name of Pine Road change to South Boulevard. We have not had many major troubles until recently, I think since all the construction, some of our neighbors have had people in their yards at 3 a.m. uninvited trying to open their doors. We know each other by first names. Now we are facing problems that no one is able to imagine except those living through them. We are the victims. Everyone is excited about city growth, yet we are not experiencing that same level of excitement. We are under stress and pressure from nonresident individuals for their own personal gain. It's like being bullied by someone using their power or perceived power over persons that may not be able to stop it from happening.

Not only will our neighborhood be changed visually, it will be changed forever. Those 40-foot walls are replacing 40-foot trees. The skyline view is gone. We use our yards to garden, to play, to socialize. We don't have clubhouse amenities. We have treelined sidewalks. There will be problems we'll have to deal with and get nothing for our inconveniences. Things may occur years from now. I'm a scientist and that's how I think, scientifically. Things could occur from now that were set in motion today. For example, the shifting of the soil during demolition. The example I'll use is if you dig a grave, if you dig a hole and then try to put that soil back in it, you're going to need extra soil to fill it up because the air pockets have been disseminated and now it's not going to be the same. So, when they do demolition and it shakes the soil under our homes, that's caused settling to our foundations. We may not know about it until later and we may not be able to even prove it, but they will be gone, and we will have those financial burdens to deal with.

Also, the excess water runoff. In 2018 a newly built single-family home, 2,000 square feet was built, and the runoff water left a swimming pool in my backyard, my neighbor's backyard before it ran through three other yards down to the drain. So, that was just one property at 2,000 square feet. What the petitioner wants to do is increase the impenetrable surface much more than that. So, because we sit on top of a hill, everybody says we're on the hill, the highest point in Charlotte, that water is going to run down. So, we're concerned about that as well, and I heard that earlier about the storm water runoff. Those are not the things that the developer and investors talk about because they had not experienced it. So, in our community meeting the developer along with the zoning commissioner noted their concern for future residents and providing housing options near public transit. I live in the fourth house there and I can sit on my porch on Dewitt Lane and see the train and I can see the people going and coming. It's really not that many, but construction is still going on because we have about 1,000 housing units surrounding our neighborhood now that's about the size of Bryson City when we went up to Beech Mountain.

So, we're not wanting to block their project, it just won't fit the makeup of the neighborhood. Again, the zoning portion, that was not even an issue. The only thing is that their egress point is right beside my dad's house. He's an older guy, because again most of the people there have been there 50, 60, 70 years and 80 years. That's just going to be too much. The street now needs to be repaired on Ellenwood because it's sinking. The story that we've been told is that we're sitting on a gold mine or some kind of lake or cavern. So, the middle of Ellenwood is sinking. I'm like, "Okay, extra traffic on that street already that's sinking is going to add to more problems." Someone said they would fix the street. Okay, so now why is it that they didn't fix the street before and now we have to wait for someone who doesn't live there. I thought Denciti was a place out of

Canada, but I could be wrong. So, now they're going to fix that, but it's still going to change the fabric of the neighborhood. It won't be the neighborhood that we moved to. Like I said, with 1,000 units already built, and the one across the street has already been sold and they were just finished last year. Sold to a different company in Tennessee, they had 344 units for rent. So, as we know all the people in our neighborhood now, when we see people walking, we don't know who they are, where they came from or anything.

Sometimes I'm concerned that the developers and the investors are not saying everything accurately because one and probably a lot of them have said that they welcome pets. So, we had to get pet signs because the people are not cleaning up the pet poop. They say they have a dog walk, but we haven't seen the dog walks. They said they didn't have any problems with parking, but we had to contact the C-DOT about Freeland because people were parking on Freeland, and you had to cross the yellow line. I'm like, "They're supposed to have parking spaces." So, everything that they're saying ahead of time, seems like it changes over the course of the project. My belief is once it's done, the defense is, "Well I can't undo it." So, what I'm trying to do is prevent it before it happens. Again, I said I'm a scientist and I believe an ounce of prevention is worth more than a pound of cure. So, I say just get in front of it now rather than later because then it's going to be too late.

Nobody wants to sell, but again we're going to be burdened. As I was contacted by the zoning commissioner, it's going to increase our property values. Who wants increased property value taxes? So, that means we're going to have to pay more money and again, we're an older neighborhood and many on retirement benefits. We're not buying the \$400,000 units.

Councilmember Watlington said I have a question for Ms. Anita and Dave. I see here, and of course we spoke about staff's position in regard to this as it relates to displacement and fitting the neighborhood. I'd like to understand what would work here. I would like to hear that from Ms. Anita and from Dave.

Mr. Pettine said I think from us, we have a Neighborhood 1 Place Type in this location which is mainly what we've talked about throughout the process of adopting all this. It's a single-family duplex, triplex potentially quadplexes in this area. So, what's being proposed particularly as you get into the Ellenwood portion of the project, I think that's where we'd like to see some of that transition to either a duplex or a triplex on that street line up a little bit better with the existing homes. So, you kind of still feel like it's integrated into that neighborhood. One thing we all need to be aware of when we talked about this a little bit earlier on the last petition, the community as a whole is zoned to R5. So, when that translation happens on June 1 and goes to one of our Neighborhood 1 districts, some of that will be allowed on those lots. So, if we see that that's going to maybe be a development pattern there, we'd like to try to get that started on the right foot, potentially here on the Ellenwood side.

The Freeland side maybe gives us a little bit less concern if we wanted to add a few units. I think that's maybe the place to do it where we're not encroaching into the neighborhood itself a little bit more. So, I think we're still kind of grappling back and forth with how to balance some of this because we do recognize it is an area that is getting a lot of attention for development given that it's close to that transit spot. It's also an area that we've identified as staying within that Neighborhood 1 Place Type because there was some effort to acknowledge that there's an existing neighborhood there and if we do things to do some infill, that it should more align with some of those Neighborhood 1 principles. This, particularly on that Ellenwood side, kind of goes a little bit beyond what that comfort level would be with that Neighborhood 1 Place Type. I'd also be interested to hear from the community as well to see what they might feel would be of a best fit for that, just to see again where the two gaps may be and how we might be able to work through and bridge something through the middle on that.

Ms. Zarey said what I had suggested back in April was a house for a house. If you take a house, put another house. There are other neighborhoods that are not affected and the overuse of us being close to the light rail is just enough. It's already a lot of people there. So, if you want to build a duplex, a triplex or a quadraplex that looks like a house, that would blend in with the neighborhood. If you put up a 40 foot anything, it's not going to blend with the neighborhood. When you go down Freeland and you look down the street, you won't even see our neighborhood. Then if they do that on that particular corner, what about Stephen on the other corner? He may take a notion to do the same thing. Now we're going to be completely boxed in. This is all the townhouses, and this is us down here. Do you see us? No. So, that's why I said a house for a house. Where that red double arrow is for the egress, that's my dad's house. You're going to have people going in and out on a neighborhood that they advertise as being quiet and secluded.

Ms. Watlington said so, you're okay with a house for a house in terms of the size and scale?

Ms. Zarey said yeah. A house for a house. Then that way it's still going to look like it's a house.

Ms. Watlington said that makes sense.

Ms. Zarey said they have big houses over by Freeland Park that are duplexes. They look like mega houses, but according to someone I've talked to, that's not going to fit in the numbers that they calculate.

Ms. Watlington said I got you. So, that's actually my follow up question. Thank you for that. I appreciate it. Eric, can you speak to if you all have looked at that level of density in terms of the duplex, quadplexes, triplexes? What that could look like?

Mr. Lemieux said yes, thank you Councilmember Watlington. So, we've looked at a couple of different options. I think one of our favorite options are camouflaging single family architecture within a multi plex or a triplex or a quadplex. You know, breaking up the massing within a couple of buildings. So, this option kind of provides a hybrid of some on-site parking, some street parking, but I think what this one concerned us about was since units that's one through eight would be three story units to have private garages and that increases the building height, where the rest of the units would be two story units that would probably fit in better with the neighborhood. They're fronting Freeland and Dewitt so it's kind of the opposite I think staff might recommend in terms of where building height should be placed. This kind of just worked out from a site plan perspective where the alleys shook out.

Personally, I think this is one of our favorite site plans. I know it was pretty simple. It's just four quadraplexes. I understand that might not be a one for one match in terms of the number of buildings on this site, but you are able to more or less address some of the impervious storm water area of concerns since all these backyards would be more or less private open space or private backyards. This would allow us architecturally to really provide something that feels more like a true single-family home in a quadraplex form. The community raised a pretty adamant concern about there not being enough parking. So, that's where we kind of go back and forth with the contradiction. If we provide the parking, then we have the infrastructure in place for the blue line and then it won't be used as much because parking is too convenient. So, people would just take their car more or likely. I'm speculating here. Versus taking the light rail or biking or jumping on the rail trail.

So, personally we like this one the best because we can condense into two to three stories incorporate single family architectural design a little more creatively than including private garages.

Ms. Watlington said thank you.

Councilmember Ajmera said I have a comment and then I have a question. So, I heard Ms. Zarey's concerns, and I agree with her. The design doesn't really fit the makeup of the neighborhood. So, I cannot support this as is. I have a question though for our city staff. One of the speakers had mentioned about Ellenwood. Is it a city-maintained street?

Mr. Pettine said yes.

Ms. Ajmera said are you aware of the issues that Ms. Zarey had raised? Could you also talk about the timeline on the resolution of those city-owned streets?

Unknown said so, at the current time, we're not aware within review of this petition with respect to this issue but we can certainly coordinate with the appropriate divisions to investigate and come up with some solutions for that issue.

Ms. Ajmera said yes. I think there's some repair issues that Ms. Zarey had raised. So, regardless of how this rezoning petition goes, I just want to make sure those are getting addressed. So, if you could just provide a follow up report on that as well as reach out to Ms. Zarey with the follow up report.

Unknown said certainly.

Ms. Ajmera said thank you.

Councilmember Mayfield said this is a question for staff first. So, previous Council, along with staff went through the extensive conversation of the 2040 Comprehensive Plan and we created the goals that are relevant to zoning determinations. I have a number of questions that I will work with staff on later, but for this particular conversation, goal number nine which is, "Retain our identity and charm. Charlotte will cultivate community driven placemaking and identity while limiting displacement and retaining the essence of existing neighborhoods by intentionally directing redevelopment."

This conversation for this hearing is very similar to the conversations we had with a number of our rezoning petitions earlier today. What exactly is our goal? For those who have lived in Charlotte area for over 30 years, thankfully I have been a resident in this city for over 30 years, we have seen the challenges where language has allowed development to go in and completely change the character of a neighborhood. Along with that change of a character of a neighborhood is the name change of the neighborhood. It's the community's name of the neighborhood. Who is involved with decisions in the neighborhood meetings or the community associations? All of those changes. I understand we need to build for growth.

You don't want to be a city that's not growing. We need to have some very real conversations regarding our current residents, and how are we maintaining aging in place for our residents who have been in long term community and even for their children if they want to pass on generational wealth and they want their children or grandchildren to live in that community if we are not directing potential development in a way that's going to support those communities. Specifically support the language that staff and council adopted saying retain our identity and charm, integrate natural environments, healthy safe and active communities. We as elected officials, when we are looking at these petitions that are directed and recommended by staff, we are creating language that is counterintuitive to the commitments that we made.

So, help me understand based on the explanation that you shared with Councilmember Watlington for why staff thinks this would be a good project. How does that meet our goal of protecting current community aging in place and diverse neighborhoods?

Mr. Pettine said so, I think when we talked a little bit about it earlier when we were addressing Councilmember Watlington's question, the building form is the main thing

that we can probably have some impact on directly through this petition that relates to goal nine. There's probably another 10 or 12 subobjectives to that goal that go into place making and public art and tree canopy preservation. So, there's a lot of other subgoals and subobjectives to goal number nine that are out there. What we can work through with this particular petition and other rezoning petitions is, are there conditions that can be put in place that help us to address the goal of design of things so they kind of fit in with the identity of the neighborhood, with the character of the neighborhood and don't become a really large departure from what the fabric of that neighborhood looks like? How it interacts with the street? You know, what some of the other development standards are for the existing homes and the existing fabric there.

So, what we can get into on the rezoning side is more related to the form and functionality of the site, versus some of the other goals that again are going to be more place making goals and other things that really come through in regulatory changes or other policy changes, public investment. From a rezoning standpoint, our biggest focus that we can get through with that particular goal, is more on the form and design of the site and how it interacts with the rest of the neighborhood that it's either becoming a part of or going to be on the fringe of so that there's some continuity between new development, existing development, and it doesn't create this jarring visual appearance. That you're really looking at something that doesn't fit at all with the general character.

So, that's the biggest impact we can have through the rezoning process to get towards that goal, but there are so many other objectives that are not related to rezoning process and projects that have to come through folks in our urban design team working on placemaking, public investment and tree preservation like I said. So, there's a lot of things that aren't related to just rezoning projects that come out of all these goals, not just goal number nine that we can't have a direct impact on just through this particular penetrate and through petitions that we see every third Monday of the month. I think that's what we are looking at it from. The form and functionality of the site and how it fits in.

Ms. Mayfield said so, I think what would be helpful Madam Mayor and Assistant City Manager, is clarifying these goals. We have these 10 goals that were created but there's no recommendation as saying, "Here's four goals that are a priority," for the city when we're looking at this. I hope what the petitioner is hearing from some of us on council and from the community is that what we're looking for is a project that is not going to be that one off. We have those. You can drive down Freedom Drive and see the impact. You can drive down Fourth Street and see where a new project was put up that was completely outside of a project that looked as if it was part of a community.

A duplex, a duet that is built in a way that complements the neighborhood would have a long-lasting effect versus when you're driving down and you look at a project and the first thing you think is, "Wow that would've looked really good in South Beach Miami versus Charlotte." Honestly predominantly African-American working class older communities is where we're seeing a lot of this transition and change. So, when for me personally, if we're talking about a project that is going to benefit the community, I would really encourage you to look at how it benefits the current community versus the idea of "Well this neighborhood is not going to be the neighborhood that we're targeting. It's the newer neighborhood that I'm going to create," because I've already lived through that. I've seen that happen in Bryant Park; I've seen that happen on Berry Hill going on to Columbus Circle. If you have been a native of Charlotte for any period of time, you know what Columbus Circle looked like a decade ago versus what it looks like today. What Marlowe Avenue looks like, and it would be very difficult for me to sign off on or support something that would continue to cause that type of challenges neighborhood wise for our residents. Thank you, Madam Mayor.

Councilmember Winston said thank you. I would answer a question I think that Mr. Kepner had when you were asking about why allow certain development over there versus the development that you're proposing here. It kind of speaks to some of what my colleagues have said in the past. You know, we really are trying to change from a

deal making development scheme to a plan scheme. So, you have certain developments as you look around, you're going to say, "Well that happened," and we recognize it probably wasn't the best type of development pattern in the past the way that we've developed some communities. So, we are trying to change that planned approach. I can appreciate even your play on words in the title of your company, Denciti. I appreciate that and I think that is a goal of this council, which we allow increased density in just about every type of place type.

In this kind of planned approach, it does seem like Neighborhood 1 is going to be what the planned approach is on these parcels. It does not seem like Neighborhood 2 is in the cards in the future when our UDO becomes enabled on June 1st. I would encourage you guys to take a look at the decision part of this meeting. My colleagues have said we're in a strange place, but that place does become more clear month after month as we get closer to the effective date of the UDO. I don't think we want to go back to that deal making approach and we want to go to that planned approach. We had some zonings that were decided by a six to five vote with many council members wrestling with this kind of purgatory place that we're in. I think where the timeline that this is falling, this is a bit more clear. So, I would encourage you to figure out how to make this in to a Neighborhood 1 place making type growth pattern. Thank you.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2019-073 BY RAVIN PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.91 ACRES ALONG THE NORTH SIDE OF WEST TREMONT AVENUE, WEST OF SOUTH TRYON STREET, AND EAST OF TOOMEY AVENUE FROM I-1 (LIGHT INDUSTRIAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said thank you Madam Mayor. 2019-073. It's 1.9 acres on West Tremont just to the west of South Tryon Street, east of Toomey Avenue. It's currently zoned as mentioned to I1, light industrial. Proposed zoning is TOD-NC. You can see we have some MUDD optional and MUDD conditional as well as UR2 (Urban Residential) and some TOD just on the south side of Tremont and pretty much predominantly on the northwest South Tryon and then down Tremont Avenue we continue that TOD zoning designation. The adopted place type for the 2040 Policy Map does recommend Neighborhood 2. You can see we have some neighborhood center at the corner of South Tryon as well as a neighborhood center just on the southside of Tremont across from this site. Then a little bit more intense Regional Activity Center on those other corners of Tremont and South Tryon as well.

This is a conventional petition, TOD. No site plan, no outstanding issues to present to council. It is inconsistent overall with that recommendation for Neighborhood 2. It is within that one mile walk of the East/West Station. It's in fairly close proximity to some of the neighborhood center and Regional Activity Center. Staff does feel the NC (Neighborhood Center) district is appropriate in this location and does support the petition. We'll be happy to take any questions following the presentation by the petitioner. Thank you.

Colin Brown, 1420 East 7th Street, Suite 100 said thank you Madam Mayor and Council members, Collin Brown on behalf of the petitioner, Ravin Partners. Kevin Murphy is here if you happen to have any questions for him. As you see, this is a 2019 petition. So, we've been working on this site for a bit. You'll also basically see this is the last piece between Tryon and Toomey that has come in for rezoning. So, we have TOD here closer to South Boulevard we have some MUDD with some mixed-use development and we have this last piece of industrial next door. We've been kind of

working through different options for the site after conferences with staff looking at the into recommendation which recommends the higher density. We did settle on the TOD-NC that has a little bit higher design standard. It's not the super intense TOD and it does have some regulations in that district that if you're within a certain distance of single family, there are extra height regulations on the site. So, I think staff felt that was appropriate. Happy to answer any questions.

Councilmember Watlington said Collin, can you speak to the elevation piece here and how that plays into the dynamic of the building height as it relates to the neighboring townhomes?

Mr. Brown said yes. So, we have spent a lot of time looking at the site. There is a single-family neighborhood to the rear. So, we're not right up next to that. We also have townhomes on this side. There's some work that has to be done on the site balancing it out, but I think we can certainly live within the 75-foot height limit on TOD-NC.

Councilmember Mayfield said Collin, following up on the question Councilmember Watlington just asked, what I'm trying to gauge is if I am that home closest to this potential development and it's a multi-family. Will their balcony or front door be facing my backyard?

Mr. Brown said this is a conventional petition and I'm not supposed to go into the details on it, but I'd be happy to follow up with you. The Ravin team has an idea of what's going on. I'll be happy to share that.

Ms. Mayfield said for full transparency, for those who I served with previously I'm not a fan of TOD. So, that's not anything new because it was just too broad when it comes to having these types of discussions regarding housing and impact. Think about it. Do you want to be in that residential neighborhood that now has a multi-family unit that is overlooking your backyard with little to no privacy whether you're out there with your children, your family. Those are concerns because as we continue to build and grow, again, if we just do a snapshot of the last 10 years and look at what was in those communities versus what has been rezoned and approved. We are leading through our language and our policy approval the redesignation of multiple communities simultaneously around the city. Thank you, Collin.

Councilmember Bokhari said just a general point. I think while the UDO and the Comp Plan was from the last council, it is very clear to me now especially after this last week that we have over a year ahead of us where there's going to be a lot of decisions made by people who may not have the same views. While I view that as that fight's done, we still have this huge bridge that is undefined how to cross and there may not be a majority on this council who supports certain things. I shudder to think what this path is going to be like for the next year plus unless we figure out, even with a read defined process, I'm still unsure how we get there because votes have to be made to bring this stuff to reality. So, I definitely don't want to debate that out tonight, but I've had a rude awakening in the last week, and I think that's really something we need to contemplate.

Councilmember Driggs said I had a rude awakening tonight. I think we need to be careful. We're in a zoning meeting here. So, our job at this meeting is to take the petitions that come in front of us and process them in some sort of stable environment. An environment that's predictable for petitioners. What we haven't done, and I agree with Ms. Johnson about this, we have not set aside time in which we address these other questions and really tackle policy. So, I don't know if that's something we can start in committee. We need to frame the question. So, we need to have a consensus about which things we should be discussing as a matter of policy and then use our workshop or a committee process or something. We keep bumping into this stuff. What I saw tonight, it really startled me a bit. The clash between the vision in the UDO and the legacy that we still have that is still enforced from our old policies. So, Mayor, I don't know how we do that. Maybe we should talk about whether it's a committee thing or Mayor Pro Tem, but let's not do this every month. Let's not spend a lot of time every

month having conversations that have more to do with policy than with a particular petition. Thank you.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2021-267 BY YMCA OF GREATER CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 12.46 ACRES LOCATED ON THE NORTH SIDE OF WEST BOULEVARD, EAST OF DONALD ROSS ROAD, AND SOUTH OF WILKINSON BOULEVARD FROM INST(CD) (INSTITUTIONAL, CONDITIONAL) AND R-22 MF (MULTI-FAMILY RESIDENTIAL) TO MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said thank you Madam Mayor. 2021-267. It's about 12 and a half acres. It's off of West Boulevard and Donald Ross Drive, just a little bit west of Doctor Carver Road. The property is zoned institutional, conditional as well as R22 (residential) MF (Multi-family). The R22 is the orange portion there on the right. MUDD-O is the proposed zoning district they're going to or requesting. The 2040 Policy Map does recommend neighborhood center. You can see all that area there in purple is recommended for that. The proposal itself is for several development areas, A, B and C. Within development areas A and B, proposed up to 53,000 square feet of civic indoor recreational uses as well as 7,000 square feet of medical clinic, office uses and up to 5,000 square feet of retail uses and/or financial institution. It does allow a library up to 22,000 square feet in building envelope C.

Mobile food vending and outdoor fresh produce stands are permitted uses on the site. It would limit the total number of principal buildings to five with a max of height 65 feet. There would be coordination with CATS on the installation of a concrete pad for a bus shelter. There's an existing bus stop there located on West Boulevard. That would be the one that would get potentially upgraded. It does commit to design guidelines related to building material limitations, façade placements, parking lot placements and massing and height.

There are some optional provisions being requested, two of those. One would be to allow a financial institution with an accessory drive through window within Area B. It would not be able to be located between the building and West Boulevard. So, it would be not West Boulevard facing. Existing sidewalk and planting strip in envelope A which is the area in front of the YMCA would remain. That would also be the same for both the frontage on West Boulevard and I believe Donald Ross as well.

It does propose some transportation improvements that would be access off of West Boulevard and Donald Ross Road. Eight-foot planting strip and eight-foot sidewalk would be constructed along West Boulevard except in that area in front of the YMCA. It does also note the new sidewalk along West Boulevard may meander to preserve some existing trees. An eight-foot planting strip and eight-foot sidewalk would also be constructed on Donald Ross Road where there is no existing sidewalk. Again, the existing sidewalk and planting strip will be preserved where it's already in place. That's primarily that area again in front of where the YMCA would potentially be.

It also extends the eastbound left turn lane on West Boulevard and then also provides improvements to intersection of West Boulevard and Clanton Road and Donald Ross Road. Related bicycle detection, accessible pedestrian signalization as well as leading pedestrian interval and flashing yellow arrows. If we have questions on the specifics of what all those things mean, we can get C-DOT to potentially answer some of those questions for you. As mentioned, staff does recommend approval. It does have some outstanding issues related to transportation to continue to work through. It is consistent

with the 2040 Policy Map recommendation for the Neighborhood Center Place Type. We will be happy to take any questions you may have following the petitioner's presentation. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 3300 Mr. MacVean said good evening, Mayor, Mayor Pro Tem, members of Council, members of Zoning Committee. Keith MacVean with Moore and Van Allen assisting the Stratford Richardson YMCA with this rezoning petition. With me tonight representing the Y is John Bontrager as well as David Dillard with the library and John Schick and Sean Hicks which are our traffic engineer and civil engineer. They're available to answer questions.

I think Dave did a great job covering the site location. It is the location of the Stratford Richardson Y. It was rezoned back in 2002 and allowed the Y to exist. That property was institutional. This is the approved plan. It allows up to 70,000 square feet of institutional uses. We are located on West Boulevard as Dave mentioned. We are part of the West Boulevard playbook. We're consistent we believe with the recommendations of the playbook which anticipated additional development adjacent to the Stratford Richardson Y. The Y has been working with its partners on the corridor since 2017 with small input community meetings trying to gather information as to what is needed, what would the community like to see as part of the YMCA as well as working with the YMCA Board, the Three Sisters Market. We also met with West Boulevard Neighborhood Coalition and had our community meeting.

So we've had a lot of input from a lot of parties. The Y, a lot of input prior to actually filing the rezoning petition. As Dave mentioned, three building envelopes. The first envelope for the existing Y allows additional uses for the Y. Then a small medical office building that's actually allowed by their current zoning, but is also showing on this conditional plan since it's part of the site. That would be an Atrium medical facility that they've been working with the Y to provide. The building in the middle is undefined at this time, but it's reserved for future retail uses, potentially a bank, trying again to bring more uses like that to the corridor. At one point in time this was actually going to be the Three Sisters Market, but between the time we filed the petition and today the Three Sisters Market found a different location. That's where they're currently working to be, which is just to our west of this site.

Then the last building on the envelope as Dave mentioned is a new location for the West Boulevard branch library. They're currently just located to our west in building just over 12,000 square feet. This would allow the library to expand over 22,000 square feet and allow it to really meet the needs of the neighbors here with additional meeting space and additional programed areas for folks in the corridor who really rely on the library and would like to see the expanded library. Something the library board has been working to do since 2014. They've looked at expanding on the existing site, but that existing site does not allow expansion, not big enough, so they're now looking at a new site. This is in the CIP (Capital Investment Plan) for the library for 2024 to 2028.

Councilmember Watlington said just a couple of questions, really mainly for staff. This MUDD-O, I saw that it's going to neighborhood center, so this would be allowed even in a neighborhood center or no?

Mr. Pettine said so, the uses that are proposed, I'd have to go and confirm every use in a neighborhood center if that's allowed. What's being proposed overall and how it's going to function to provide some of those neighborhood services, we felt like that was an appropriate outcome and felt that it was consistent with the overall goals of providing all those services within a concentrated area. So, you have medical, retail, library, civic uses, recreational uses all there. So, I'd have to parse through and see are libraries allowed, are the things allowed in the NC potential district? Overall, it does support the outcomes of what that NC should function as.

Ms. Watlington said so, in the event that this is approved, it may or may not be neighborhood center when it's converted as a like for like?

Mr. Pettine said so, it wouldn't convert even today because it's a conditional institutional plan. So, all those conditional plans that we have on the books wouldn't translate automatically on June 1st, and there's still a lot of conversation on how we're going to handle potential alignment zonings on conditional plans. There's some real conversation going about that. So, technically I think what would happen with this is it would stay as is under that current institutional CD (Commercial District). If nothing was done even after June 1, it would still stay the same as it is today. So, this gets us a little bit closer to that neighborhood center outcome even though it's a different district. I don't think MUDD really translates directly to a neighborhood center district, but again, the overall uses I think would be generally consistent with the outcome we'd want to see in a neighborhood center.

Ms. Watlington said okay, and then I was just curious as to why goal six, eight and ten were marked as N/A? Healthy, safe and active communities, diverse and resilient economic opportunity, and then fiscally responsible.

Mr. Pettine said yes, I'd have to follow up with staff and get some input from them on whey they deemed those not applicable. I would say if I'm looking at it just standing here at the podium with you, I would probably make some arguments to say that they could be checked as meeting some of those goals and facilitating those outcomes. So, I can follow up with staff and have a conversation and let you know what the outcome of that was.

Ms. Watlington said thank you. That's all.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2021-281 BY BLUE FREIGHT TRANSPORT, INC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.8 ACRES LOCATED ON THE NORTH SIDE OF FRED D ALEXANDER BOULEVARD BETWEEN OAK STREET AND BROOKSHIRE BOULEVARD FROM R-4 & I-2 LLWPA (SINGLE-FAMILY RESIDENTIAL AND GENERAL INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-2 (CD) LLWPA (GENERAL INDUSTRIAL, CONDITIONAL, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said okay, thank you Madam Mayor. 2021-281. It's approximately 3.8 acres along Fred Alexander Boulevard. It is currently zoned R4 and I2. You can see it's fairly well almost split in half. I2 on the southern portion of the site and R4 on that northwestern portion. It also has the Lower Lake Wylie Protected Area on that property as well. The proposed zoning is I2 conditional. That Lower Lake Wylie Protected Area would also carry over in place should the rezoning be approved. The 2040 Policy Map does recommend Neighborhood 1. You can see it has manufacturing logistics in quite a large area. If you zoomed out even further off of this map, you'd see it's quite a large swath of manufacturing logistics in the general area. Again, the property does have industrial zoning currently on it.

The proposal itself is for up to 45,000 square feet of gross floor area of uses allowed in the I2 district. There are quite a long list of prohibited uses that are found in the conditional notes. Things such as assembly of industrial machinery, lumber and wood products, paper and allied products, plastic and rubber, metal products, automotive service stations recycling centers, EDEE, with accessory drive throughs. Then you have things like truck stops and truck terminals, abattoirs, crematory facilities, etc. So, a lot of the noxious uses that we see in I2 have been conditioned out. So, the site itself just focuses on those 45,000 square feet of uses particular to this petition and carves out a lot of those undesirable I2 uses.

They're also proposing a 64-foot Class A buffer, which could be reduced to 48 feet as allowed by the ordinance. That would be either through a berm or other means. It does establish a 30-foot building and parking setback along Fred D Alexander Boulevard, and also limits new lighting to full cut-off type and must be downwardly directed so we don't get spillover on to those residential properties. Also, it does commit to screening of dumpster and recycling areas by a solid wall or a berm. As mentioned, staff does recommend approval of this petition. I do have some outstanding issues related to transportation and site and building design to continue to work through. It is inconsistent overall with that Neighborhood 1 Place Type. It is like I said, already in half industrial zone property. So, that's something that staff did take into consideration as we evaluated the petition. Again, staff does recommend approval upon resolution of those issues. We'll be happy to take questions following the petitioner's presentation. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 3300 said thank you Mayor. Good evening again committee and Council, the members of the Zoning Committee. Keith MacVean with Moore and Van Allen assisting Blue Freight Transport, Inc.. With me tonight representing the petitioner and actually the property owners as well is Trang and Truong Adrong the gentleman here, as well as Sam Kleto with S.C. Hondras and Associates. Trang and Truong if I'm pronouncing those correctly, are actually part of the petitioners and the property owners. They're part of GMT Transport, a small Charlotte operated and owner business that works in trucking. They would want to zone a portion of this property from R4 to I2 to allow them to use it to store and park trucks for their trucking facility. We have had several meetings with the adjacent property owner, Mr. Bud Mustin. The use of the site is very reduced from the 3.8 acres. Will probably have at least almost an acre in buffers and setbacks. We have gone through the table of uses in I2 and very selectively excluded everything that could create a lot of noise or odors or fumes so that it would be an appropriate transition between this site and the adjacent residential.

We will work with the staff to address the two remaining issues regarding transportation and site and design. Happy to answer questions.

Councilmember Ajmera said I'm excited about this rezoning petition. We have truck parking issues throughout our city, especially in District 4 and we've talked about this for several years now and we had received a presentation not too long ago from our staff about how there is a lack of truck parking in the City of Charlotte where we have lost a lot of sites. Especially industrial I2 sites to residential, office or other uses. So, this really gives us an opportunity to be a part of the solution here and really address the truck parking issue. So, we do need more of this because as we are seeing e-commerce, we are seeing more and more need for industrial sites especially for truck parking. So, certainly I just want to voice there is a strong need here for the truck parking and we have to be part of the solution. Thanks.

Councilmember Graham said just a quick point of observation. I know the site is surrounded by at least on two sides industrial properties, but there are some residential. I just know that no one attended the community meeting. So, I was just wondering what was the outreach effort in terms of getting folks there and will there be another effort to ensure that those who are impacted by it, and I tend to agree with Councilmember Ajmera in terms of the necessity for the project, but I don't want to get caught again tonight as earlier with no notification to community members. Then they find out about it at the last moment and voice opposition.

Mr. MacVean said no, thank you. Thank you for the question. We did the normal process of using the city's mailing list, send out notices of the community meeting. No one did attend the community meeting, however after the community meeting and before tonight's public hearing, there is one property owner, Mr. Bud Mustin that actually owns all of the abutting parcels that are in the residential. He actually owns property across Fred D. Alexander as well. He reached out to us and the petitioners and we've actually met him on the site on several occasions as late as last week to review the

plans and discuss his concerns. As a result of those meetings, we enhanced the Class A buffer by adding the metal fence and then we also provided Mr. Mustin additional contact information for the property owners and the operators of the facility that if he had any concerns with the site if it was rezoned. Then once it's developed, he could reach out to them directly and they would be happy to address their issues.

So, we did our normal process. Mr. Mustin did get in touch with us through his grandson and we've met with him several times and we've modified the plan to address his concerns. Again, he is the property owner most directly affected as he actually owns all the parcels adjacent to the site that are zoned residential, including some of the parcels zoned industrial. His main concerns were noise from the site. There's currently a concrete plant on the other side of Fred D. Alexander and that bothers him. So, we've added the wall, the berm and the landscaping and also made Mr. Mustin aware that again we're parking trucks. The main use for this is the parking of trucks. So, they come and go. There might be some noise when the trucks come and go, but there isn't an active use here like a concrete plant and we've excluded a lot of industrial uses that would or could generate a lot of noise to address that buffer and transition. So, I think we've done a good job and we've contacted and had good dialogue with the adjacent property owner.

Mr. Graham said just another question for staff in terms of just in general. I know there's a number of the neighborhood meetings where there's low attendance, not only in District 2 but throughout the city itself. Is there a way that on an annual basis you guys are evaluating the process and making process improvements along the way to ensure that residents are notified appropriately and in a timely basis? Are there any efforts on a yearly basis that you look at these things?

Mr. Pettine said yeah. So, the biggest change that we've made, the mailing process we have for actual physical letters for folks to get in the mail is adjacent properties and then council set their own policy to do 300 feet around that subject property. So, anything within that radius gets captured via U.S. Mail. We started, I guess it was probably about a year and a half maybe almost two years now after some dialogue with council as well, about using the Nextdoor platform. I've seen a huge increase in the amount of reach we have now. What that correlates to direct interaction with staff or the petitioner, I don't have those types of metrics, but I know we're probably engaging thousands of more people almost per petition than we would just regular mail. So, there's some where you might mail out 30 letters but on Nextdoor we know we've reached 1,500 people.

So, there's certainly I think a better effort on that, but again I don't know if there's a direct correlation because we didn't go as far to use that to advertise community meetings and public hearings because one of the concerns is overuse of the city's platform on Nextdoor and then people just saying, "Well I've seen enough. I want to mute this." So, we had to balance when we did that. So, we send those notices out as soon as that application gets started and then it's about usually three to four months before it gets to a public hearing. So, we're sending that notice out the same time as our courtesy notice. So, what you get is about three or four months in advance and that's capturing more people with advance information than we were in the past.

Now, there's been some conversation about changing the mailing radius. That certainly comes with a cost incurred to increase how much postage we're doing. We've seen, not just because we've expanded, but because we have so many more petitions, that budget for postage and mailing has increased exponentially for us over the last year and a half. So, we'd also have to talk through the budgetary implications if we do increase that radius, but I feel like we've done a good job with Nextdoor to get more people at least informed. Again, I don't know how else we can use that to maybe drive more people to the meetings and get better attendance and get better engagement that way. So, certainly willing to continue to explore some options but that's just the latest of what we've been doing so far.

Councilmember Johnson said I just want some clarification. This is a transportation company. So, is this lot proposed for just any truck to park or is it just the Blue Freight Transportation?

Mr. MacVean said Blue Freight Transport. It would be their trucks that would be parked here.

Ms. Johnson said okay.

Ms. Johnson said I understand. I was just piggybacking off what Councilmember Ajmera said. I thought this was a possible solution.

Ms. Ajmera said he can rent it out.

Mr. MacVean said he would rent out space, yes. So, it would be for other trucks as well. That's correct.

Ms. Johnson said okay, this is for staff or my colleagues. We really do have a problem with semi-truck parking in District 4. I reach out to our code enforcement almost weekly at least and Jane Taillon is very good about responding. Some of the trucks have been cited, but our issue is we don't have the signage and we need help from NC-DOT (North Carolina Department of Transportation) or state representatives in order to get that. Just for any residents who see the semi-truck parking in District 4 or any district, make sure you're calling 311 to report it or go into the CLT+ app because we are trying to resolve that. So, I would like to see more of these petitions also. Thank you.

Mr. MacVean said yes ma'am.

Councilmember Mayfield said Mr. MacVean, so still on the same lines of potentially whether they rent out or lease out space, what I'm reviewing right here in the prohibits, we have in here automotive service stations, we have repair shops and marshalling. We have in here truck stop, truck terminal. For Mr. Pettine, what is the definition of a truck terminal if we're considering? What I don't see in here in the multiple restrictions is long term and/or broken down vehicles, because what you don't want is what we have seen and have spent time investing to work on is a lot of vehicles that are inoperable. So, for staff, what is considered a truck terminal. After that, a question for you Mr. MacVean with your clients, you can follow up with me, you don't have to give an answer now. Any consideration on a time limit? Like with the airport. You get 24 hours, three days, X number of rental time versus long term. So, what is a truck terminal first Mr. Pettine?

Mr. Pettine said I am trying to look up the definition in our current ordinance now. Give me one second just so I can read that and not give you some off information.

Ms. Mayfield said right, because my understanding of a truck terminal is similar to what was asked about as far as the parking. So, that's why I want to make sure because if we already have language in here identifying that this is a prohibited use, I want to make sure that we're not misleading the petitioner on what can be done, nor are we misleading the community on what could be done.

Mr. MacVean said while Dave is looking that up, I'll answer your question. We do prohibit junk yards on the inoperable vehicles. So, you could not have vehicles that are not operational here. From our perspective, it's not a truck terminal because the building that would be here would not be a building where trucks are bringing cargo, emptying cargo and taking it to another truck and transferring cargo. It's just parking or storing of trucks and trailer is really the main use of this site. We excluded truck terminals just because we didn't want that use. That's a lot of activity and a lot of comings and goings. This is more as a park and store trucks that are not being used when they're off the road.

Ms. Mayfield said so, an example. We're looking at the airport parking. You have a day, three days, something like that. So, a truck driver can have hours like three or four days on and then two and three days off. Are we looking at like a 48? That's not something that has to be answered tonight. That could be a follow up, but just to get an idea so that we don't see long term where is something were to happen and that business transitions. That truck shouldn't still be sitting there six months later versus two weeks, three weeks, a month. That type of window will help to know in the language, but that's something that we can follow up on.

Mr. MacVean said yes ma'am. Happy to do that.

Ms. Mayfield said thank you.

Mr. Pettine said so, there's not a clear definition in our current ordinance, but I will tell you how it's defined in the UDO. A facility for the receipt and transfer short term storage and dispatching of goods transported by a truck. So, similar to what Mr. MacVean had said. When you pull in, you have your cargo there, you're going to swap that off somewhere else, pick up another, head out to another site or another delivery from there. Then a truck stop is something like Flying J or another truck stop you would see somewhere else, but a truck terminal would be that transfer kind of station that you would have where you're swapping out goods from one truck to another.

Ms. Mayfield said thank you. Thank you, Madam Mayor.

Ms. Johnson said I was just asking how close this was to the residential areas?

Mr. MacVean said we have bought a residential right behind us. So, we're close. There are homes on 10th Street behind it. I think that's 10th, I can't read it. So, there are residential homes and that's where Mr. Mustin lives and he did reach out to us about the proposed zoning.

Ms. Johnson said so, would there be a noise ordinance that we would have to consider with the trucks that close to the residential area?

Mr. MacVean said we would be subject to the noise ordinance. Yes, we would have to comply with the noise ordinance.

Ms. Johnson said okay.

Mr. MacVean said we would not have an option not to.

Ms. Johnson said alright, thanks.

Motion was made by Councilmember Graham, seconded by Councilmember Driggs, and carried unanimously to close the hearing.
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ITEM NO. 32: HEARING ON PETITION NO. 2022-006 BY DHIC, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 18.88 ACRES LOCATED ON THE SOUTH SIDE OF INTERSTATE 485 AND WEST SIDE OF INTERSTATE 77, EAST OF NORTHLAKE CENTRE PARKWAY FROM R-3 (SINGLE-FAMILY RESIDENTIAL), BP (BUSINESS PARK) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said alright, thank you Madam Mayor. 2022-006. It's 18.88 acres. It's just south of I485 west of Interstate 77, east of Northlake Centre Parkway. The current zoning is a mix of R3 and BP, business park. That's the kind of purple are there on the top left of the site. The adopted place type

from the 2040 Policy Map does recommend a Regional Activity Center. The proposal with this petition is to allow up to 312 multi-family dwelling units. That comes in at about 16.5 dwelling units per acre. It does allow a maximum of up to 12 principal buildings. Those buildings would be limited to 65 feet in height. It does commit to an amenity area with a clubhouse, fitness center and a swimming pool. Provides an eight-foot sidewalk and eight-foot-wide planting strip on the internal public and private network streets.

Also, it provides street network connections to future streets as well as some architectural details for things like building materials, restrictions on vinyl or aluminum, that would apply, and would be allowed only on windows, soffits, handrails and/or railings. Also, commitments for buildings exceeding 120 feet in length, they will include modulations for breaking up the mass of the building, long pitched or flat roof lines would be avoided with variation by including changes in height and/or roof form. That would be things like gables, hips, dormers, parapet walls could be included to break up some of those long pitched or flat roof lines. Then roof top HVAC (Heating, Ventilation, and Air conditioning) and mechanical equipment would be screened from any public view at grade.

Staff does recommend approval of the petition upon resolution of outstanding issues related to transportation. It is consistent with the 2040 Policy Map recommendation for Regional Activity Center, and we will be happy to take any questions following Mr. Carmichael's presentation. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Madam Mayor, Mr. Mayor Pro Tem, members of City Council and the Zoning Committee. It's nice to be back. I'm John Carmichael on behalf of the petitioner DHIC, LLC. With me tonight are Daniel Jellicorse for the petitioner and Nick Bushon with Design Resource Group. As Dave said, the site contains just under 19 acres. It's located between Northlake Centre Parkway and I77 just south of the I77/I485 interchange. This is an aerial of the site and this is another aerial of the site here. You can see 77 is to the east.

This site is currently zoned business park and R3 and the request is to rezone the site to UR2 CD to accommodate the development of a residential community that would contain up to 312 multi-family dwelling units. The R2 CD rezoning if approved would be consistent with the zoning to the south and southwest. Then once again the business park zoning here would convert to UR2 CD and then there's some more BP to the north. You have some R3 to the east. This is the site plan that Mr. Pettine reviewed. Access would be by way of two new public streets here and here both of which would provide a connect to North Lake Centre Parkway. Parking would not be located between the buildings and the adjacent public streets. The community would have an amenity area as Mr. Pettine stated, eight-foot-wide planting strips and eight-foot-wide sidewalks would be installed along the site's public street frontages as well as along the internal network required streets.

There are architectural standards that are part of the rezoning plan. The request is consistent with the 2040 Policy Map recommendation of a Regional Activity Center as Mr. Pettine indicated. We do appreciate the planning staff's recommendation of approval. There are some outstanding issues that we will address this week with C-DOT. We're happy to answer any questions that you may have, and we appreciate your consideration. Thank you.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2022-014 BY STEWART FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.08 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF WEST 28TH STREET AND BANCROFT STREET,

EAST OF NORTH GRAHAM STREET FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO NS (NEIGHBORHOOD SERVICES).

Mayor Lyles declared the hearing open.

John Kinley, Rezoning Planner said thank you Mayor. This is 1.08 acres located on the northeast intersection of West 28th Street and Bancroft Street, east of North Graham Street. There is an existing fire station on the site. You can see the area the site is located there. The current zoning is R5, single family residential. Fires stations are allowed in the single-family residential district, but they're restricted to a maximum of 12,500 square feet. They are proposed a neighborhood service zoning district here. The Policy Map for 2022 recommends Neighborhood 1 for the site. There is Neighborhood Center just to the west of this on the other side of Bancroft. So, the proposal would be to allow the expansion of the fire station renovation, maximum building height of 40 feet. It would also retain a portion of the building that's highlighted on the site plan. Access would be from Bancroft and West 28th Street. It provides 10-foot side yard adjacent to the single-family use and zoning. Staff recommends approval of the petition. It is inconsistent with the 2040 Policy Map recommendation for the N1 place type. Again, that's largely due to the square footage difference. Staff is recommending approval and there's not outstanding issues. It would change the place type to a Neighborhood Center. So, staff feels comfortable with that being that there's Neighborhood Center just adjacent and it's to maintain the existing fire station. I'll take any questions after the petitioner's presentation.

Emily Blackwell, 2657 Shenandoah Avenue said good evening. Thank you, Mayor and council members. My name is Emily Blackwell. I am with Stewart, and we are rezoning this property on behalf of Charlotte Fire and the City of Charlotte to build a new fire station in the place of Firehouse 11, which was built in 1958. So, it is not currently meeting the needs of the men and women working out of that station and serving this area of the community. I'm available for any questions.

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

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ITEM NO. 34: HEARING ON PETITION NO. 2022-023 BY KINDREDFRUIT PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.22 ACRES LOCATED ON THE NORTH SIDE OF CENTRAL AVENUE BETWEEN CLEMENT AVENUE AND PECAN AVENUE FROM B-2 PED (GENERAL BUSINESS, PEDESTRIAN OVERLAY) TO MUDD-O PED (MIXED-USE DEVELOPMENT – OPTIONAL, PEDESTRIAN OVERLAY).

Mayor Lyles declared the hearing open.

John Kinley said thank you Mayor. This is 0.22 acres located on the north side of Central Avenue between Clement Avenue and Pecan Avenue. You can see there's this site in the existing area on Central Ave. Current zoning is B2 PED. The proposed zoning is mixed-use development, optional, pedestrian overlay. So MUDD-O PED. The 2040 Policy Map recommends Community Activity Center for this site as well as the area around it. It maintains the existing building while allowing for renovation and expansion for the maximum of 10,000 square feet of nonresidential uses. It limits the building height to 40 feet, allows for building expansion or outdoor patio space, which would be located on the rooftop. Prohibits uses such as adult establishments, self-storage, drive-through windows and gas stations.

It does request a few optional provisions to existing building remaining. Renovating and improving, expanding, and replacing to include upward expansion of the building or rooftop. No parking required for the use of the existing building and building expansion, or patio area. Existing parking may be removed from the site. In the event that a rooftop

patio is installed, the petitioner will provide a screening wall of at least eight feet in height along the northern boundary of the occupiable patio space, and installs an eight-foot planting strip and eight foot sidewalk along the Central Avenue frontage. Staff recommends approval of the petition upon the resolution of the outstanding issues related to transportation, environment, and site design. It is consistent with the 2040 Policy Map recommendation for a Community Activity Center. I'll take any questions.

Russell Fergusson, 933 Louise Avenue said Madam Mayor, Council, Committee. Pleasure to be here in person tonight and good to see all of you and welcome back. I'm happy to be presenting a presentation for a rezoning to preserve a building to you. I'm repeating some of the things I've said recently, but I'm here on behalf of a new owner of this building, the former Pawn Building which is being adaptively reused. There's been some changes in what the tenant was going to be, and we thought we knew when we came in so it does just say restaurant use here, but it is open towards restaurant retail or office use under MUDD optional. As mentioned, it has staff's support. It matches the city's plans and policies. It checks the applicable policy goals per the staff's opinion, and it is providing some pedscape improvements which have already been done because some of this is under permitted development right now. So, we're committing to retain the building, adding some flexibility for the multiple variety of uses that could go into it. If you look at the rear, there is currently parking. It's one way parking that it shares with the adjacent financial services building. The parking to the left is on a different grade so we can't tie into it. We wanted to try to make a better parking and pedestrian scape but because of the grade issues it's not possible.

This slide is just to show you the access is from the alley, and you have to go a long way through a number of parking lots. Those of you familiar with Plaza Midwood know that it's not super easy if you're not super familiar with the turf here. Again, the alleyway comes in as above grade for the rear parking. So, that's the position. So, we're trying to keep the parking but having the option there to remove it if that's what's required to move forward and to allow room for the building to expand. This has been a big part of the Plaza Midwood Merchants Association, Plaza Midwood Neighborhood Association, being supportive of projects like this in the recent past, which you all have approved, is to hopefully give new life to these old buildings. To keep some small, unique and old buildings around so that we can keep our streetscape varied and represent the past of Plaza Midwood where Pick and Pay, Family Dollar, Harris Teeter and many other large Charlotte corporations began in small buildings. Thank you very much and I'll take any questions.

Councilmember Winston said I guess this is either for the staff or the petitioner. Do you know if the large development that is going on across the street, if there's any public parking there that would be usable?

Mr. Fergusson said it is my understanding that the Crossing Development is going to have a lot of flexible parking. So, I think they're at 300 and something spaces that's going to be used for office during the day, residential at night. They have a large new public street coming through there that's supposed to have access to public parking. I do not know the exact details, but the big point for ours was that this parking requires a map and a lot of effort, and it is frequently blocked because it's the end of a long row of a very tight 10-foot corridor.

Mr. Winston said I think what you're getting at is the parking issue is unresolved. I would just ask us as some council members look to the cumulative effect of traffic, maybe we look at the cumulative effect of parking around rezoning and development as well.

Mr. Fergusson said I think I agree with your point, yes.

Mr. Winston said thank you.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2022-025 BY ELM LANE THD, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.42 ACRES LOCATED ON THE WEST SIDE OF ELM LANE, NORTH OF BRYANT FARMS ROAD, AND SOUTH OF BALLANTYNE COMMONS PARKWAY FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

John Kinley, Rezoning Planner said thank you. 1.42 acres on the west side of Elm Lane, north of Bryant Farms Road, and south of Ballantyne Commons Parkway. It's across from Windsor Ridge Road. If you look at the aerial, you can see to the north and basically west of this site are townhomes. Across Elm Lane you also have townhomes. South of the site is a commercial project. Then on the far southeast corner of the aerial image, there is single family residential that does not directly about the site.

This is the area that it is in. It's just south of Piper Glen. Currently zoned to R3, single-family residential and they are proposing urban residential, UR2 zoning conditional. It's currently a single-family house on the property that basically wasn't included in the larger R8MF project that surrounds this parcel. The Policy Map recommends Neighborhood 1. Again, because there are three zonings that were on the site before, so that just carried over to that Neighborhood 1 recommendation. If you look at the Policy Map for everything around it, it's all recommended for Neighborhood 2. The proposal would allow up to 17 single family attached dwelling units and a maximum of 48 feet in height, minimum building set back of 30 feet from the back of curb that aligns with the townhomes to the north essentially.

Access from Elm Lane via a shared internal drive and constructs and eight-foot-wide planting strip and eight-foot-wide sidewalk along Elm frontage. Constructs a northbound left turn lane, on Elm into the site. It commits to having three visitor parking spaces. Provides architectural standards related to the exterior building materials, roof design, porches and stoops, blank walls, and raised entrances and screening. Commits to a minimum of 6,115 square feet of usable common open space areas to be amenitized with benches, enhanced with landscaping or other similar amenities. Staff recommends approval of the petition upon the resolution of outstanding issues related to transportation and technical revisions related to urban forestry and site and building design. It is inconsistent with the N1 Policy Map recommendation, but staff recommends approval as it is an infill parcel with one single family home that was not redeveloped with the surrounding development. The methodology for the Policy Map prior to us, that current R3 zoning. So, it was not a parcel specific evaluation of the policy for this particular site and everything around it is Neighborhood 2 Place Type and zoning for single family attached uses. So, we do feel it is in character with the surrounding development and therefore we recommend approval. It would change the Policy Map recommendation to a Neighborhood 2.

Colin Brown, 1420 East 7th Street, Suite 100 said yes. Madam Mayor, Council members, Collin Brown on behalf of the petitioner. Stephen Hinshaw of Hinshaw Properties is here as well. That was a very thorough presentation from John. My presentation is not up but I would just reiterate if I had my presentation up, that as John mentioned, everything abutting the site is single family attached. So, we're surrounded by townhomes, we have townhomes across the street and then to the south is commercial. A little bit puzzling on the Place Type map. This is I think the doughnut hole as staff is recognizing. It is N1 but would probably be N2. So, we think this is a good fit. I think this is kind of right between the N1 and N2 densities.

We did host a community meeting; we had a few attendees. We did have some concerns expressed from the folks across the street, general concerns about increasing

density, but we think we're very similar to what's going on. Then some questions about access to the site and traffic. One of the positives about this, there are only 17 units, but kind of bringing this in rather than have it parceled up ensures we don't get three different lots out there with three different driveways. This gives us the ability to come in and install a left turn lane. There's already a left turn lane serving the development across the street. So, we think that's going to create a safer environment, allows us to have a nice street presence, make all the streetscape improvements connecting up everything that's going on at Bryant Farms up the road. Happy to answer any questions.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2022-028 BY CHRIST THE KING LUTHERAN CHURCH, INC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.53 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH TRYON STREET BETWEEN ORCHARDGATE DRIVE AND STEELECROFT PARKWAY FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).

Mayor Lyles declared the hearing open.

John Kinley, Rezoning Planner said thank you Mayor. This is 3.53 acres located on the south side of South Tryon Street between Orchardgate Drive and Steelescort Parkway. You can see on the aerial it's basically a parking area and field next to the existing use to the east. There's an overview of the area. Current zoning is R3, single family residential, and the proposed zoning would be institutional. It's a conventional zoning and that basically aligns the zoning with the use next door to the east. The Policy Map recommends a Community Activity Center Place Type for the site. Staff recommends approval of the petition. It's consistent with the 2040 Policy Map. I'll take any questions after Mr. Carmichael's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said Madam Mayor, Mr. Mayor Pro Tem, members of Council and Zoning Committee. I'm John Carmichael representing the petitioner and with me tonight is Karl Froelich. The petitioner is Christ the King Lutheran Church. It's a conventional rezoning request. The site is located on the southside of South Tryon Street between Steele Creek Road and Shopton Road West. The church owns the adjacent parcel of land here and that's the site of its sanctuary and its existing facilities and the request is simply to rezone the adjacent parcel to institutional to allow institutional uses to be located on the site. You can see the church property here, the existing facilities. This is obviously the site subject to the rezoning request. Rezoning this site would make the zoning of this site consistent with the zoning of the church site. We're happy to answer any questions that you may have.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2022-031 BY KAIROI RESIDENTIAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.18 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF GALLERIA BOULEVARD AND MONROE ROAD, SOUTH OF SARDIS ROAD NORTH FROM I-1 (LIGHT INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

Mayor Lyles declared the hearing open.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Kinley. Madam Mayor, Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael on behalf of the petitioner Kairoi Residential. Tyler Sibley with Kairoi is

with me tonight. The site contains just under 5.7 acres located on the east side of Monroe Road between Sardis Road North and Galleria Boulevard. It's outlined in red on this slide. This is an aerial of the site. As John said, there's currently a vacant office building located on the site and the parking field that serves the site. The site is surrounded by office, retail and multi-family uses. The site is currently zoned I1 but it's not devoted to industrial uses. It was devoted to an office use. To the north, the parcel is also zoned I1 but those parcels are not devoted to industrial uses. To the east you have UR2-CD and MUDD-O. To the south you have MUDD-O and then to the west you have Neighborhood Services, Office 1, CD and Neighborhood Services.

This is the site and then this is a map that depicts the alignment of the silver line. The silver line is planned to go along Monroe Road adjacent to the site and a transit station is planned to be located across Monroe Road from the site. As Mr. Kinley stated, the site is located in a Community Activity Center. The request is consistent with that place type. The site plan and buildings are consistent with the building form of that place type as well. The request is to go to MUDD-CD as Mr. Kinley mentioned to accommodate up to 275 multi-family dwelling units on the site. This is the rezoning plan. You'd have two buildings along Monroe Road, an eight-foot planting strip and a 12-foot multi-use path. Then there'd be a third building to the rear of the site, access would be by way of Monroe Road and Galleria Boulevard. Then the petitioner would install a right turn lane on Monroe Road into the site. Architectural standards are a part of the petitioner's conditional rezoning plan. We did have a community meeting obviously and then we also met with representatives of Monroe Road Advocates back on May 11th and we've kept them informed about the progress of the petition. We appreciate the planning staff's favorable recommendation. There's one remaining outstanding issue that we'll address this week in a timely fashion. We appreciate your consideration. Happy to answer any questions.

Councilmember Winston said so, this is an area that is changing. I think the residential going in here instead of an office building is representative of that. In fact, I think it does, as it said in the goals section, that it is representative of a 10-minute neighborhood. I also do see a lot of surface parking there. I'm wondering does the amount of parking correlate to any type of mandatory minimum or is that strictly market driven?

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

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ITEM NO. 38: HEARING ON PETITION NO. 2022-032 BY CANVAS RESIDENTIAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.18 ACRES LOCATED ON THE NORTH SIDE OF WEST ARROWOOD ROAD, EAST OF FOREST POINT BOULEVARD, AND WEST OF NATIONS FORD ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO R-8 MF(CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Lyles declared the hearing open.

John Kinley, Rezoning Planner said thank you. 4.18 acres located on the north side of West Arrowood Road, east of Forest Point Boulevard, west of Nations Ford Road. You can see on the aerial the site is currently vacant, wooded. There's a single-family neighborhood to the east and north, and hotel uses basically to the west as you get closer to the interstate. There you can see where the interstate is in relation to the site and where we're at in terms of proximity to the neighborhoods surrounding it.

Current zoning is R4, single family residential. The proposed zoning is R8MF, multi-family residential, conditional. The 2040 Policy Map recommends Neighborhood 1 for the site. The proposal would be for up to up to 33 single family attached townhome units with a density of about 7.8 units per acre. Access to the site via a right in/right out shared driveway connection to West Arrowood Road. It constructs an eight-foot planting

strip and 12-foot multi-use path along West Arrowood and provides a 28-foot buffer that would be reduced to 21 feet with a fence abutting the single family uses and zoning basically to the north and east. Architectural standards related to exterior building materials, and roof designs, screening, garage doors, porches, and stoops, and provides a minimum of seven visitor/guest parking spaces on the site.

Staff recommends approval of the petition upon the resolution of the outstanding issues related to transportation and site and building design. Technical revisions related to land use and environment. It is inconsistent with that 2040 Policy Map recommendation for a Neighborhood 1, but the parcel is an infill parcel. This says with one single family home, but I'm pretty sure it's vacant, on a large parcel fronting West Arrowood Road on a major thoroughfare. The site is isolated from the adjacent single-family neighborhoods. It's not part of those neighborhoods. It's basically oriented to Arrowood.

The proposed single family attached development does provide a transition of uses between the commercial uses west of the site and the single family detached to the east. The proposal limits the building height to be compatible with that of the adjacent single family residential zoning. Will provide additional housing types and options to the area. There is bus access via approximately a 400-foot walk to the east and a 600-foot walk to the west. Approval of the petition would revise the place type as specified on the Policy Map from Neighborhood 1 to Neighborhood 2. I'll take any questions after Ms. Grant's presentation.

Bridget Grant, 100 North Tryon Street, Suite 3300 said good evening, Mayor Lyles, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here tonight working with Creighton Call and Canvas Residential. John did a great job as he always does covering the basics. So, I'm going to just point out. You can see where our site is located in great proximity to the bus routes but it's also in close proximity to bike routes. Something that we consider when we're looking at intensifying our land uses. I've also just included a color site plan rendering. It gives you a good idea of how we're able to preserve the open space along the periphery of this site. Provides amenity areas and open space which is part of the site as well as our water quality feature. We had a great community meeting. People were pleased to see the investment in residential in this area. With that, I'm happy to answer any questions.

Councilmember Mayfield said it's actually a question for staff just for clarification. Under plan consistency, we have the petition is inconsistent with the 2040 Policy Map, the recommendation for the Neighborhood 1 Place Type. When is Neighborhood 1 really going to be taken into consideration considering we just passed the 2040? Isn't that like a year before that's implemented? I'm just trying to understand what we're doing. Previous council just passed some language. We're still stepping into that is inconsistent, but it may be consistent one day. So, help me understand.

David Pettine, Planning, Design & Development said so, it's inconsistent now. What would happen is then the rezoning would then translate the map to a Neighborhood 2 Place Type. So, it would become consistent through the rezoning itself. So, it's inconsistent with what the 2040 Plan says at this point. I think one of the categories that we looked at when we did the place type map was existing zoning was taken into account. A parcel like this with single family residential zoning and what at the time may have had a single family, one existing structure on it even though that it had redevelopment potential, it still got classified as a Neighborhood 1. We do have some criteria that we consider when we're looking at a transition for Neighborhood 1 to Neighborhood 2 and that's things like John had mentioned earlier. Access to bus, access to bike, is it a remnant piece that wasn't really integrated with the neighborhood, does it help provide to transition to some more intense uses.

So, this meets a lot of the criteria that we look at when we're evaluating that 2040 Policy Map and whether or not it's consistent or inconsistent and we kind of apply that and make some recommendations based off of it. That's where staff's rationale came in to

support the petition, but it would change it from Neighborhood 1 to Neighborhood 2 as far as the place type goes. So, that's where that comes in to play.

Ms. Mayfield said so, David, what would be helpful is for us to have a meeting so that I can play catch up with understating. Because right now just reading it, it does seem a little contradictory as we move forward.

Mr. Pettine said yeah. We can certainly set some time up. I'd be happy to catch you up on a lot of that. I think what the biggest challenge was, and I'll just put this across the board for the entirety of the policy map, was trying to map future land use for the entire city, entire county. It was a monumental task and a lot of it was done on data driven information and existing zoning and some current entitlements. Things like that were taken into heavy consideration.

So, that's why we'll see even on the one that we looked at previous to this on Elm Lane where you were surrounding by Neighborhood 2 but you just had that one little pocket of N1. That's just the challenge of trying to do a Policy Map on that large of a scale and that's why that community area planning process we're going to do beginning next year is going to help us to really refine that and hope to cut down when we do see those inconsistencies. Also, if we see them, we should be a little bit more cautious as to how we approach them because we have done that refinement and we have looked at it with a much more concise lens than we did when we were looking at it at a 20,000 foot level city-wide. Be happy to set some time up and we can get caught up because yeah, there's been a lot that's changed since the last term.

Councilmember Driggs said Ms. Mayfield, I just wanted to say in case this isn't clear since you weren't here, we adopted the Policy Map. It became effective. It replaced our area plans. So, part of our dilemma right now is that we are checking things against a place type environment without having yet adopted the UDO. So, I think that's the crux of your problem. We have one foot on the pier and one foot in the boat.

Councilmember Winston said just to build off of that. The existing place type map, we mapped the status quo. It's not necessarily the aspirational of where we expect it to go. There are some parcels that it made sense to clarify. This is just part of the, I like to say, purgatory that we're in. We're between two places. So, I think we should all figure out how to talk about this from the same [inaudible].

Councilmember Watlington said truth be told, until the area plans are done, we're still going to be in this. Even when the UDO is effective, all of this is still going to be the issue and that's going to be years until those community area plans are done. So, I think when we think about what we're really facing, let's not lull ourselves into a sense of belief that come next summer, this is going to be addressed.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2022-035 BY EID REFAEY – A AND E RENTAL HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.37 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF PARKWOOD AVENUE AND HARRILL STREET, EAST OF SEIGLE AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL.

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said thank you Madam Mayor. 2022-035. It's currently zoned R-5. The proposed zoning is UR2. It's 0.37 acres as mentioned on Parkwood and Harrill Street. It's one of the larger parcels along that corridor there on Parkwood at that corner. The Policy Map does recommend

Neighborhood 1 Place Type for this site. You can see a lot of that corridor along Parkwood is Neighborhood 1. You do have that pocket of Neighborhood 2 at Allen and Parkwood where the redeveloped church was as well as some neighborhood center about a block up at that intersection of Allen and Parkwood Avenue as well.

This proposal is to allow up to 9 single family attached residential units that would limit building height to 40 feet which is similar to the existing zoning that's in place there. It does propose two-way vehicular access at Harrill Street within internal residential alleys and walkways. It does also provide an eight-foot sidewalk and eight-foot landscape strip along Harrill Street and Parkwood Avenue. Also, accessible sidewalk ramps would be installed at the corner of Harrill Street and Parkwood. It does dedicate 40 feet of right-of-way along Parkwood Avenue measured from centerline. Also proposes a combination of some building materials such as glass, brick, stone, simulated stone, pre-cast concrete etc.

Vinyl would be prohibited as a primary exterior building material. It could be utilized as we see on a lot with trim and soffits. Then also illustrates tree save and common open space. That's at that back corner of the site there on the bottom of plan left. Staff does recommend approval of this petition. We do have outstanding issues related to transportation, environment and site and building design to continue to work through. It is inconsistent with that recommendation for the Neighborhood 1 Place Type. We can certainly discuss some of that if we have questions following the petitioner's presentation.

Paul Pennell, 1213 West Morehead Street, Suite 450 said good evening, Council. My name is Paul Pennell with Urban Design Partners. I'm representing A and E Rentals, LLC for a rezoning petition located at 920 Parkwood currently zoned to R5 requesting a UR2 CD zoning district. So, this is an existing picture of the site as it stands today. Just for a little bit of context, the petitioner A and E Rental Homes is also the owner of the Parkwood Reformed Presbyterian Church that is on the opposite corner along Parkwood. You may recall that zoning petition that came through a few years back. Back in 2018. They are still the owners of this property, and they are not petitioning for 920 Parkwood.

Just to provide some context for some of the zoning activity that's occurred here within the past few years. We do have some UR2, we do have some NS (Neighborhood Services) and some UR3 in this area. So, there's a little bit of a densification along Parkwood. A little bit of an urbanization. I think Dave may be able to help on that discussion in just a bit if there are any questions.

Again, just to provide some additional zoning context for what's happening in the area. Initial discussions that we've had with the community, the Belmont Community Association and also the adjacent neighbors, Gina and Chris Hoy who is plan west here as related to the proposed site. Been working closely with them. The initial proposal started out with 11 townhomes. The new proposal now has nine. Basically, what we have done is we've created a better relationship adjacent the single-family home where Gina and Chris live with four townhome units and then oriented five townhome units fronting Parkwood Avenue existing zoning plan.

Also, we wanted to provide some context for what is being proposed here. Cluck Architects is the architect on board for this particular project. These townhome units and the elevations that are being designed here will reflect the current architecture of the UR2 duplexes that are located directly adjacent to the Parkwood Reform Church. So, we're going to have some continuity in the design of the architecture on the opposite side of Parkwood from some existing duplex units that are there today. With that, I'll open it up to any questions that you may have.

Councilmember Anderson said I know that you had a meeting with the Belmont Community Association, and you also had a meeting within the neighborhood where

you had nine attendees. Were there any concerns around density and increasing the density by replacing one home and opening up nine new homes?

Mr. Pennell said I don't recall any concerns about density, but I'll say that the largest concern that we had some healthy conversation about during the Belmont Community Association meeting were Airbnb and short-term rentals. So, at the time, the petition did not have any language within the development conditions to restrict short term rentals, but when we resubmit this coming Thursday, the petitioners have agreed to restrict short term rentals at this location. So, that was the biggest concern, and the petitioners are accommodating that request.

Councilmember Winston said that was the question I was actually going to have. I was going to ask that to our attorney. I believe we're not able to regulate short term rentals, but we are able to do some type of regulation within zoning districts. So, again I would like to maybe talk offline about what that actually means. Happy to hear that there's a potential condition that can be put on it. I do recall receiving an email from some community members actually in relation to that previous redevelopment at the church. So, it's top of mind. Something I'll be paying attention to over this next month. Ms. Hagler-Gray I'd love to touch base with you about that issue and what we are able to do within the rezoning for restricting short term rentals.

Councilmember Johnson said I just want to clarify. These are nine townhomes?

Mr. Pennell said yes, they are. Nine townhomes, that's correct.

Ms. Johnson said is that for sale or rent?

Mr. Pennell said they're rental properties.

Ms. Johnson said okay, thank you.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2022-038 BY RMR GROUP, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.80 ACRES BOUND BY THE SOUTH SIDE OF YANCEY ROAD, NORTH SIDE OF SOUTHSIDE DRIVE, AND WEST SIDE OF OLD PINEVILLE ROAD FROM I-2 AND MUDD-O (GENERAL INDUSTRIAL AND MIXED-USE DEVELOPMENT - OPTIONAL) TO TOD-CC (TRANSIT-ORIENTED DEVELOPMENT - COMMUNITY CENTER).

Mayor Lyles declared the hearing open.

David Pettine, Planning, Design & Development said alright, thank you Madam Mayor. Our last petition of the evening, 2022-038. It's 8.80 acres bound on the south side of Yancey Road, Southside Drive, and west side of Old Pineville Road. Current zoning is I2 and MUDD. The proposed zoning is TOD-CC or TOD community center. The Policy Map does recommend Community Activity Center for this site. This is a conventional TOD petition. No site plan, no outstanding issues to communicate to council. It is consistent with the 2040 Policy Map recommendation for that activity center. It's within a half mile walk of Scaleybark and staff does recommend approval of the petition. We'll be happy to take questions following Ms. Todd's presentation. Thank you.

Susanne Todd, 1065 East Morehead Street said good evening, Mayor, City Council, Zoning Committee. Susanne Todd here on behalf of the applicant, RMR Group, LLC. With me tonight is also Julie Livingstone who is the director of real estate development with the applicant. You've heard staff's report. Staff is in support of our request and there are no outstanding issues. So, that's good news. Just want to hit a few highlights

for this project. Again, the site is located, shown by the little star on the blue line and it's within a half mile of the Scaleybark Transit Station. This is in an area that's redeveloping. As you can see, the existing zoning is surrounded pretty much by TOD. Our site is surrounded by TOD and of course this rezoning would therefore be consistent with surrounding zoning.

RMR Group already owns the existing Bowers Development which is located on the site at the corner of Yancey and Old Pineville Road. Bowers is a mixed-use development project including restaurant, office, other culinary uses and currently proposed to anchor the remainder of this site.

The Bowers project is in orange. It is currently zoned MUDD-O. The other parcels that comprise the site are highlighted in green and those are zoned industrial. The proposal is to rezone all this property to TOD-CC to allow for seamless development.

The 2040 Plan shows this property being squarely within commercial activity center corridor, particularly along transit corridors. The Community Activity Center Place Type proposes and encourages infill development, existing parking lots as well as underutilized parcels. That's pretty much exactly what we're going to do.

The intent is to create that density to provide opportunities for goods, services, and other amenities for the regional and nearby residents. This request to the zoning is reasonable in light of the surrounding zoning as well as the future 2040 Comprehensive Plan. If granted, it will allow the applicant to develop the site in furtherance of the city providing its goal of complete communities to its residents. Unless you have any questions for me, I'm going to turn this presentation over to Julie.

Julie Livingstone, 1065 East Morehead Street said I'll be quick.

Mayor Lyles said your time is up.

Councilmember Bokhari said is there five seconds she could say one sentence to us?

Ms. Livingstone said one sentence?

Mr. Bokhari said yes please.

Ms. Livingstone said yes. Thanks. So, I just wanted to quickly introduce RMR Group. RMR is a long-term holder focused on creative place making and has a track record of delivering mixed-use development contracts.

Mr. Bokhari said thank you.

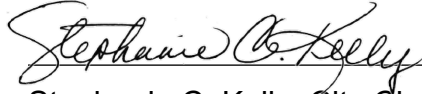
Motion was made by Councilmember Winston, seconded by Councilmember Driggs, and carried unanimously to close the hearing.

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ADJOURNMENT

Motion was made by Councilmember Winston, seconded by Councilmember Mayfield, and carried unanimously to adjourn.

The meeting was adjourned at 8:58 p.m.

A handwritten signature in cursive script, reading "Stephanie C. Kelly", written over a horizontal line.

Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 51 Minutes
Minutes Completed: