

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, October 17, 2022, at 5:08 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Braxton Winston II presiding. Councilmembers present were Dimple Ajmera, Danté Anderson, Tariq Bokhari, Ed Driggs, Renee Johnson, LaWana Mayfield, Marjorie Molina and Victoria Watlington.

ABSENT: Mayor Vi Lyles, Councilmembers Malcolm Graham and James Mitchell.

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Mayor Pro Tem Winston said before we get into the invocation and the rest of our agenda, I'd like the public and Council to know of a few calendar changes that we should take note of. Currently there is not a December zoning meeting. We're going to put one on the calendar to help us get through this backlog of petitions that we do have. That will be something that's upcoming as you know. Council calendar has to be a vote I do believe. So, that will be a change that comes down the line in the future, but I wanted to make everybody aware of that. We are also considering a time change for the start of our zoning meetings from 5:00 to 4:00. So, I just wanted to make you guys aware of that. Those discussions are happening.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Pro Tem Winston 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 Mayor Pro Tem and thank you Council. My name is Douglas Welton. I am the vice chairman of the Zoning Committee of the Planning Commission. Let me introduce my fellow commission members. Joining me in the chamber tonight are Erin Barbee and Ronnie Harvey. Also, a part of that committee, Phillip Gussman who is the chair, Melissa Gaston, Courtney Rhodes and Will Russell. The Zoning Committee will meet on Tuesday November 1st at 5:30 p.m. here at the Government Center. At that meeting, the Zoning Committee will discuss and make recommendations on the petitions that have a public hearing tonight. The public is welcome to attend that meeting, but please note it is not a continuation of the public hearing that is being held here tonight. Prior to that meeting, you are welcome to contact us to provide input. You can find contact information on each petition on the City's website at Charlotteplanning.org. Thank you.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera, and carried unanimously to defer a decision on Item No. 2, Petition No. 2021-264 by Chuck Price to November 21, 2022; a decision on Item No. 4, Petition No. 2021-238 by Lennar Carolinas, LLC to November 21, 2022; a decision on Item No. 17, Petition No. 2021-285 by Clearwater Development Partners, Inc. to November 21, 2022; a decision on Item No. 18, Petition No. 2022-003 by Joy Homes, LLC to November 21, 2022; a decision on Item No. 19, Petition No. 2022-029 by Wade Miller - Skyline Townes, LLC to November
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21, 2022; a decision on Item No. 20, Petition No. 2021-232 by Chick-Fil-A to November 21, 2022; a hearing on Item No. 25, Petition No. 2022-042 by Brian Iagnemma to November 21, 2022; a hearing on Item No. 39, Petition No. 2022-047 by Joseph Leland to November 21, 2022; a hearing on Item No. 44, Petition No. 2022-027 by Childress Klein to November 21, 2022.

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DECISIONS

ITEM NO. 3: ORDINANCE NO. 402-Z, PETITION NO. 2019-073 BY RAVIN PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE 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).

The Zoning Committee voted 7-0 (motion by Barbee, 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 (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: the map recommends Neighborhood 2 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 within a 1-mile walk of the East/West Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. Development under the existing zoning district would be incompatible with the surrounding land uses and development trends in the area. This rezoning allows the site to be redeveloped with transit-supportive uses. The site is adjacent to other parcels zoned TOD-NC and is in an area that is rapidly densifying with mixed uses supported by the area's pedestrian and transit infrastructure. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. This petition could facilitate the following goals from the 2040 Comprehensive Plan: 1 10-Minute Neighborhoods, 4 Trail & Transit Oriented Development, 5 Safe & Equitable Mobility, 6 Healthy, Safe, & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022), from Neighborhood 2 to Neighborhood Center for the site.

Motion was made by Councilmember Watlington and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: this petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the map recommends Neighborhood 2 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 within a 1-mile walk of the East/West Station. The TOD-NC district may be applied to parcels within a 1-mile walking distance of an existing rapid transit station or within a 1-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. Development under the existing zoning district would be incompatible with the surrounding land uses and development trends in the area. This rezoning allows the site to be redeveloped with transit-supportive uses. The site is adjacent to other parcels zoned TOD-NC and is in an area that is rapidly densifying with mixed uses supported by the area's pedestrian and transit infrastructure. The use of conventional TOD-NC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. This petition could facilitate the

following goals from the 2040 Comprehensive Plan: 1 10-Minute Neighborhoods, 4 Trail & Transit Oriented Development, 5 Safe & Equitable Mobility, 6 Healthy, Safe, & Active Communities. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022), from Neighborhood 2 to Neighborhood Center for the site.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 272-273.

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ITEM NO. 5: ORDINANCE NO. 403-Z, PETITION NO. 2021-267 BY YMCA OF GREATER CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE 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).

The Zoning Committee voted 7-0 (motion by Barbee, seconded by Rhodes) to recommend approval of this petition and adopt the consistency statement as follows: this petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: the adopted policy map recommends the Neighborhood Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the petition is consistent with the Neighborhood Center Place Type recommendation for small, walkable mixed-use areas, typically embedded within neighborhoods, that provide convenient access to goods, services, dining, and residential for nearby residents. The addition of library, retail, and office uses on vacant land is compatible with neighboring residential uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods 5: Safe & Equitable Mobility 8: Diverse & Resilient Economic Opportunity 9: Retain Our Identity & Charm.

Motion was made by Councilmember Watlington, 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 based on the information from the final staff analysis and the public hearing, and because: the adopted policy map recommends the Neighborhood Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition is consistent with the Neighborhood Center Place Type recommendation for small, walkable mixed-use areas, typically embedded within neighborhoods, that provide convenient access to goods, services, dining, and residential for nearby residents. The addition of library, retail, and office uses on vacant land is compatible with neighboring residential uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods 5: Safe & Equitable Mobility 8: Diverse & Resilient Economic Opportunity 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 274-275.

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ITEM NO. 6: ORDINANCE NO. 404-Z, PETITION NO. 2021-281 BY BLUE FREIGHT TRANSPORT, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE 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).

The Zoning Committee voted 7-0 (motion by Russell, seconded by Rhodes) 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 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: while inconsistent with the Neighborhood 1 Place Type recommendation for this site, the petition is compatible with the adjacent I-2 zoned parcels to the east and south. The parcel is currently split zoned with R-3 and I-2 zoning districts. This rezoning would allow for development of the parcel under one zoning district. The site is situated along a major thoroughfare that provides access to many other industrial properties in the vicinity. The petition could facilitate the following goals from the 2040 Comprehensive Plan: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Manufacturing & Logistics for the site.

Motion was made by Councilmember Ajmera, seconded by Councilmember Molina, 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 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 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: while inconsistent with the Neighborhood 1 Place Type recommendation for this site, the petition is compatible with the adjacent I-2 zoned parcels to the east and south. The parcel is currently split zoned with R-3 and I-2 zoning districts. This rezoning would allow for development of the parcel under one zoning district. The site is situated along a major thoroughfare that provides access to many other industrial properties in the vicinity. The petition could facilitate the following goals from the 2040 Comprehensive Plan: 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 to Manufacturing & Logistics for the site.

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 276-277.

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ITEM NO. 7: ORDINANCE NO. 405-Z, PETITION NO. 2022-006 BY DHIC, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE 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).

The Zoning Committee voted 6-0 (motion by Welton, seconded by Barbee) 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 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 2040 Policy Map recommends the Regional Activity Center Place Type for this site, which is primarily envisioned as large, high-density mixed-use areas, typically along transit corridors or major roadways, that provide access to goods, services, dining, offices, entertainment, and residential for regional residents and visitors. While this petition alone does not provide the mix of uses typically envisioned within the Regional Activity Center place type, when looked at holistically with the surrounding existing and planned development, it helps support some of the Comprehensive Plan goals and vision. This petition, within its context, could help to support the Comprehensive Plan goal of 10-Minute Neighborhoods – that all Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040.

This proposed UR-2 zoning is consistent and compatible with several of the adjacent parcels current zoning. The petition is consistent with the Regional Activity Center recommendation for building type and form. The surrounding sites and context provide a mix of residential and nonresidential uses and provide several amenities to the future residents. The petition commits to enhancing the pedestrian environment within the site, through site design elements which include 8-foot sidewalk and 8-foot planting strips on the internal public and private network streets. This petition will provide increased housing opportunities within the Northlake area. The petition could facilitate the following goals of the 2040 Comprehensive Plan: 1: 10 Minute Neighborhoods Goal 5: Safe & Equitable Mobility Goal 6: Healthy, Safe & Active Communities.

Motion was made by Councilmember Johnson, 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 based on the information from the final staff analysis and the public hearing, and because: the 2040 Policy Map recommends the 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 2040 Policy Map recommends the Regional Activity Center Place Type for this site, which is primarily envisioned as large, high-density mixed-use areas, typically along transit corridors or major roadways, that provide access to goods, services, dining, offices, entertainment, and residential for regional residents and visitors. While this petition alone does not provide the mix of uses typically envisioned within the Regional Activity Center place type, when looked at holistically with the surrounding existing and planned development, it helps support some of the Comprehensive Plan goals and vision. This petition, within its context, could help to support the Comprehensive Plan goal of 10- Minute Neighborhoods – that all Charlotte households should have access to essential amenities, goods, and services within a comfortable and tree-shaded 10-minute walk, bike, or transit trip by 2040. This proposed UR-2 zoning is consistent and compatible with several of the adjacent parcels current zoning. The petition is consistent with the Regional Activity Center recommendation for building type and form. The surrounding sites and context provide a mix of residential and nonresidential uses and provide several amenities to the future residents. The petition commits to enhancing the pedestrian environment within the site, through site design elements which include 8-foot sidewalk and 8-foot planting strips on the internal public and private network streets. This petition will provide increased housing opportunities within the Northlake area. The petition could facilitate the following goals of the 2040 Comprehensive Plan: 1: 10 Minute Neighborhoods Goal 5: Safe & Equitable Mobility Goal 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 278-279.

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ITEM NO. 8: ORDINANCE NO. 406-Z, PETITION NO. 2022-010 BY MAGLC, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE ZONING FOR APPROXIMATELY 16.65 ACRES LOCATED ON THE EAST SIDE OF NORTHLAKE CENTRE PARKWAY, SOUTH OF INTERSTATE 485, AND WEST OF INTERSTATE 77 FROM BP AND R-3 (BUSINESS PARK AND SINGLE-FAMILY RESIDENTIAL) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

The Zoning Committee voted 4-2 (motion by Gaston, 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 (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: the policy map recommends Regional Activity Center. 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 rezoning site is currently vacant and bound by the south side of I-485, the east side of Northlake Centre Parkway, and just west of I-77. Developing and vacant parcels surround the rezoning boundary. These neighboring existing and planned uses make the site an appropriate location for an auto-centric commercial business, as it is fairly removed from pedestrian-oriented environments that would otherwise be incompatible with the proposed development. The Commercial Place Type accommodates retail, services, hospitality, and dining in areas that are readily accessible by car such as near interstates. Comparatively, the existing place type recommendation for Regional Activity Center is intended for high-density mixed-use areas that encourage pedestrian-oriented and transit-friendly development patterns. The Commercial Place Type better aligns with the petition's proposal, but also the area generally given that it is situated between major transportation corridors. The majority of the site is currently zoned business park, which allows for a number of industrial and potentially noxious uses. The rezoning to B-2(CD) limits the proposed development to auto sales, repairs, and rentals at a total of 78,000 square feet of developable gross floor area. The petition commits to convey a perpetual greenway and storm water easement to Mecklenburg County Parks and Recreation on the western portion of the rezoning site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 5: Safe & Equitable Mobility 8: Diverse & Resilient Economic Opportunity The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022), from Regional Activity Center to Commercial for the site.

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

1. A conditional note that commits to installing freestanding lighting fixtures that will be fully capped and shielded with illumination directed downwardly to limit light pollution into adjacent properties. Also commits to install lighting along the site's entire southern frontage.
2. Moves principal Building A closer to the site's frontage on the proposed new public street.

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

Councilmember Johnson said yes. Thank you. So, I've been working with the developer, the developer's representative, the landowner for a while on this property and I've spoken to some of the council members about it. At first I had to consider the location because that Northlake area is changing into a residential area, but I am pleased to say that I have met with the developer, the petitioner, Northlake Mall leadership and this is going to be a benefit to the area, and what the area needs to boost its economy. Not just that, but this is a dealership. It's a Porsche and Maserati dealership and it's the only African-American owned Porsche dealership in the country, and the only African-American owned Maserati dealership in North Carolina.

So, the petitioner, as you heard, they're going to improve the light fixtures to be cohesive with the neighborhood, they're conveying the greenway and stormwater easement to the county. So, this is the type of development that we need in our districts and I'm honored to support. So, I'll be supporting. Thank you.

Mayor Pro Tem Winston said thank you. I will make a quick comment. I thank the petitioner for being responsive. I had something I asked about during the presentation about lighting and the public safety aspects of it. So, I'm pleased to see those changes considered and implemented in the plan. So, unless there's any more discussion, we can call the vote. All in favor to not send these changes back to the Zoning Committee, raise your hand. Any opposed? So, now do I have a motion to adopt the Zoning Committee's statement of consistency as it appears in our agendas and on the screen as the council's own and to approve the petition?

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

Motion was made by Councilmember Johnson, seconded by Councilmember Driggs, 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 policy map recommends Regional Activity Center. 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 rezoning site is currently vacant and bound by the south side of I-485, the east side of Northlake Centre Parkway, and just west of I-77. Developing and vacant parcels surround the rezoning boundary. These neighboring existing and planned uses make the site an appropriate location for an auto-centric commercial business, as it is fairly removed from pedestrian-oriented environments that would otherwise be incompatible with the proposed development. The Commercial Place Type accommodates retail, services, hospitality, and dining in areas that are readily accessible by car such as near interstates. Comparatively, the existing place type recommendation for Regional Activity Center is intended for high-density mixed-use areas that encourage pedestrian-oriented and transit-friendly development patterns. The Commercial Place Type better aligns with the petition's proposal, but also the area generally given that it is situated between major transportation corridors. The majority of the site is currently zoned business park, which allows for a number of industrial and potentially noxious uses. The rezoning to B-2(CD) limits the proposed development to auto sales, repairs, and rentals at a total of 78,000 square feet of developable gross floor area. The petition commits to convey a perpetual greenway and storm water easement to Mecklenburg County Parks and Recreation on the western portion of the rezoning site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 5: Safe & Equitable Mobility 8: Diverse & Resilient Economic Opportunity The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022), from Regional Activity Center to Commercial for the site as modified.

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 280-281.

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ITEM NO. 9: ORDINANCE NO. 407-Z, PETITION NO. 2022-014 BY STEWART AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE 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).

The Zoning Committee voted 6-0 (motion by Barbee, 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 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 petition could facilitate the following 2040 Comprehensive Plan Goal: 10: Fiscally Responsible The site is developed with an existing Charlotte Fire Department station, the new station will exceed 12,500 sq. ft. which is the limit for government buildings in residential zoning under the current Ordinance. Fire stations are an institutional use generally compatible with low scale residential uses. The Neighborhood Service zoning district provides flexibility in development standards to allow renovation and expansion of the Fire departments facilities and services at this location. The site is located on and oriented to E. 28th St. the proposed Fire station provide a transition from the industrial and commercial uses north and west of the site to the single family residential to the north of the site.

Motion was made by Councilmember Anderson, seconded by Councilmember Watlington, 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 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 petition could facilitate the following 2040 Comprehensive Plan Goal: 10: Fiscally Responsible The site is developed with an existing Charlotte Fire Department station, the new station will exceed 12,500 sq. ft. which is the limit for government buildings in residential zoning under the current Ordinance. Fire stations are an institutional use generally compatible with low scale residential uses. The Neighborhood Service zoning district provides flexibility in development standards to allow renovation and expansion of the Fire departments facilities and services at this location. The site is located on and oriented to E. 28th St. the proposed Fire station provide a transition from the industrial and commercial uses north and west of the site to the single family residential to the north of the site.

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 282-283.

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ITEM NO. 10: ORDINANCE NO. 408-Z, PETITION NO. 2022-020 BY DENCITI PARTNERS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE ZONING FOR APPROXIMATELY 0.71 ACRE 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).

The Zoning Committee voted 5-2 (motion by Barbee, seconded by Welton) to recommend approval of this petition and adopt the consistency statement as follows: although a portion of the petition is generally consistent with the supported land uses and building forms in the Neighborhood 1 Place Type, the petition on a whole is inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: the policy map recommends Neighborhood 1 for the site. Neighborhood 1 supports building forms such as duplexes, triplexes, and quadplexes. However, a portion of this petition proposes building forms that would not be compatible with 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: this petition is in an area of established single-family homes, and rapidly growing medium to high density development. Just a quarter mile away from the Scaleybark Station and abutting a neighborhood of longstanding single-family development, this site must contend with the

demands of a growing city while also being able to consider the interests of residents that have lived in the area for decades.

The Neighborhood 1 Place Type is intended for areas where single family detached homes are the primary use, but other residential building forms can also be accommodated such as duplexes, triplexes, and quadplexes. Along Ellenwood Place where there is no frontage on Freeland Lane, the site plan identifies proposed Buildings 1 and 2 wherein Building 1 will be either a duplex or triplex and Building 2 will be a triplex. Both of these building forms are compatible with the Neighborhood 1 Place Type and establish a marked transition between the high-density corridor to the east as well as the proposal's denser residential buildings along Freeland Lane and the low-density residential areas to the north and west. Along Freeland Lane, the proposal is inconsistent with the adopted Neighborhood 1 Place Type given that this portion of the rezoning site may be developed residential buildings that have more than 4 units per structure.

This site is adjacent to areas designated as Regional Activity Center and Community Activity Center, which aligns to those properties' TOD zoning districts. This proposal offers a middle density solution that appropriately negotiates the high-density development desired along South Boulevard and the Neighborhood 1 areas to the north and west of the subject site. This petition would generate an increase in residential density on the three parcels while maintaining some design principles that are consistent with single family building forms, such as a 36' height cap for Buildings 1 and 2 along Ellenwood Place, a 40' height cap for any other buildings on the site, a 4:12 roof slope for Buildings 1 and 2, incorporation of front porches or balconies, and a three unit limit on Buildings 1 and 2. These architectural features help facilitate a single family character on the portion of the rezoning site that must be the most sensitive to the existing adjacent development.

The proposal commits to a 10' Class C landscape buffer along the rezoning area's northeastern boundary against parcel 14901232 on Ellenwood Place. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods 2: Neighborhood Diversity & Inclusion 4: Trail & Transit Oriented Development 5: Safe & Equitable Mobility 6: Healthy, Safe & Active Communities The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022), from Neighborhood 1 to Neighborhood 2 for the site.

David Pettine, Planning, Design & Development said again, changes are minor in staff's viewpoint and do not warrant any 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. Changed the maximum number of units from 16 to 15 and added a conditional note committing to a maximum of 4 units in Building 3 and 6 units in Building 4.
2. Added conditional notes committing to a 23' setback for Building 1, a 20' setback for Building 2, and an 18' setback for Buildings 3 and 4.
3. Added conditional notes related to the optional on-street parking along Dewitt Lane. If the optional parking along Dewitt Lane is not provided, the petitioner will restripe the existing three-lane section and add a 5' bike lane.

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

Motion was made by Councilmember Watlington and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: although a portion of the petition is generally consistent with the supported land uses and building forms in the Neighborhood 1 Place Type, the petition on a whole is inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: the policy map recommends

Neighborhood 1 for the site. Neighborhood 1 supports building forms such as duplexes, triplexes, and quadplexes. However, a portion of this petition proposes building forms that would not be compatible with 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: this petition is in an area of established single-family homes, and rapidly growing medium to high density development. Just a quarter mile away from the Scaleybark Station and abutting a neighborhood of longstanding single-family development, this site must contend with the demands of a growing city while also being able to consider the interests of residents that have lived in the area for decades. The Neighborhood 1 Place Type is intended for areas where single family detached homes are the primary use, but other residential building forms can also be accommodated such as duplexes, triplexes, and quadplexes. Along Ellenwood Place where there is no frontage on Freeland Lane, the site plan identifies proposed Buildings 1 and 2 wherein Building 1 will be either a duplex or triplex and Building 2 will be a triplex. Both of these building forms are compatible with the Neighborhood 1 Place Type and establish a marked transition between the high-density corridor to the east as well as the proposal's denser residential buildings along Freeland Lane and the low density residential areas to the north and west. Along Freeland Lane, the proposal is inconsistent with the adopted Neighborhood 1 Place Type given that this portion of the rezoning site may be developed residential buildings that have more than 4 units per structure. This site is adjacent to areas designated as Regional Activity Center and Community Activity Center, which aligns to those properties' TOD zoning districts. This proposal offers a middle density solution that appropriately negotiates the high-density development desired along South Boulevard and the Neighborhood 1 areas to the north and west of the subject site. This petition would generate an increase in residential density on the three parcels while maintaining some design principles that are consistent with single family building forms, such as a 36' height cap for Buildings 1 and 2 along Ellenwood Place, a 40' height cap for any other buildings on the site, a 4:12 roof slope for Buildings 1 and 2, incorporation of front porches or balconies, and a three unit limit on Buildings 1 and 2. These architectural features help facilitate a single family character on the portion of the rezoning site that must be the most sensitive to the existing adjacent development. The proposal commits to a 10' Class C landscape buffer along the rezoning area's northeastern boundary against parcel 14901232 on Ellenwood Place. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods 2: Neighborhood Diversity & Inclusion 4: Trail & Transit Oriented Development 5: Safe & Equitable Mobility 6: Healthy, Safe & Active Communities The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022), from Neighborhood 1 to Neighborhood 2 for the site as modified.

Councilmember Watlington said yes, thank you. So, I went to this neighborhood and toured what was existing and as I look around beyond Ellenwood, what the development looks like around the neighborhood, it is absolutely true what the residents have said in terms of how development has gone on around it and how it has taken away from the character of the neighborhood. When you look at building heights, when you look at setbacks, when you look at side yard spacing, existing backyards, we have an opportunity to do better, particularly in our transition areas around our transit-oriented development. In this case, I think that we have an opportunity to set a precedent of what good development in these transitional areas can look like. How do we achieve our goals of 10-minute neighborhoods? How do we achieve our goals of affordable housing? How do we achieve our goals of increased density while protecting neighborhood character? The Denciti Partners Group has done a great job of making adjustments when you talk about some of the commitments that have been made.

Again, the setbacks on Ellenwood and on the other streets helps to create that consistency with the existing homes. When you look at the commitments to architectural design as we look forward to the renderings. We expect that that will be more along the lines of what's in the neighborhood. When you think about building height currently, the townhomes that abut Ellenwood backyards are 42 to 48 feet high, we have commitments on Ellenwood to 36 feet. So, that is significantly different when you think about side yard spacing, other backyards. The Denciti Partners Group has committed

that they will not be doing street facing units only and those are some of the things that as we think about how to achieve all of our goals, these are the things we want to see. So, I will be supporting this particular petition because I do believe that it takes into account the concerns of the neighborhood and it creates a path forward and a reference for what we want development to look like in neighborhoods that are existing.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 284-285.

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ITEM NO. 11: ORDINANCE NO. 409-Z, PETITION NO. 2022-023 BY KINDREDFRUIT PROPERTIES, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE ZONING FOR APPROXIMATELY 0.22 ACRE 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).

The Zoning Committee voted 7-0 (motion by Russell, 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 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: the 2040 Policy Map recommends Community Activity Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the proposed rezoning is appropriate for the mixed-use development envisioned for the Community Activity Center place type. The request is contextually appropriate considering the site's location along Plaza Midwood's Central Avenue mixed-use corridor. The petition would improve the streetscape along the site's Central Avenue frontage by replacing the existing head-in angled parking with 8' planting strip and 8' sidewalk. The request would allow renovation and expansion of the building while limiting building height to 40'. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

Motion was made by Councilmember Anderson, seconded by Councilmember Molina, 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 2040 Policy Map recommends Community Activity Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the proposed rezoning is appropriate for the mixed-use development envisioned for the Community Activity Center place type. The request is contextually appropriate considering the site's location along Plaza Midwood's Central Avenue mixed-use corridor. The petition would improve the streetscape along the site's Central Avenue frontage by replacing the existing head-in angled parking with 8' planting strip and 8' sidewalk. The request would allow renovation and expansion of the building while limiting building height to 40'. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 286-287.

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ITEM NO. 12: ORDINANCE NO. 410-Z, PETITION NO. 2022-025 BY ELM LANE THD, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE 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).

The Zoning Committee voted 7-0 (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 inconsistent with the 2040 Policy Map based on the information from the post-hearing staff analysis and the public hearing, and because: the Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the parcel is an infill parcel with 1 single family home that was not redeveloped along with the surrounding development. The methodology for developing the Policy Map prioritized current R-3 zoning and was not a parcel specific evaluation.

The site is surrounded by Neighborhood 2 place type and zoning for single-family attached uses. The proposed single family attached development is more in character and compatible with the surrounding development than single family detached homes. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Driggs, 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 based on the information from the final staff analysis and the public hearing, and because: the Policy Map recommends Neighborhood 1 place type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the parcel is an infill parcel with 1 single-family home that was not redeveloped along with the surrounding development. The methodology for developing the Policy Map prioritized current R-3 zoning and was not a parcel specific evaluation. The site is surrounded by Neighborhood 2 place type and zoning for single family attached uses. The proposed single family attached development is more in character and compatible with the surrounding development than single family detached homes. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Neighborhood 1 Place Type to Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 288-289.

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ITEM NO. 13: ORDINANCE NO. 411-Z, PETITION NO. 2022-028 BY CHRIST THE KING LUTHERAN CHURCH, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE ZONING FOR APPROXIMATELY 3.53 ACRES LOCATED ON THE SOUTH SIDE OF SOUTH TRYON STREET BETWEEN ORCHARDGATE DRIVE AND STELECROFT PARKWAY FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO INST (INSTITUTIONAL).

The Zoning Committee voted 6-0 (motion by Barbee, 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 2040 Policy Map recommends Community Activity Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: institutional uses are compatible in the Community Activity Center Place type. The adjacent use and owner of this parcel is an institutional use. The site is currently being used as a parking lot for the adjacent church. The adjacent church is surrounded by a mix of complimentary uses and is accessed by S Tryon Street, a major thoroughfare. The petition could facilitate the following goals of the 2040 Comprehensive Plan: 1: 10-Minute Neighborhoods.

Motion was made by Councilmember Watlington and seconded by Councilmember Anderson 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 Community Activity Center Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: institutional uses are compatible in the Community Activity Center Place type. The adjacent use and owner of this parcel is an institutional use. The site is currently being used as a parking lot for the adjacent church. The adjacent church is surrounded by a mix of complimentary uses and is accessed by S Tryon Street, a major thoroughfare. The petition could facilitate the following goals of the 2040 Comprehensive Plan: 1: 10-Minute Neighborhoods.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 290-291.

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ITEM NO. 14: ORDINANCE NO. 412-Z, PETITION NO. 2022-031 BY KAIROI RESIDENTIAL AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE 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).

The Zoning Committee voted 6-1 (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 consistent with the 2040 Policy based on the information from the post-hearing staff analysis and the public hearing, and because: the Policy Map recommends Community Activity 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 existing I-1 zoning is not consistent with the uses and zoning in the area. Industrial zoning does not support the recommended place type.

The site is located in an activity center which are areas intended for a mix of uses. There is commercial, office, and multi-family residential uses in the area. The proposal of multi-family development is compatible with the uses in the area. The proposal

provides additional housing within walking distance to shopping, services, dining and employment opportunities. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm.

Motion was made by Councilmember Bokhari, 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 based on the information from the final staff analysis and the public hearing, and because: the Policy Map recommends Community Activity 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 existing I-1 zoning is not consistent with the uses and zoning in the area. Industrial zoning does not support the recommended place type. The site is located in an activity center which are areas intended for a mix of uses. There is commercial, office, and multi-family residential uses in the area. The proposal of multi-family development is compatible with the uses in the area. The proposal provides additional housing within walking distance to shopping, services, dining and employment opportunities. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 292-293.

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ITEM NO. 15: ORDINANCE NO. 413-Z, PETITION NO. 2022-032 BY CANVAS RESIDENTIAL, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE 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).

The Zoning Committee voted 7-0 (motion by Welton, seconded by Barbee) 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 Policy Map recommends Neighborhood 1 for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: the petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility.

The parcel is an infill parcel with 1 single family home on a large parcel fronting West Arrowood Road, a major thoroughfare. The site isolated from the adjacent single-family homes which are part of the neighborhood to the east. There are commercial and hotel uses to the west. The proposed single family attached development provides a transition of uses between the commercial to the west and single family detached to the east. The proposal limits the building height to be compatible with single family residential zoning. The development will provide additional housing types and options to the area. Access to bus transit service is within approximately 400 ft to the east and 600 ft to west. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Watlington, 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 based on the information from the final staff analysis and the public hearing, and

because: the Policy Map recommends Neighborhood 1 for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: the petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility. The parcel is an infill parcel with 1 single family home on a large parcel fronting West Arrowood Road, a major thoroughfare. The site isolated from the adjacent single-family homes which are part of the neighborhood to the east. There are commercial and hotel uses to the west. The proposed single family attached development provides a transition of uses between the commercial to the west and single family detached to the east. The proposal limits the building height to be compatible with single family residential zoning. The development will provide additional housing types and options to the area. Access to bus transit service is within approximately 400 ft to the east and 600 ft to west. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 294-295.

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ITEM NO. 16: ORDINANCE NO. 414-Z, PETITION NO. 2022-038 BY RMR GROUP, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN THE 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).

The Zoning Committee voted 7-0 (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 (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: the policy map recommends Community Activity 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 site is within a ½-mile walk of the Scaleybark Station. The TOD-CC zoning district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station or within a ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The rezoning of this parcel will allow the site to be redeveloped for transit-supportive uses.

The site is directly adjacent to a number of parcels zoned TOD-CC and TOD-TR and is generally located in an area along Old Pineville Road that is transitioning away from light industrial uses to more varied uses compatible with transit and pedestrian environments. The rezoning of this site to TOD-CC would be consistent with the approved place type. The use of conventional TOD-CC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe, & Active Communities.

Motion was made by Councilmember Watlington and seconded by Councilmember Molina 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 Community Activity 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 site is within a ½-mile walk of the Scaleybark Station. The TOD-CC zoning district may be applied to parcels within a ½-mile walking distance of an existing rapid transit station or within a ½-mile walking distance of an adopted Metropolitan Transit Commission (MTC) alignment station location. The rezoning of this parcel will allow the site to be redeveloped for transit-supportive uses. The site is directly adjacent to a number of parcels zoned TOD-CC and TOD-TR and is generally located in an area along Old Pineville Road that is transitioning away from light industrial uses to more varied uses compatible with transit and pedestrian environments. The rezoning of this site to TOD-CC would be consistent with the approved place type. The use of conventional TOD-CC zoning applies standards and regulations to create desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods 4: Trail & Transit Oriented Development 5: Safe & Equitable Mobility 6: Healthy, Safe, & Active Communities.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book No. 65, Page(s) 296-297.

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HEARINGS

ITEM NO. 21: HEARING ON PETITION NO. 2021-244 BY JUAREZ SILVA FOR A CHANGE IN ZONING FOR APPROXIMATELY 1 ACRE LOCATED ON THE SOUTH SIDE OF CINDY LANE NEAR THE INTERSECTION WITH BOWLINE DRIVE FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2021-244. It's just an acre on Cindy Lane. It's just on the south side of Cindy Lane. Current zoning is R-4 and the proposed zoning is I-1, conditional. The adopted future Place Type from the policy map recommends Neighborhood 1. You can see there's Neighborhood 2 right next door. I will say a lot of that was captured as the result of the existing zoning on that site. You can see the manufacturing logistics as the predominant Place Type all around those two small parcels. This would continue that manufacturing logistics Place Type should this rezoning be approved, but it did capture more of the existing zoning than a long-term view of this area maybe transitioning to more of that ML (Manufacturing and Logistics) that's the predominant Place Type in that area.

This petition may look a little bit familiar. It came to us as a conventional petition several months ago. Some concerns were raised about the unlimited nature of uses in the I1 district. We reached out to the petitioner and did some coordination with then and essentially, they agreed to go to a conditional district with really the only condition being a limitation on uses. That use would be limited to solely a contractor's office with accessory storage. That's a permitted use in the I-1 district and that captures the proposed use that the petitioner would like to put on the site. So, that would be the only thing should this petition be approved, that would be allowed on the site without subsequent rezonings down the road. So, that was again an attempt to address a lot of those concerns that were raised at the time of the decision on this on several months ago.

So, again that's the only condition. Staff does recommend approval of this petition. There are no outstanding issues. It is inconsistent with that Neighborhood 1 recommendation. Again, staff feels that we're comfortable with uses the ML Place Type in this area given that that is the predominant Place Type that's on the south side of Cindy Lane. So, with that we'll be happy to take any questions following any comments by the petitioner. Thank you.

Emilio Juarez Silva, 14240 East Rocky River Road said as you can tell, I've never done these before. I'm just a small contractor. I have a current office on Crompton Street. That's basically what it looks like, our office space right now. We only own one unit. So, it's six units per building. We're not trying to do that many. We're willing to reduce to four if it needs to be. We're just trying to build office space closer to my house so I can reduce my commute. Right now, I live in Davidson. So, it's like 40, 45 minutes. It could be an hour, hour and a half depending on the traffic.

I do have two options to go 75 or 485 but it's still kind of a long ways. Also, working with companies and everything, I have heard the need for these small units for small contractors also. So, I'm also trying to just occupy one and maybe lease the other three. That's basically no manufacturing or anything like that. It's just office warehouse space with no hazardous materials to be stored on the site, which we would have to put in a contract anyway. That's basically what we're trying to do. I didn't click this thing, so I don't know if I already went through my three minutes.

Councilmember Mayfield said this question is actually for staff, Mr. Pettine. I just may be missing it. What is the setback since we just have this very small little space that has some residential and then right next to this as well as some on the back side. Do we know, and like I said, I could be missing it as I'm reading through it, do you know what the setback is from that piece of residential? We already know we're having a challenge in the city with residential land as we continue to grow and develop. So, it would be helpful to know and if we don't have it right now, if we can have it prior to decision that would be helpful to know exactly what the setbacks are on this.

Mr. Pettine said yes. They would be required to provide buffers to the residential piece next door. What those are, we'll have to go in and calculate based on the size of acreage. So, we can get all that information to you pretty quickly after the meeting before the decision.

Motion was made by Councilmember Ajmera, seconded by Councilmember Driggs, and carried unanimously to close the hearing.
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ITEM NO. 22: HEARING ON PETITION NO. 2021-284 BY BEACON ACQUISITIONS, LLC & CRESCENT COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 146.9 ACRES LOCATED ON THE WEST SIDE OF RHYNE ROAD SOUTH OF MOUNT HOLLY ROAD AND NORTH OF BELMEADE DRIVE FROM I-1, I-2 (CD), R-3 LLWPA (LIGHT INDUSTRIAL, GENERAL INDUSTRIAL, CONDITIONAL, SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO I-1 (CD) LLWPA (LIGHT INDUSTRIAL, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2021-284. It's about 147 acres. It's located on the west side of Rhyne Road, south of Mount Holly Road, north of Belmeade Drive. The current zoning is a mix of some different zoning districts. We have I-1 conventional, we have I-2 CD (Conditional), I-1 CD as well as R-3. All have the Lower Lake Wylie Protected Area overlay as part of those properties. The proposed zoning is to bring all those districts into one and propose the I-1 conditional zoning district. Again, with that Lower Lake Wylie Protected Area, adopt a future land use is a bit of a mix as well. You have manufacturing and logistics in those purple areas and

then Neighborhood 1 is the yellow that's around the rest of that area on Rhyne Road. The proposal itself is for up to 1.775 million square feet of gross floor area of warehousing, warehouse distribution, manufacturing, office and all other uses are permitted in the I-1 district.

It does prohibit a number of specific uses. Those are available as conditions on the site plan. Maximum floor area ratio would be 0.8, a new public street extending from Rhyne Road and terminating at the creek crossing. That's getting close to a connection with Verde Creek Road. There is a creek that separates where that road could potentially connect through this project. So, they will stop the construction of that new road at the creek and not make that final connection. There's an 8-foot planting strip and 12-foot shared use path along Rhyne Road as well as an 8-foot planting strip and 5-foot sidewalks along the proposed new street. There will be some transportation improvements particularly along Rhyne Road. There's three access points. A, B and C.

At access point A, you have a right in, right out with a southbound right turn lane and median on Rhyne Road. At access point B, you'd have a full movement with southbound right turn lane and northbound left turn. Then at access C, you'll have full movement with southbound right turn lane and northbound left turn lane. Mount Holly Road would also see potential improvements. That would be at the intersection with Rhyne Road and Sonoma Valley Drive. A \$250,000 contribution towards planned intersection improvements. As far as buffers in that green area around the edges of the plan, you'd have 100-foot Class A buffer. That could be reduced 25 feet with a berm along the site's perimeter. They are proposing to dedicate three acres to Mecklenburg County for a future neighborhood park, and also dedicate a minimum 90-foot-wide trail easement along western property line to Mecklenburg County as well for a future trail. Also, the development will have zero footcandles at property lines of adjacent single-family zoning.

As mentioned, staff does recommend approval of this petition. There are some outstanding issues related to transportation to be resolved. There are consistencies with the petition as well as some inconsistencies. Overall, this is an area that's seen quite a bit of industrial development given its proximity to 485 and the airport. The Place Type Map again does show a mix of both. Staff feels that the I-1 conditional throughout the entirety does kind of bring some uniformity to the site. We are supporting the petition at this time. So, we'll be happy to take any questions following presentations by the petitioner as well as members of the public. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said Mayor Pro Tem, Council Members. Collin Brown on behalf of the petitioners. As you can see on our introduction slide here, a little bit of a unique situation. We have two of the premier developer teams in Charlotte working together on this petition, Beacon Partners and Crescent Communities. That's pretty rare. That shows you what kind of an opportunity this is. Also Fortius Capital Partners is joining in this. A good overview by Dave. As you can see on the screen here, this is a large site. Almost 150 acres on Rhyne Road and I do want to draw your attention to this slide.

I know we have some opposition. I know that you'll hear from neighbors in the area. We've worked hard with the folks in the northwest coalition. We've had I think, some very good back and forth community meetings. There has been a survey done which you'll hear about. The majority of survey respondents have said, you know, "We prefer not to have industrial development on this site." So, what I want to make sure everyone understands is if you can see here on the screen, our area is cross hatched in red. A significant portion of the site is already zoned industrial. This piece here to the north has some existing I-1. We have I-1 here on Rhyne Road, I-2 on Rhyne Road. So, as you can see almost everything on the Rhyne Road corridor is zoned commercial.

Some of these are pretty recent rezonings. I put the dates on the maps so that you can see here. This piece right here in the middle was zoned by city council in 2017 and this piece, Mr. Galbreath's piece was zoned in 2019. So, we definitely see this was a trend recently of council approvals and the policy map reflects this. So, if you look at Rhyne

Road you see this kind of funny piece mill of industrial, industrial, industrial. I think it's pretty unlikely that this will remain undeveloped. So, it's a challenge and I know you're hearing how we don't want industrial development. I don't think that's an option. Certainly the parcels that are zoned industrial can be developed industrial today. I think it would be a very strange treatment if we were to have these pieces zoned industrial and then the little pieces in between residential. So, I'd like you to consider that existing zoning out there. The existing industrial development that can take place and then what Beacon and Crescent are putting on the table.

So, as Dave mentioned, our proposed development is up to 1,775,000 square feet of light industrial and warehousing. So, you may say, "Well Mr. Brown you said it didn't make sense to have these little pieces of industrial and residential mixed in, then why does it make sense to have industrial in this area?" There's some unique things about this property. On 150 acres, there is a natural separation between this property and the residential neighborhoods you'll hear from. There is a stream that runs in this area. As you can see, the neighborhoods on this site have a substantial buffer between their property and the creek. On our side, the creek would serve as a natural buffer. So, we think that sets up pretty nicely and one of the things I guess I'll bring to you as I'm telling you why you should support this. I think there's a lot of community benefits that could be brought by these two development teams working together.

Rather than seeing this site developed piece mill and little pieces of industrial here, here and here, we have the opportunity to do it one time holistically with two teams really bringing everything to the table including significant traffic improvements. We always talk about traffic. Dave went through those. These two teams putting this on the table can really make some meaningful improvements. Dedication of a 3-acre park, a 90-foot trail easement running along the creek. We've added a list of prohibited uses. We've added lighting restrictions. So, the development teams would like to continue working with the community. I hope we can make some progress. Unfortunately, I can't tell you that the answers will take the ball and go home and industrial will not be developed here. I think we'll see industrial development certainly on the existing parcels and I think the better approach is to look at it this way, take a unified development approach. This site plan has one access point off Rhyne Road. So, instead of seeing these parcels just developed separately with lots of driveways, this allows us to have the uniformed transportation plan and put some meaningful improvements on the table.

Artis Galbreath, 9300 Sir Huon Lane, Waxhaw, North Carolina said good evening, Mayor Pro Tem and Council Members. I'm here for full support of this petition here. My name is Artis Galbreath and I'm the actual owner of the 8.6 acres that sits in this zoned I-2 CD. It sits right across the street from Victory Chevrolet right there. I was successful in the past to get it rezoned from R-3 to I-2 CD. Collaboration with Beacon and Crescent Community Vision, I found that we share kind of the same philosophy there. My initial vision was to get it rezoned and to do 10 small warehouses there 2,000 to 3,000 single family homes there. Well, it was afterwards that small contractors like me could come there, find a place to lease that had a warehouse office space and because of the R-2 designation, they could park small equipment right there.

That's still kind of what my intentions are if this rezoning is not approved in there. Also, I thought that 10 warehouses would create some type of small jobs for the community members there also. There's a big difference between what I had envisioned and what Beacon and Crescent has. I can promise you that they are going to do 1000 percent better job than I can do. They have the capital; they have the expertise and they have the past performance. You can just look at some of their projects throughout the city there. Again, if this rezoning doesn't pass, I'm just going to go ahead and build what I have to do by right there and I feel that other small developers will do exact same thing. Which you're going to end up, as attorney Collin said which will be a hodgepodge of buildings there.

In terms of economic and esthetics, I think this is a wonderful project and again, you have to two of the best developers there within the city. I think they would do an outstanding job. Thank you very much for your time and consideration.

Mr. Brown said thank you for three minutes left. So, I'll just summarize. We'll hear from opponents in a bit, and I think we'll hear concerns about industrial uses on the site. I hope we've clarified our expectations. There would be industrial uses on this site regardless. We'll also talk about transportation. I think C-DOT (Charlotte Department of Transportation) would tell you that this plan, even though it is a lot of square footage, would generate fewer trips than if this were developed as straight residential. Which I don't think will happen. The existing zoning out there will dictate some commercial will come. So, I think the opportunity from our perspective is to continue working with the community, working with our city council to see if there's some other things that can move the envelope.

I think this has got a really nice package of transportation improvements that will meaningfully advance the ball. With a project this size, you can get things done and the team is looking to do this. We have dedications for a greenway that has been long sought as well as space for a three-acre park. As I mentioned, the kind of natural topography of the site does provide a nice buffer between this land and the adjacent residential. I do expect that we'll see this Rhyne Road corridor. I know there's another zoning in the hopper coming down the pike. I think we'll see this as a commercial industrial area. I think this is a real opportunity rather than just seeing these 150 acres cut up into pieces and having different development teams coming in doing a small bite at a time. We're able to do a traffic study, really deliver some meaningful improvements and commitments. Thank you.

Kimberly Helms, 2230 Verde Creek Road said thank you. Let me come on up because Sam's not going to be able to come. He's going to send you all an email. So, Tyler is here. Like you've said, there's been a survey. Northwest Community Alliance is also against this. 81 percent of the neighbors are against this. So, let me just tell you what I have written. So, my neighbors and I are begging for your help. We've been back and forth with these developers for months. The neighborhood is filled with first time homeowners. We chose to live outside the city limits for very specific reasons. We want a better quality of life. Fresh air, quiet. We can see the stars at night when we go out in our yard. We can walk safely at 2:00 in the morning because our neighbors all know who's out there, who's supposed to be out there.

We knew we would have to pay for our garbage services. We knew there would be no public transportation. We're fine driving 10 minutes to go a store of 15 minutes to go to work. We can get to anywhere in Charlotte within 20 minutes in our cars. That's the quality of life that we wanted when we chose to not live in the city limits. I grew up in Westerly Hills. When we rebuilt because our house burned, I wanted to not be in the city but still in the county because my daughter was at Northwest School of the Arts at the time. The Northwest Community Alliance kindly solicited the residents view and 81.6 percent do not support this rezoning or this development next to us. Our dream would be that the woods just stay the woods. They still buffer us somewhat from the noise of 485. I keep being told something has to be built there, but why? Why can we not just leave a forest and the creek alone or put some more houses over here. To come with that, at the very least, don't rezone that industrial.

At one of the meetings, someone was asking about the current mixture of those 146 acres, and he said, "It would be best for it all to be industrial because who would want to buy houses in an area next to industrial buildings?" So, later I stated that back to restated that back to him in a question yes as you said earlier. Why would someone want to live next to industrial buildings? There was no answer back to that. The Rapids at Belmeade is an extremely diverse neighborhood with a huge amount of first-time homeowners. They're building generational wealth. Many have seen the value of their homes double even. More development will lower those values. Industrial development will ruin those values. We've been fighting so long with our developers to just finish the roads, but fortunately him not doing that has given up the reprieve of the well-intentioned but idiotic plan of connecting Rhyne Road to Verde Creek. Connecting Rhyne Road and Verde Creek would make our neighborhood which is full of kids, pets and families that take walks together, a cut through every time 485 and 85 backs up. Waze or Google Maps will send people through our neighborhood to get to Mount Holly

Huntersville Road because there's only three places to cross the river and if 85 and Wilkinson are backed up, they're going to cross over into Catawba at Mount Holly. Yes we do need a second entrance to the neighborhood but Brazos and Bethany Dallas right there are a football field away. We can connect that easily. There is a creek there. The creek is always the problem, but we could connect that. We don't want our neighborhood connected to a road that runs parallel to 485 so that exit 12 and exit 14 would just be a driveway into our neighborhood where we already have issues with emergency cars getting through because of the cars parked on the road.

Building an industrial park next to our neighborhood is only good for the developer and the city tax coffers. When asked what the benefit to our neighborhood and the neighboring neighborhoods should be built, there was no answer other than talking points that don't make our neighborhood better. A walking trail? We have miles of walking trails we can utilize courtesy of the Whitewater Center. Walking trails will invite nonresidents within yards of our resident's backyards. We all know that opens the door to crime and safety issues. This development will only cause harm to our neighborhood, our standard of living and our property values. Please protect the residents of the Rapids at Belmeade, The Crossing at Belmeade, Belmeade Rental Homes, Belmeade Green, The Homes on Belmeade Road, the kids that attend Whitewater Academy and Middle. We don't need any more traffic out there. We don't need a distribution center out there. We live out there and we chose a rural place to live.

Please respect the residents and the people over the developers and corporations. Please consider the harm that will be caused with no benefit to the people that live there. If the people don't matter, think about the trees. The environmental effect of 146 acres of forest being cleared in addition to producing clean air for us to breathe, you know all these things about the trees, but one mature tree will absorb more than 48 pounds of carbon. If you take an average of 50 trees per acre, cutting down 146 acres would clear possibly 7,300 which that would be 302,400 carbon dioxide that will not be removed from our area next to the airport.

Tyler Benson, 3606 Waxahachie Avenue said hi. Thank you for the time to speak. I want to say first of all I acknowledge Charlotte is growing and there's going to be continued need for development and I'm not opposed to any and all development. With that being said, I think that the most important thing to consider for any new development or rezoning is what's best for the community and what's best for the residents that live closest to the new development.

Frankly, the only things I can see this rezoning bringing to our community is increased pollution, increased noise pollution and decreased property values. I know they spoke about uniformity and the fact there was already some industrial zoning in this area, but if you look at the map, clearly most of it is zoned for residential. I just don't see how you can communicate any benefit and they haven't communicated any benefit that I as a homeowner living within a few hundred yards of this thing would get.

So, there's been a new housing development which is what the area was zoned for, residential, and if we built additional housing developments nearby it could at least potentially lead to increased property values and community connections. We have a wonderful community of diverse homeowners and renters, many of them first time homeowners that purchased without the expectation that huge industrial warehouses would be built in our backyard.

The proposed rezoning as far as I'm concerned fails our community on all 10 of the goals of the 2040 Policy Map. The communicated concessions that they've made with the tiny three-acre park on land that wouldn't be developed anyway and \$250,000 in road improvements are peanuts compared to the likely more than \$50 million this kind of project is going to take. I think it's failure to the residents of the community that we don't have more concessions at this time. Although I think it would be an even bigger failure to go through with the rezoning. It's not something that's required for a community to rezone this to industrial. It's not like we're rezoning to create a fire station, a police station a school, a hospital. They're huge warehouses and they're not in

anyways going to be contributing to our quality of life. We're talking about bringing in, from what I've read, 2,800 trucks a day into my backyard making trips back and forth literally a football field from my house.

So, the decision you're making is not that we go and zero development and zero tax basis or that we pick this monstrosity. The land is still valuable. It'll find the developer and the housing market still really attractive here. As Kim noted, some of the house prices have doubled in the area. Another developer will gladly find the \$250,000 in road improvements that may be needed considered that's the cost of less than one house in the neighborhood. I ask that you please take your time and ask yourself would you rather have your home a few hundred yards away from residential neighborhood or from 1.7 million square feet of warehouses with 2,800 trucks moving every day. I just don't see why you would choose the mass industrial warehouses over some new neighbors.

So, when you consider what's best for the community and your constituents you're serving, please consider what would possibly tip the scale towards the full-scale industrial zoning. We need to be able to communicate back to our community and neighbors that we represent how the leaders that we elect and pay their salaries with our tax dollars came to that decision if it comes to that.

It's zoned for residential, that was the plan that was laid out. It was what was congruent with the communities that have already been built there. It may take longer but it's unlikely people will stop buying new houses here. Your job is to look at 30-to-50-year time horizon. In a few years and patience to get this developed properly for the members of the community would be a much more prudent move to me. Most of us don't get to make decisions that impact people's lives and neighborhoods for the lifetime for generations, but that's what you guys get to do, and I hope that you treat this responsibility with the gravity it deserves. Thank you for your time.

Pete Kidwell, 500 East Morehead Street, Suite 200 said Pete Kidwell with Beacon Partners. Good evening, Mayor Pro Tem and City Council. Thanks for spending time with us tonight. I just wanted to hit on the trip counts that were referenced. 2,800 trips are not exclusively industrial trucks. Those are also employees' cars that come to the site. If this site was developed R-3 and maxed out for houses, that would be 440 single family dwelling units which would generate 3,900 trips. So, we're actually talking about a 38 percent reduction in our site plan because we're not maxing out the site. In terms of the trees being removed, it is an unfortunate piece of our business, but we are still hitting the minimum threshold for tree save after the park dedication. In terms of money that we're generating for the project, the \$250,000 is just for the offsite light enhancements at Mount Holly and Rhyne Road. We're actually delivering like a \$9 million infrastructure package with a 2,500-foot linear public road on Verde Creek with utilities. We're enhancing the lane lifts from 9 feet to 11 feet on Rhyne Road in addition to adding turn lanes.

Councilmember Ajmera said yes, thank you. So, Mr. Brown can you show us what's the residential side and how many acres is it out of 146?

Mr. Brown said I don't have the calculations on this slide here Councilmember Ajmera. You can see everything outlined in red. That's the site, the whole 149. So, this portion here is all zoned industrial already as well as this piece and this piece. So, this piece there I'm sure our team or staff can calculate this for you. It looks to be less than half but it's not an insignificant portion.

Mr. Kidwell said I think it's slightly more residential. I'm going to say 55 residential, 45 industrial.

Ms. Ajmera said yes, thank you. So, Mr. Brown, we have seen similar industrial site rezoning three-acre park for 146 plus acre development. It's not enough. I would like to see more. That's all I have thank you.

Councilmember Johnson said thank you. I also have questions about the proximity of this zoning compared the residential neighborhoods. It looks like the street view of the single family residential to the west of this site. You said that's about 200 feet from the industrial site?

Mr. Kidwell said yes ma'am. From the closest end of the stream buffer to about 200 feet to the gray area that would be the truck court.

Ms. Johnson said okay. Also in the pictures, the street view is a two-lane highway and I know that some improvements are going to be made. Will it be improvements to the road? Will there be any widening?

Mr. Brown said so, I do want to point out on some future plans, the city did have a plan to connect from the residential neighbors that you heard from to bring a road through our site connecting to Rhyne Road. That is something the neighbors are not supportive of. So, we would be bringing the only connection to Rhyne Road through our site and stubbing it not making the connection to the neighborhood. In addition, there would be significant improvements to the Rhyne Road frontage.

Mr. Kidwell said that came through one of our conversations with Mrs. Holmes and their needs for the community. They did not want the connection to be made. We had lengthy conversations with C-DOT and given that the community is not fully developed out, we figured this is the best result. For us to build all the way to the edge of the stream buffer and dedicate the right of way of easements that would be necessary for C-DOT to make the connection in the future.

Ms. Johnson said okay. This question is for staff. On page five of the presentation, Mr. Pettine, there is a graph or a table with the petition numbers, summary of petitions and the status. I would like to see the proximity to the subject zoning, so we know how close they are and also the number of trips. I'd like to see what the cumulative impact to that area is. You referenced a 2019 petition and I think a 2017. The 2019, is that the petition with the 40,000 single family of industrial uses?

Mr. Pettine said yes, there's a map on page four that corresponds to the table on page five that just carried over from one page to another.

Mr. Kidwell said 2017 is close to the new public road to the north side of development area A.

Mr. Brown said so those are the portions of the site that have already been zoned industrial.

Ms. Johnson said okay. I believe for 2019 there were some environmental concerns. I'd like to see an environmental report. If we can get some type of report for this petition Dave. I thought there was some concerns with the water or the stream close to that. So, I'd like to learn more about this petition.

Mr. Kidwell said there is existing groundwater contamination. We're pursuing a brownfields agreement with NC DEQ (North Carolina Department of Environmental Quality). We have one groundwater sample for PFAS which are forever chemicals. You might be familiar with them in Teflon. There's one rating that we have that's 68 times the allowable allowance of the EPA (Environmental Protection Agency) guidelines.

Ms. Johnson said for this petition?

Councilmember Mayfield said It's actually a follow up question for the petitioner and then a question for staff. Recognizing that it's already been identified that we have a very high level of contamination, if a project were to move forward and there was additional construction and/or clearing, do we have an idea or have we also received any feedback as far as the potential impacts to the residential neighborhood if that contamination was to spread?

Mr. Kidwell said through the brownfields program with NCDEQ, we will be given an environmental management plan and that will dictate how any site development is handled on the site. So, if there's swapping of soil, the soil will be tested and monitored to make sure that anything that goes offsite will be taken to a landfill that's capable of handling that. Groundwater, if it is encountered, will be treated as well. We'll have limitations of use of groundwater on all the properties. Those are currently not in place on the properties today.

Ms. Mayfield said so, if I'm understanding, and please correct me if what I'm hearing is not correct. Because of the potential contamination, the area of this total acreage let's say is closer to residential, outside of the buffer. Simple question. Can housing or residential be carved out? Say, 10 acres? Can 10 or 15 acres be carved out for residential on the back end closest to the residential for a future housing development because even looking at 2017, 2019 plans, there was no preparation for what 2020 was going to bring to the nation. There was not preparation to what we're seeing now in 2022 regarding a major need for housing of all types of housing options and different housing stock. So, is there developable land that is closest to the residential that could be carved off?

Mr. Kidwell said I'm going to need to confer with my development partners. I would say that the attraction to us as an industrial developer is the natural 200-foot buffer that's in place at the property line. So, if we moved a residential development on to our side of the buffer, then we're encountering a new buffering system that we would need to incur. So, it's something we could discuss but I don't believe it provides that natural feature that we have today. We're in a housing crisis, we're also in a warehousing crisis right now. The vacancy, the rates are at all-time lows. So, I think there's a huge benefit for us to consider when we're talking about 10-minute neighborhoods. We're also going to be annexing the property into the City of Charlotte. It's in the ETJs we described. I believe our estimates are \$100 million of assessed value which would translate to roughly \$350,000 of annual tax revenue to the City of Charlotte that could be redeployed in the area for additional projects.

Ms. Mayfield said so, I think you may have just answered my question regarding the potential 200-foot water buffer, that that is the clear separation from the residential and from your industrial. I think if I heard correctly from the residents in the area, they're not interested in being incorporated in. So, if there is a conversation regarding ETJ, that conversation should only be for this industrial piece, not connecting. If there was a connector, you potentially could be having a very different conversation about some of the residential being incorporated into the city.

Mayor Pro Tem Winston said thank you very much. I have a question. Was the brownfields found in the R3 portion of this site? Do you know?

Mr. Brown said I would say the highest contamination levels are near the existing Livingstone facility which is generally closer to the Mount Holly-Rhyne intersection. As you get closer to the stream feature, we're finding less levels of contamination. The contamination closer to this area, less as you move away from the corner.

Ms. Johnson said so, for those of us who are not engineers, this question's for staff. 68 percent times the recommended level, is that extraordinary? Help me out.

Mr. Pettine said 68 percent times the recommended level.

Ms. Johnson said 68 times the contamination. Does that cause alarm? That causes me alarm. I'm sure it causes the resident's alarm. It sounds extraordinary.

Mr. Pettine said that would be a question we'd have to reach out to our partners in Land Use and Environmental Services in Mecklenburg County. They're certainly more the experts on that than we are here with you this evening. So, I'll be happy to reach out to them and get some additional feedback. They did mention some of the groundwater contamination in the report from the parcel that's just next door that Mr. Brown

highlighted, but outside of that, I don't have much more details. So, we can follow up with them and see if there's anything else they can provide to us.

Councilmember Driggs said I wanted to note for the benefit of the opponents. We don't have the legal authority to refuse to consider any development at this location. So, your idea of keeping it the way it is, is really just not within our power. The development that has occurred around Charlotte that we have allowed has contributed to the increase in the property values that you alluded to. So, we're in a tough spot here. I have noted your opposition to the industrial development and clearly we need to do more work on this. My immediate question actually was, I'm not sure this was answered, but how many acres is the current R3 out of the total?

Ms. Ajmera said it was 50 plus.

Mr. Pettine said we've calculated about 77.

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

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ITEM NO. 23: HEARING ON PETITION NO. 2022-015 BY FIORENZA PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.49 ACRES LOCATED ON THE EAST SIDE OF NORTH SHARON AMITY ROAD, NORTH OF CENTRAL AVENUE, AND SOUTH OF WILORA LAKE ROAD FROM R-4 (SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-015, about 7½ acres on North Sharon Avenue Road just north of the intersection with Central Avenue and in proximity of the Eastland Mall area. This is currently zoned to R4. The proposed zoning is UR-2, conditional. The adopted Place Type Map does show this as a Neighborhood 1. You can see some Neighborhood 2 and a neighborhood center all within close proximity to this parcel. The proposal itself is for up to 90 single family attached rear loaded residential units. It does propose a local wide residential street with parallel parking and private alleyways with ingress/egress for North Sharon Amity Road.

Proposes a minimum 10 guest parking spaces, a 12-foot multi-use path, an 8-foot planting strip along North Sharon Amity. Also, an 8-foot sidewalk and 8-foot planting strips internal to the site. Illustrates a proposed bus stop on North Sharon Amity Road. That final location would be coordinated with CATS (Charlotte Area Transit System) and permitting. It does specify allowed building materials within the conditional notes and also notes at all corner end units that face a public or private street will have a porch or stoop that wraps around the front and side of the unit, as well as blank wall provisions that would limit blank wall expanses to 10 feet on all building levels.

Proposes a 30-foot-wide landscape area to Class C buffer standards along the north and east property lines shown in green. Also illustrates possible tree save areas and BMP (Best Management Practice) locations. Also, two amenity open space areas with a minimum of grass, shrubs, pedestrian walkways and seating are proposed with this project. Staff does recommend approval of this petition. Has outstanding issues related to transportation and site and building design to continue to work through. It is inconsistent with the Neighborhood 1 Place Type, however due to that proximity to Neighborhood 2 along with immediate access with bus service and proximity to that neighborhood center, staff does feel it is inappropriate transition to a Neighborhood 2 Place Type. We'll be happy to take any questions following the petitioner's presentation. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, Members of City Council and the Zoning Committee, I'm John Carmichael here on behalf of the petitioner Fiorenza Properties. Adam Fiorenza for the petitioner and Brian Graham with Design Resource Group are here as well. The site contains just under seven and a half acres. It's located on the east side of North Sharon Amity Road between Wilora Lake Road and Central Avenue. This is an aerial of course, further to the south on Central you have Quick Trip, the Movement School and the Eastland Mall site. You have the Granville Apartments immediately to the south and a little bit to the eastern portion of the site, there's a single-family home here. Then to the north there are parcels owned by a religious institution.

The site is currently zoned R4. Petitioner is requesting the rezoning of the site to UR2, CD to accommodate the development of up to 90 single family attached townhome dwelling units on the site.

Access to the site would be provided by way of a right in/right out only access point off of North Sharon Amity Road. As Mr. Pettine stated, there'd be a 30-foot Class C landscape area along the northern portion of the eastern edge of this site and along a portion of the southern edge. There'd also be tree save areas along these portions of the site and this portion of the site. The units would be rear loaded. There'd be a minimum of 10 visitor parking spaces as well as approximately 18 on-street spaces within the site. The petitioner would install an eight-foot planting strip and a 12-foot multi-use path along the site's frontage on North Sharon Amity Road. They would also install an ADA (Americans with Disabilities Act) compliant bus stop waiting pad.

Architectural standards are a part of the plan. Vinyl siding would be prohibited. We've had two meetings in communications with area residents regarding the project and the proposed project. They've expressed some concerns about traffic and U turns up here at Wilora Lake Road and North Sharon Amity Road. In response to that, the petitioner proposed a full movement access with a left turn lane into the site which would allow left turns out of the site. We heard last week from the residents that they do not prefer that. So, we've gone back to the original right in/right out only movement. We're happy to configure the access point however the residents or C-DOT would like us to do so. There are two existing bus stops along the site's frontage and it's also very walkable to the Eastland Community Transit Center. We'll continue to have conversations with area residents. I know that some have concerns although they're not here tonight. I told one of them that I would make sure that was represented to you. So, I just wanted you to know that. We're happy to answer any questions. Thank you for your consideration. We will resolve the remaining outstanding issues with the planning staff this week.

Councilmember Molina said I just want to for the record, speak on the community member that I know that you're mentioning. She's probably one of the most involved members in District 5. So, Ms. Almond, I spoke to her on Friday, and she did raise those concerns about traffic to me directly. So, basically what she said was exactly what we have here already. She addressed the concerns with the existing U turns and the density in the area. So, I don't know if we merit a traffic study for this in particular, but I would like to see how the additional units are going to impact traffic in the area as we move forward. I want to make sure that I'm clear. This isn't a "I'm against the project," because I asked that specifically. They're not against the project. They really want to work with the petitioning party, they just want to make sure that this density can be handled in a responsible way. So, I feel like we can meet them in the middle and make sure that those concerns are addressed, and I would like to make sure that they are.

Mr. Carmichael said I'll follow up with Ms. Almond and will certainly follow up with you as well.

Councilmember Ajmera said so, this question is for Mr. Pettine. Under outstanding issues in transportation there are a number of items here. So, will all of this need to be addressed?

Mr. Pettine said are they all going to be addressed? Is that your question?

pti:mt

Ms. Ajmera said will all of this need to be addressed before the groundbreaking?

Mr. Pettine said yes. It would all need to be addressed really before Zoning Committee next week or at the latest before a decision. Yes.

Ms. Ajmera said got it. So, yes to Ms. Molina's point, I had a meeting with Ms. Bobbie Almond earlier today and all her concerns are actually included in this outstanding list under transportation. So, as long as they get addressed, I think that will address neighborhood's concerns, especially around traffic. So, I look forward to getting the resolution on these items. Thank you.

Mayor Pro Tem Winston said a couple of years ago when I first got on Council, we really were looking at the way neighborhoods were cut off from each other. Developing neighborhoods where you had kind of hard halls between where you live and other people lived, and we wanted to kind of get away from this. I think that adds to also some of the congestion issues when there's one way into a neighborhood and one way out. Even if you don't have the issues with the U turns, it's like a waterway or like a pipe. It just can't handle so much during peak hours.

So, I see this as a one way in, one way out and it's proximate to Eastland Yards where there should be improvements online, I also see on the drawing a public street once you get in that seems like it would want to connect to a future street. Is that the case because there is existing housing there and I don't see it connecting to any other type of streets.

Mr. Carmichael said is there an aerial that we could speak from? So, this doesn't show the parcel lines Mayor Pro Tem, but there's single family homes to the east of this site. First of all, I should say there's not a proposal to extend a public street all the way to the eastern boundary of this site. The public street would stop in the interior of this site. You have single family homes further to the east; you have the apartment community to the south. They have existing buildings there. Then there's a religious institution that owns the parcels to the north.

Mayor Pro Tem Winston said you have a public street on the drawing. Is there a future right of way or something like that Mr. Pettine that it's supposed to connect to?

Mr. Pettine said yes. So, that street will come in on off of North Sharon Amity and it jogs south over that dotted red line. Anticipation of potential redevelopment of the site to the south at some point in the future. If that site does redevelop out whether through a rezoning or a by right, that road connection then would have to be made because it then would be required by the subdivision ordinance. So, that's why we set it up to that portion versus to the east. There are some very long linear parcels behind that, that kind of make it difficult to potentially get over to Stilwell Oaks. So, the decision from staff that reviewed it particularly and the plan reviewers looked at that southern connection to the apartments and again, if those redevelop, we will get that southerly connection. That could get you back to Eastland Yards and then back out to Sharon Amity from there.

Mayor Pro Tem Winston said so, there is a plan for a future extension of that public street?

Mr. Pettine said yes. So, this line here, if this property just to the south were to redevelop because this now studs to the property line, it would be a required connection that that next project would have to make. Like I said whether it goes through rezoning or it comes in as a by right project, that requirement would need to be met.

Ms. Molina said just to expand on what Mr. Mayor Pro Tem mentioned, do you know what street that is?

Mr. Pettine said so there's no street there currently.

Ms. Molina said there's no street. Where would it potentially connect to? Is it Albemarle?

pti:mt

Mr. Pettine said so, it would potentially connect in this general area here and then it could connect to this street that would bring into Eastland Yards and then you'd have a movement between both in those. To get all the way over to Stilwell would involve many more parcels, some that are vacant, some that are single family homes. It was probably a tougher ask to get that than potentially the set up for this connection down in the future.

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

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ITEM NO. 24: HEARING ON PETITION NO. 2022-051 BY JOSEPH BOYAPATI FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.98 ACRES LOCATED ON THE SOUTH SIDE OF SAM NEELY ROAD, WEST OF STEEL CREEK ROAD, AND EAST OF KRISLYN WOODS PLACE FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO R-8 (CD) (SINGLE-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright thank you Mayor Pro Tem. This is about five acres. 2022-051 just off of Sam Neely Road. It is currently R3. Proposed zoning is R8 conditional. No MF (multifamily) after that, just straight R8. The Policy Map does recommend Neighborhood 1 for this site. You can see manufacturing and logistics next door. The proposal is for up to 24 units and six buildings. So they'd be six quad units that would come out at about 4.8 DUA (Dwelling Units per Acre) on the site. It does commit to provide two parking spaces per unit via two car garage as well as six on street visitor spaces. Provides a minimum of 50 percent open space per quadplex lot. It dedicates 15 percent of the site to common open space, and that access would be via Sam Neely Road. It would be an 8-foot planting strip and 12-foot shared-use path that would be constructed along Sam Neely. It does propose a new internal public street that would have a 6-foot planting strip and 5-foot sidewalk on either side. An 8-foot buffer along the site's western boundary with a 6-foot opaque fence and evergreen plantings would be provided. That's that Class A buffer on the right side of the plan. It does provide also a 29-foot Class A buffer reduced by 25 percent along the site's eastern boundary. That's the green line, not the previous one.

Then lighting fixtures would be fully capped and shielded. They would only be allowed to be 21 feet in height and also architectural details committing to primary building materials, pitched roofs, usable porches and stoops on end units and walkways connecting to sidewalks, as well as 6-foot opaque wood-paneled fences would be included should this petition be approved. Staff does recommend approval of this petition upon resolution of outstanding issues related to tree save, buffers and technical revisions. It is inconsistent with the Neighborhood 1 recommendation but does fit some of the general criteria for looking at this for a potential Neighborhood 2. Neighborhood 1 does allow quadplexes in certain conditions. This wouldn't be one of those conditions, but not a far departure in knowing that it is an allowed building type but not at this intensity. Again, Neighborhood 1 to a Neighborhood 2 in this location and then transition over to the manufacturing and logistics. Staff didn't have any significant concerns with that, particularly given the small amount of units and lower density. So, with that, we'll be happy to take any questions following the petitioner's presentation. Thank you.

Beth Bailey, 8020 Tower Point Drive said thank you Mr. Winston and Council. My name is Beth Bailey, and I am senior landscape architect with McKim and Creed in Charlotte and a graduate of UNC-C. I'm here to speak for the rezoning application on behalf of my client, Mr. Boyapati. He couldn't be here. He's travelling tonight. The request to rezone from R3 to R8 is a conditional rezoning and it's to provide for sale single family homes in the form of attached homes in six quadraplex buildings. If it were developed straight R3 right now, density calculations say there could be about 14 single

family homes. This request is for 24 in the form of attached not individual single-family homes.

As staff pointed out, there are some conditions that go along with this that the property owner has agreed to, which are setting up for I think the eventual infrastructure of the extension of Carowinds Boulevard and those things are the 12-foot mixed-use path. A 50-foot right of way from the center line of Sam Neely Road. So, those are some large conditions for a site this small, but my client understands that those are for the greater good of the community and setting up the ability for that extension for Carowinds Boulevard to come through. Which hopefully will address a lot of the issues that we have heard from neighboring properties in the two meetings that we have had, which are traffic, and the other issue is storm water.

Just wanted to remind you that if this property did develop as single family, individual homes on individual lots, it would still have the same street basically, same sidewalks, very similar setbacks that buffer against the industrial. We've now made it a 35-foot buffer and we do propose, it's not required but there is a small buffer as staff said along the buildings that back up to the western property edge. To address the neighbor's concern, the site is limited in the width. So, we're giving as much as we can to a buffer behind the buildings between the existing homes and the proposed buildings. We also offered to put a fence and some landscaping in there to help mitigate the quadraplex building against the single-family homes.

Councilmember Watlington said thank you. I just wanted to read into the record a few of the concerns from the residents of the Grey Crest Community. In its current form, the Grey Crest Community and the HOA (Homeowner Association) as well as the Steele Creek Residents Association are opposed to the rezoning for a number of reasons. The three main points are as follows: Number one, storm water. We've talked a lot about that already, but essentially there are several requests here and I know each council member has them, but I will like I said, read it into the record.

Number one, they are requesting that the developer verify that the current storm drain is structurally sound and fully open to receive storm water. They are also requesting that the developer works with homeowners on Krislyn Woods and Seascape to ensure that water flows in the original channel, a rebuilt channel or an extended stormwater pipe at cost to the developer. They are requesting that the developer agrees to exceed the standard sequestering and release of storm water and they are also requesting that the developer opens a dialogue with Grey Crest HOA board to discuss solutions to move additional water downstream.

The second big item is the buffer, and their request is that in addition to the fence, a minimum building setback between Grey Crest property line and the backs of the townhomes of at least 25 feet. Then finally, the number of townhomes. They are requesting that the developer agrees to lower the maximum number of townhomes to 12. So, my assumption is that you've probably seen these at some point before.

Ms. Bailey said we will certainly do our best to work with the adjacent property owners. We are not to the point yet where we are at the point of doing actual storm water calculations. We wanted to make sure that the rezoning was going to go through first before that step was taken because that is a considerable amount of time and money in terms of specific design. So, once we get to that point, we will absolutely work with the property owners to make sure. That is one of the conditions I believe that we have added to the site plan. We will make sure that that downstream storm water, the existing storm manhole and the lines are capable of taking that storm water from this site.

Mr. Pettine said just a follow up from a storm water comment perspective. Storm water did provide two comments in their review of this petition and did ask the petitioner to go above what the normal stormwater standards are and add some additional notes. Due to this project draining the Steele Creek which is an impaired and degraded stream which could contribute to some downstream flooding. So, they did state that this project has the opportunity to mitigate future impacts of this stream and they did recommend

placing some additional notes to the plan which the petitioner has incorporated on their last site plan. Those include things that go above and beyond what our current ordinance is to handle storm water and storm water runoff. So, I just wanted to make everyone aware of that as well.

Ms. Watlington said so, would I interpret that to mean that the you all intend to meet the requests of the neighborhood?

Ms. Bailey said we will do our best. Yes ma'am.

Ms. Watlington said okay, that's something that in advance of the approval, I'd be particularly interested in understanding better. I realize the cost associated with running detailed calculations, but a feasibility grade or something would be great.

Mr. Pettine said yes. There is also a note just to point out as well because I know not everybody can go in and read every conditional note on there. There is a note that says they will analyze the adequacy of existing stormwater conveyance on the adjoining parcels and if it's found to be inadequate, the petitioner would make good faith efforts with property owners to improve that storm water runoff or mitigate the discharge on to the adjoining parcels. So, just putting it out there just for some clarity, but certainly want to hear whatever follow up they have before decision as well.

Mayor Pro Tem Winston said I failed to say Ms. Bailey, if you have any additional comments in writing, you can provide those to the clerk, and they'll be distributed to Council.

Councilmember Mayfield said follow up to Councilmember Watlington's review of the comments from residents. There was also a comment in there regarding reducing the proposed number of units I believe from 24 to 12. Ms. Watlington?

Ms. Watlington said yes, 12 to 14.

Ms. Mayfield said I did not hear your response to that request if there's any discussions regarding reductions since this is creating something new in the area where we have had decades of transportation and other challenges because of our delay. We're waiting for the state to approve and move forward with a widening that hasn't happened yet, but has there been any conversations on whether or not 24 is the definite number or is there any ability for that to be reduced?

Ms. Bailey said that is something that I certainly will talk to my client about. I can't say for sure one way or the other right now.

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

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ITEM NO. 26: HEARING ON PETITION NO. 2022-088 BY MECKLENBURG COUNTY FOR A CHANGE IN ZONING FOR APPROXIMATELY 10.54 ACRES LOCATED ON THE NORTH SIDE OF SOUTH TRYON STREET BETWEEN YORK CENTER DRIVE AND JOHN PRICE ROAD FROM I-1 (LIGHT INDUSTRIAL) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said thank you. Yes. 2022-088 by Mecklenburg County. Ten and a half acres off South Tryon and John Price Road currently zoned to I1. Proposed zoning is for I2 conditional. The Policy Map does recommend manufacturing logistics for the site. So, this petition would be consistent with that request. The proposal would be to allow for all uses permitted in I2 with the

exceptions including adult care centers, armories, jails and prisons, adult establishment, crematory facilities, tattoo establishments, abattoirs, junk yards, C and D (Construction and Demolition) landfills. There's a substantial list noted on the plans. Those are just some of the more noxious uses in I2 that have been prohibited with this conditional plan. It does also limit the number of buildings on the site to nine. Commits to installing a 75-foot Class B buffer along the eastern and southwestern property boundaries. Those are the green areas there on the plan.

It does commit also to installing a 6-foot-high wall along the southern property line adjacent to South Tryon Street. Commits to installing a 10-foot-wide landscaped buffer with security fence and retaining wall along the western boundary. Also limits outdoor lighting to 35 feet in height and requires it to be shielded and downwardly directed. Also commits to the following transportation improvements: Dedication of 66 foot of right-of-way from centerline of South Tryon. That would also include an 8-foot planting strip and 12-foot multi-use path. Dedication of 36 feet of right-of-way from centerline of John Price Road with an eight-foot planting strip and 6-foot sidewalk along that frontage. Construction of a left turn lane at the eastern driveway with 150 feet of storage and striping of a two-way left turn lane from the eastern driveway to Logistics Center Drive. That's there on John Price Road. Also, construction of ADA compliant bus waiting pad along South Tryon to be coordinated with CATS, storing and permitting.

Staff does recommend approval of this petition. There are no outstanding issues. It is consistent with the 2040 Policy Map recommendation for manufacturing and logistics. We'll be happy to take any questions following the petitioner's presentation. Thank you.

Jeffrey Smithberger, 2145 Suttle Avenue said good evening and thank you Mayor Pro Tem, Council Members, Committee Members. I'm Jeff Smithberger. I'm with LUESA, Land Use and Environmental Services Agency for Mecklenburg County. I am your Director of Solid Waste for Mecklenburg County. It's our pleasure tonight to bring you this petition. We're excited to add this feature in the facilities that we have an operate in Mecklenburg County.

The screenshot that you see right now shows our existing facilities. About four years ago Mecklenburg County undertook a study of where we had recycling and disposal deserts for our community members in our community. The pink or magenta colors show a five-mile radius around our existing facilities. Our north Meck facility in Huntersville, our compost central facility, our Hickory Grove facility and our Foxhole facility. What we're looking at tonight is the number five in the screenshot. That is our facility at John Price Road. We're calling it the John Price Road Recycling Park.

This full-service facility will serve both residents and businesses for our community and it will fill a need and a gap in that area of our community and give all of our residents a great place to be able to come and recycle and throw those things away that they may wish to. This facility is also crucial for the infrastructure that we have for the collection efficiency for both the City of Charlotte and our programs that we have. The county is planning for the future needs of waste management for Mecklenburg County and this staffed facility will be part of that.

Public outreach. We've notified adjacent landowners of the project. We've held several meetings, both virtually and in person and Mecklenburg County Solid Waste also attended the last Steele Creek Resident Association meeting on October 11th to discuss this project. Here you see the vacant parcel. It's about 10 and a half acres surrounded primarily by industrial. This facility will have a two-story administration building for our staff to utilize. We'll also be utilizing electric vehicle chargers and solar powered facilities to the extent that we can. This is a picture of our material processing and collection area at our compost central facility. This is what the Steele Creek Center will be modeled after.

We have canopy areas where we collect and process things like televisions, electronics, refrigerators, freezers, microwave ovens and all of those things are hauled offsite to the various different processing centers that we utilize around the state of North Carolina.

We're a good neighborhood. We're committed to being a good neighbor. We are the only solid waste organization in the state of North Carolina to have an environmental management system with state approval. We look forward to any questions that we can answer tonight and if you have any questions, please email them to solidwaste@meckcounty.gov.

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

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ITEM NO. 27: HEARING ON PETITION NO. 2022-143 BY MECKLENBURG COUNTY FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.58 ACRES LOCATED ON THE EAST SIDE OF FOREST POINT BOULEVARD, NORTH OF WEST ARROWOOD ROAD, AND WEST OF NATIONS FORD ROAD FROM B-2 (CD) (GENERAL BUSINESS, CONDITIONAL) TO B-2 (GENERAL BUSINESS).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-143. It's just over 9½ acres. Just off Nations Ford Road on Forest Point Boulevard. It is currently zoned B2 conditional, and the proposed zoning is to just take that to a B2 conventional to allow all uses in the B2 zoning district. The adopted Place Type from the Policy Map does recommend commercial. So, this petition would be consistent with that Place Type recommendation. There is no site plan or conditional plan to speak of. No outstanding issues. Staff does recommend approval of this petition. It is consistent with the 2040 Policy Map recommendation. We will be happy to take questions following the petitioner's presentation if they have any.

Matthew Jones, 1019 Thornsby Lane, Matthews said thank you Mayor Pro Tem and Committee Members. My name is Matthew Jones. I'm principal engineering with Jones Civil Design. The applicant, Mecklenburg County really the rezoning is to remove the condition that does not allow the site to be used for anything other than a hotel. The existing hotel that's there would remain but that would become then an affordable housing use, managed and operated by Mecklenburg County for citizens that are in transition. The remainder of the property would be a park site. There is no intention to remove the hotel. So, that would remain there. What you see as mainly the northern portion of the site would then be a park. We are mainly here just to answer questions and county has representatives here as well. So, we can answer those if Council has any.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2022-046 BY THE SALVATION ARMY OF GREATER CHARLOTTE FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.98 ACRES LOCATED ON THE NORTH SIDE OF QUEEN CITY DRIVE JUST WEST OF THE INTERSECTION WITH SLOAN DRIVE FROM B-2 (CD) AIR (GENERAL BUSINESS, CONDITIONAL, AIRPORT NOISE OVERLAY) TO B-2 AIR (GENERAL BUSINESS, AIRPORT NOISE OVERLAY).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2022-046. It's just under 6 acres on Queen City Drive. It is currently zoned B2 conditional with an airport noise overlay. The proposed zoning is similar to the last, going just to a B2 conventional district. Again, maintaining that airport noise overlay. The adopted Place Type from the

2040 Policy Map does recommend commercial for this property and the general area in this location along Queen City Drive. Again, this is a conventional petition. So, there's no site plan, no outstanding issues to speak of. Staff does recommend approval of the petition. As mentioned, it is consistent with the Policy Map recommendation for commercial. The previous conditional plan was limited in uses just to an office and a hotel. So, those would be the only real conditions that would be alleviated or eliminated should this petition be approved. Again, it would be open to all B2 uses as a conventional rezoning. So, we'll be happy to take any questions following presentations by the petitioner and members of the community. Thank you.

Major Todd Mason, 4015 Stuart Andrew Boulevard said thank you. I'm happy to represent the Salvation Army here. We first would offer thanks to Councilmember Watlington and the Zoning Department for their kindness and guidance during this process. The Salvation Army has been part of the Charlotte community since 1904 working each day to try to meet human needs without discrimination, which is part of our mission. We do that in many different ways, but for purposes of today, I'd like to speak about our program specifically that serve people experiencing homelessness.

Our Center of Hope on Spratt Street, we serve about 300 people per night and that shelter provides emergency shelter, food, and critical wrap around services. While we're making strides every day along with the city, the county and our many partner agencies that we work in this space with, it has been our experience in recent years that one of the gaps that we've all been trying to help fill is a way to house intact families together while we work with them to get them out into affordable housing.

So, during the pandemic, when it hit, thanks to the support from our government partners and the community at large, we were able to safely serve individuals outside the walls of our traditional shelter by housing them in motel rooms across the city. We learned a lot during this process which occurred simultaneous with our own internal strategic planning efforts. So, we've been in the planning stages of growing our services to meet the increasing needs here in our community.

So, out of the pandemic we were presented an opportunity to lease and later purchase an efficiency hotel facility that we now call Booth Commons at Mulberry. We began moving families into that facility in July 2021. So, we've been in there about 16 months. With individual efficiency rooms equipped with bathrooms and kitchenettes, families are able to remain together. They are able to quickly become self-sufficient in preparing meals and enjoying them as a family, have a safe environment to live in as it relates to the COVID-19 (mild to severe respiratory infection caused by the coronavirus) pandemic. All the while they are experiencing complete access to our wraparound services such as case management, job training, housing navigation, food pantry and clothes closets and an onsite Boys and Girls Club for their children.

This is all while we work with them to help get them back into the community into their own affordable housing. Since officially moving into that space in 2021, we've been pleased with how our guests have responded. We've also been able to add 25 new jobs to this location as well as hire a variety of businesses and vendors. We are currently in the process of planning our renovations to the property. This includes a security or a perimeter fence and security systems, renovated rooms, a new playground and an expanded Boys and Girls Club area. We will eventually be able to serve 100 families in this facility. Booth Commons is really an example of what can happen when we all come together and really try to manage challenges and see what can happen when we allow others to restore dignity and have a sense of hope for tomorrow. Thank you so much for your time.

Ted Wozniak, 2228 Founder's Circle said thank you. My name is Ted Wozniak and I have the privilege of serving as the Chairman of the Advisory Board for the Salvation Army here in Charlotte. I'm really here representing the many community and civic leaders that sit on our board as well as the thousands of volunteers and donors that support the Salvation Army and its mission.

Mr. Mason, I think very adequately summarized what our petition is about. I just wanted to make a few points. First, we believe at the forefront of trying to solve the problems of homelessness and affordable housing and economic upward mobility and through Booth Commons we are able, we think, to serve many people that are transitioning from a position of homelessness to being members of the community again.

The second point I would emphasize is that we have received considerable support from the city and the county for this effort. Lastly, we are in the midst of a \$30 million capital campaign and have received significant commitments from major employers and civic leaders that are I think trying to line up behind us as we continue to try to build out this facility and others like it to serve the community. Thank you.

Parimal Tekor, 8632 Wilkinson Boulevard said thank you. My name is Parimal Tekor. I represent the hotels in the area along that corridor. I am also with the ownership group that owns the Holiday Inn Express immediately adjacent to this property. I want to start off by saying that we support the Salvation Army and their mission in keeping families intact and their efforts in helping homelessness. So, this is not in opposition the Salvation Army. However, I think our experience in the last 15 months has not been what was expressed earlier. We've experienced a lot of car break-ins, a lot of police calls. We've experienced a lot of security risks, vagrancy and loitering and it's with our property located immediately next to them. We've had a lot of guest complaints and a lot of business disruption because of it. That is our major concern.

We have reports from CMPD (Charlotte Mecklenburg Police Department) that show that disorder related calls have increased compared to before the shelter was established. We've received many complaints from guests and bad reviews from customers that have recently stayed and state that we are in an unsafe area and they do not feel secure at our hotels. So, we're very concerned about that. Guests pay a premium at our hotels to stay because they pay an occupancy tax to the city. That is a major benefit to the city because that is not a tax that is levied upon its citizens. It's a benefit to the city and its citizens because it's a tax based on money that comes from outside visitors. With this kind of disruption that we've been experiencing, it's lowering our occupancy levels which also affects the city because they're not getting their occupancy tax.

In addition to the expected loss in customers, we expect that it will reduce our ability to meet our debt coverage ratios and put us in jeopardy with our lending relationships because of the loss in revenue. We additionally, personally we own 11 acres immediately adjacent to this property. We have plans to build an additional hotel there. We have plans to build additional mixed-use retail and a 25,000 square foot event center. Some additional approximately \$60 million worth of investment in this area. The safety and security issues that we're experiencing is requiring us to take a hard look at whether we should be investing further in this designated opportunity zone. I think that's really important to note because this is designated as an opportunity zone because the city wants us to invest in this area. This is not good for business. It's not helping us. I think that's important to take a look at.

The site that the current shelter is sitting on used to be a hotel and we believe that the land use is currently inconsistent with the surrounding businesses and its adversely affecting the businesses in the area. We believe that removing the conditional use would keep us from being able to do what we do over there as businesses.

Amah Shah, 3412 Queen City Drive said so, kind of reiterating where he left off in the aspect that the primary corridor, this is right by the international airport, the Charlotte airport has been one of the biggest premiums where we've grown, we'd added it. It's become on the international stage, definitely on the US's stage. We consistently get international guests. We're the primary first perspective of what people think Charlotte is because when guests are stuck here in a layover, flight cancellation, we're their number one opportunity to have somewhere safe to stay. With that opportunity, they expect something in return, and that safety is what we're trying to provide our guests. Though safety hasn't been there of late, we've had people trying to squat in staircase/stairwell dwellings. We've had car break ins for extended guests parking their cars to leave and

come back. These consistent issues that we've had with homelessness in that area in general, if it continues, it'll have a great impact like he stated and will reduce the possibility of more investment in the area. Next to their 11 acres is another 20 acres of a hotelier trying to possibly build another hotel there and mixed-use and restaurants.

So, that whole corridor will be impacted by this one small opportunity. That's kind of the main gist of the point. Thank you.

Mr. Mason said certainly want to be a good neighbor no matter where we're located. I can't speak to who breaks in vehicles or who tries to squat. I can affirm that anyone who is Booth Commons has been fully vetted. They've gone through our intake process, and they wouldn't have a need for anywhere else because they have a room in Booth Commons. So, the residents that are there have been preapproved through our system and have a residence there until they are moved back out into affordable housing. We know that we are not going to shut our eyes to the challenges that we face in the community with homelessness issues. We're going to keep on the frontlines doing what we can do to help make that possible.

I do hope that a lot of these safety measures we're putting in place if the rezoning is approved, will make a difference and our hope is that we certainly want people to stay with us and those who are around us to feel safe. That is a commitment that we do make. So, thank you.

Councilmember Mayfield said I would ask for the Major to come back as well as for those who are speaking against to be close by. So, just for clarification and this question is for you Major. Currently, the facility is being utilized.

Mr. Mason said yes.

Ms. Mayfield said what you're requesting is for rezoning to potentially be able to build out. Have you had conversations with the petitioners who are against this particular proposal to try to address the concerns that they're having as far as the customers that are coming in and the potential residents? Because I did hear you say that you have a screening, but somewhere between the facilities, there is a potential opportunity. So, have you all been able to meet with each other and has there been any conversations?

Mr. Mason said yes after we learned about the rezoning request, we met with Councilmember Watlington and then we took her on a tour of the facility after that. We also communicated with the Northwest Alliance and received a favorable response from them of support. In the 15 months we've been there, we've received no calls, emails or notes of concern or questions that we were able to answer. We have not implemented a meeting with any of the hotel owners, nor have they with us. So, because we aren't required to have any public meetings, we didn't do that other than we wanted to do our due diligence with the council member and the alliance.

Ms. Mayfield said that helps. Do you by any chance, and this is a question you may or may not be able to answer. Do you foresee if this were to move forward, coming before council at a later date an additional request financially to assist with the rehab that you're considering for this facility?

Mr. Mason said no, not for this facility.

Ms. Mayfield said you mentioned that the residence may have an opportunity until they're able to find designated or specific housing, that they're able to stay there. Is there a window? Some places have 60 days, some have 90 days, or is it until they're able to find sustainable housing?

Mr. Mason said we really work with them case by case because they're all different. Some are simply trying to reconcile with family members who are they going to move back in with. Some just truly have nowhere to go. So, we're working with them to get them a housing voucher to move back out into affordable housing. So, the length of stay

can be anywhere from one month to six months. That's typically anywhere between that time frame is how long they would be there. Booth Commons is strictly though for families. We house single individuals, Veterans and survivors and trafficking at Center of Hope.

Terrie Hagler-Gray, Senior Assistant City Attorney said I just want to caution us. I know that this is a conventional petition. So, any of the uses available in B2 have to be considered. The petitioner, because it's not conditional, can't guarantee us anything. So, we asking these questions doesn't really guarantee anything because it's conventional.

Ms. Mayfield said okay. Thank you, Ms. Hagler-Gray, for the reminder, but I do want clarification. This is for those who were speaking against the petition. I do want to have a chance to hear from you since it was just mentioned that there has not been any outreach to the Salvation Army regarding some concerns regarding the safety of some of your customers and clientele. So, I wanted to give you a moment to just respond quickly if you have reached out or attempted to reach out regarding some of the concerns that you said you have heard from potential customers or in the form of reviews as far as it being an unsafe space. Have you attempted to reach out and have not heard back?

Mr. Tekor said so, today I'm here representing myself. However, there is an alliance of hotel owners and businesses in the area that have come together, and they are working on a response and do plan to reach out. In the interest of time, we knew the hearing was happening today, so we wanted to come speak on our behalf.

Councilmember Watlington said thank you. I appreciate the work of the Salvation Army and I thank you for hosting and giving me a chance to learn a little bit more about your facility and thank you for reaching out early on. So, I'm glad to hear some of the things you've already mentioned about security because as I look at the comments from the Freedom Division Advisory Council, those were some of the things they lifted up. So, I wanted to share with you what they've noted here. I appreciate you speaking to the number of incidents and what you've seen since you all have been there because that is also an area of interest for them as well.

This letter is being sent on behalf of the Freedom Division Advisory Council Northwest Community Alliance, BLOC (Business Leaders of Charlotte) and the owners/managers of hotels and other businesses within 300 feet of the proposed rezoning area. The FDAC (Freedom Division Advisory Council) and NCA are organized community groups who work closely with CMPD and the business communities to reduce crime and increase safety. Our goal is to improve the quality of life for those who live, work and play in our communities. We support the mission and vision of the Salvation Army and understand the need to house families in transition. We are also concerned about the increase in crime and decrease in safety in this area.

The location of this property is very close to the airport and many visitors to the city rent rooms in nearby hotels. Based on data from CMPD disorder related calls for service and criminal incidents have increased when comparing both metrics before and after a shelter was established. We have attached a copy of the report for your review. Please include the following accommodations to the petitioners as a part of the official approval for Rezoning Petition 2022-046 for Salvation Army of Greater Charlotte. 24x7 security guards or duty police officers on the property, security fencing all around the property, security cameras, proper lighting, no trespassing and loitering signs, community space for the residents that will be used for training, social events, etc. I know you've already spoken to a number of these, but just wanted to get your reactions to some of the bulleted items that were listed.

Mr. Mason said none of those are foreign to us. We currently have security there. We already have the quotes and actually the fence ordered and the security cameras as well, all with funding sources already identified.

Councilmember Johnson said thank you. I was excited to hear the presentation and look forward to supporting potentially. I think we need more transitional housing for homeless residents and that's going to get people off the street. So, kudos to Salvation Army and all of the organizations that provide transitional housing.

I do have a question for the business owners. When you spoke about the CMPD calls, have any of those incidents been tied directly to the tenants of the Salvation Army? Was that found? Do you know or is that just generalized?

Mr. Tekor said I can't speak directly to that, but I'm sure we can get that information from CMPD.

Ms. Johnson said okay. So, you also mentioned homeless in general. I kind of heard the homeless in general. There is a homeless issue here in Charlotte and we're doing our best. The city and county are doing our best to address that, and these types of transitional programs are needed. There aren't a lot of affordable housing options. So, if there's any way that you all can work together like Councilmember Watlington said, or we can address specific issues. We're happy to try to mitigate that, but I ask the residents of Charlotte to try to coexist with these types of organizations because it's the NIMBYism or the not in my backyard syndrome that makes it very hard for organizations.

Mr. Tekor said I agree with you. Like I said when I started, we're not opposed to the Salvation Army, we have no animosity towards them, and we support everything that they're doing for the citizens of Charlotte. I think what happens is I'm a child of immigrants. We came here with nothing, we know what it takes, and when we had nothing, I grew up buying a Coke was a luxury.

Ms. Johnson said right.

Mr. Tekor said so, I've been there before. I grew up that way. So, I know what that's like and it also hurts us when we see our hard work kind of disappearing because of something outside of our control. So, we're trying to protect our interests as well.

Ms. Johnson said I understand that, and I respect that. So, there has to be that balance.

Mr. Tekor said yes.

Ms. Johnson said so, I'm sure the Salvation Army will work to increase their security and if there's anything again that the city can do so that you all can coexist, because we really do need more transitional housing here in the city. Thank you.

Mr. Shah said I think one of the things to be noted and I think one of the small primary concerns is that the zoning change will open it up to where it's unconditional. They can do anything and we kind of would like some elaboration on what they're going to do and have some conditions may be in place to limit what they may or may not be able to do. I think the primary concern is we don't know; anything could happen with the conditions being taken away. So, they have a lot of land behind them as well, which is directly behind my property, the Microtel to the right of the proposal. So, I think the issue also there is elaboration of what's going to happen. Are there conditions that can be put in place to prevent certain things that could happen to solve a lot of the issues that are being raised.

Ms. Johnson said Okay. So, I would imagine the Salvation Army and any of the nonprofits or organizations know that they have to be good neighbors. So, I just imagine that if you all met and kind of worked that out, they'd be happy to work with you. Or if you reach out to the City, Councilmember Watlington, perhaps she can coordinate a meeting because it's important that these types of homes and neighbors and businesses coexist and collaborate to do what's best for the community. So, I imagine that they would work with you directly. Salvation Army is a great organization.

Mr. Tekor said I hope that's the case. I really do and that's what I want. I think Todd made great mention of all the good work that they want to do and how they want to do that at that location. It just has not been our experience so far in the last 15 months and that's what we want to address.

Councilmember Driggs said so, certainly we are inclined to be supportive of the Salvation Army, their mission aligns with a lot of our priorities, and I think you'll find that we're very positively disposed for that reason. At the same time, I do think some of the concerns that have been raised merit our attention and I'm kind of interested because the characterization of the situation right now sounds very different. Major Mason, you talk about how your guests are vetted and as if there is no reason why there should be a security issue. The protestors here are saying that there are in fact. So, I'm wondering how that comes about. I know from Moore Place in the old days that there could be an issue where friends and family and others related to the guests tend to congregate and therefore the area has a community around it. Have you seen any of that?

Mr. Mason said yes, alluding earlier to the vetting process regarding the people that are in Booth Commons have been approved to be there. So, I don't see why they would need to squat, the people that are in Booth Commons. Yes, we do have a lot of people in Booth Commons, so that brings a lot of families and friends that could potentially come onto the property which is our primary reason for securing the premises. So, the security gate will hopefully alleviate some of that stress.

Mr. Driggs said alright. So, it's hard to keep it from happening though. I mean the people who are inside aren't prevented from going outside to meet with others that they know, right? I mean it could still happen that there are gatherings. So, I'm just thinking about how we can make this safe so that you can proceed. Towards that end also I would ask the staff if we could get from CMPD a record of service request or they're impression of the security in that area and try to get some data around that to get a feel for it. So, I also hope that we'll be able to strike a balance and have a security solution that might allow us to proceed. I think that what we've been told by the opponents is of concern, particularly at that location near the airport. Thank you.

Councilmember Ajmera said so, I also echo my colleague's comments here. We appreciate the work that Salvation Army does and provides transitional housing and certainly much needed in our community. There are some concerns around safety and security and what's been presented and what's actually in reality are two different stories. That is concerning to me. I know that even Ms. Watlington read that letter, that was very helpful from Northwest Coalition, and they've also raised some of the concerns that speakers have raised in their comments.

So, I know one of the speakers had asked for conditions to this rezoning petition, but this is a conditional rezoning and Ms. Hagler-Gray, correct me if I'm wrong, but you cannot have conditions with a conventional rezoning. So, that's a concern for me because this is a conventional rezoning. We cannot discuss much in that. Our hands are tied here. That's a major concern for me about this rezoning. I would like to, as some of my colleagues' points, about CMPD data. I'd like to see what's in the report and what we can do to address safety measures. There needs to be some sort of resolution before it's adopted next month, because this certainly has been going on for 15 months, not just based on what speakers said, but also based on what neighborhood coalitions have said. That is certainly very concerning. So, I hope we can address that, which has not been addressed in 15 months, maybe in the next four weeks. Certainly, thank you. That's all I have.

Councilmember Bokhari said just two quick points. One, when you have facilities that do good work like this, but obviously do it with a very challenging problem statement in front of them, it comes with a great deal of responsibility to ensure controls are in place that ensure that the impacts that bleed out into the neighborhood, which are guaranteed to occur are managed. So, I know your organization and I know you guys do great work, but I think that's something that all of us are interested in understanding, especially as that mission grows, how that's going to be controlled. We can ask CMPD for things, we

can do extra patrols, we can do stuff like that, but at the end of the day it's the control inside the structure of the program you have that achieves or does not achieve it. So, I'll be interested to see what the follow up is there.

I think just a basic question though. I understand the time based and cost-based reasons and flexibility based reasons someone would want a rezoning like this. Why not do a conditional rezoning just given the sensitivity of all of this. What's the thought process?

Mr. Mason said we took the advice of the city when we purchased the hotel, and we were encouraged to have a pre-zoning hearing and it transpired from there.

Mr. Bokhari said so, this is a city recommendation?

Mr. Mason said when we meet, we recommend whether or not conditions can be imposed given the conditions around the surrounding property being all commercial and the Place Type being commercial. We felt it was consistent with everything. Didn't see an immediate need to conditions, but certainly talking through this, it may be something that we need to explore, but at the time we did not.

Mr. Bokhari said yes, just given all of this stuff, there is nothing that these folks in opposition have said that isn't 100 percent fair in my mind.

Mr. Mason said yes. We had a similar petition just the last one that was very similar in nature as far as providing similar housing outcomes.

Mr. Bokhari said to the Mayor Pro Tem's point, this follows not the Salvation Army, this follows the land. I can't imagine a world where with everything going on out there, I don't want to jack up the timeline and the price. I understand we're trying to gear more towards that world, but this is unique.

Ms. Watlington said to that, I was going to ask the nature of the conditions, these things that are operational and not so much land use. Maybe this question is really for our attorney. If we were to do conditional on this, would the types of things that have been brought up be something that would be within reasonable realm in terms of conditions given that it's not necessarily land use, but it's operational?

Ms. Hagler-Gray said I'll refer to Dave, but I think that these are some of the issues that have been raised, are typically things you would see as conditional notes.

Mr. Pettine said yes, they could be addressed as conditions.

Ms. Watlington said okay, cool. So, then just as I look around the room, I'm seeing a couple of nods that that might be your best bet at this point.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2022-045 BY DREAMKEY PARTNERS FOR A CHANGE IN ZONING FOR APPROXIMATELY 16.43 ACRES LOCATED AT THE SOUTHWEST INTERSECTION OF WHEATLEY AVENUE AND ELLINGTON STREET, NORTH OF BILLINGSLEY ROAD FROM O-1, O-1 (CD), AND R-5 (OFFICE, OFFICE, CONDITIONAL, AND SINGLE-FAMILY RESIDENTIAL) TO UR-2 (CD) AND UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Councilmember Ajmera left the meeting at 7:42 p.m.

Mayor Pro Tem Winston declared the hearing open.

pti:mt

David Pettine, Planning, Design & Development said alright, 2022-045, 16½ acres on Wheatley Ave., and Ellington Street. It's currently zoned to O1, O1 CD and R5. Proposed zoning is UR2 and UR1 conditional. The adopted future Place Type is campus and Neighborhood 1 just one just on that small portion there on Rodman Street. Proposal is to commit to sell or rent residential units at 80 percent AMI (Area Median Income) as specified below. We have three different development areas. Development Area A would be up to 160 multi-family units as well as ADA age restricted independent living units in a building with up to 2,000 square feet of general or medical office and up to 38 townhome style attached units.

It does request an option to exchange or convert allowed unit types. Max height would be 69 feet for all multi-family buildings and 52 feet for single family attached townhomes. Ordinance required parking standards would be met and provide a minimum of four EV (Electric Vehicle) parking spaces for the multi-family community. Will contain at least 10,000 square feet of improved open space identified on the site plan as the Village Green, that's there in the middle. The proposed age-restricted building will also have an additional minimum of 1,000 square feet of improved open space. Attached dwellings will have 400 square feet of private open space per unit or 10 percent of the site would dedicate to useable common open space. No more than six units per building would be allowed for the townhome portion.

Development Area B would be up to 30 single family detached units and duplexes. They would have a max height of 42 feet. Development Area C would be one duplex at a max height of 42 feet. That's the small portion up there on Rodman. It does also provide the following transportation provisions: Development Area A and B from Wheatley Ave. and Ellington Street would connect via a new public street which would be constructed through the site. Then townhomes along Ellington and Wheatley would have individual driveways. Townhomes along the extension of Wheatley will be rear loaded with no individual driveways to Wheatley Avenue. Staff does recommend approval of this petition upon resolution of outstanding issues related to transportation and future trail connections. It's both consistent and inconsistent. Generally inconsistent with the campus recommendation. This would go to more of a Neighborhood 2 outcome, but staff doesn't have any significant concerns with the transition from that campus to a Neighborhood 2 in this location. We'll take any questions following the petitioner's presentation. Thank you.

Keith MacVean, 100 North Tryon Street, Suite 3300 said Mayor Pro Tem and Members of Council, Members of the Zoning Committee. Keith MacVean with Moore and Van Allen. Jeff Brown of our firm and I are assisting DreamKey partners with this petition. With me tonight and available to answer questions is Fred Dodson, the COO (Chief Operating Officer) for DreamKey Partners as well as Sammy Jackson, Jarrod Jones, Jennifer Duru as well as Tiffany Capers with Crossroad Corporation.

DreamKey partners in partnership with Mecklenburg County and Crossroads have been working on this mixed income community since late 2020 actually going back to 2019. There has been a number of meetings for the community to present the plans for the redevelopment of this site. I'll highlight a couple. Meeting in early 2021 where there were concerns about an age restricted community that DreamKey Partners was building on Marvin Road. It was agreed at that time that the age restricted community would be part of this mixed income community and the Marvin Road site would be built with family homes instead.

Then there was an additional meeting on June 5th of 2021 with the Billingsly Neighborhood. These are pictures from that meeting. It was at the actual site where DreamKey Partners and their partners met with the communities to describe what would be happening on the site, the type of residential units and how the site would be redeveloped. There's been an additional investment, both from the federal government and Mecklenburg County in this community. We've also had four meetings with the Grier Heights representatives to talk specifically about the rezoning petition starting in August of this year. We had an in-person meeting and a virtual community meeting and also additional follow up meetings with the Grier Heights Community Improvement

Organization. Conversations with the community are ongoing and will continue to be ongoing as this moves forward.

Dave described the site to you. Just over 16 acres, a variety of zoning. It is developed in an office building that is currently being used by the sheriff but a lot of it is also vacant. Place Type, it is campus, but we feel substituting or replacing campus with neighborhood Place Type makes sense here. It makes a good transition to the other Neighborhood 1 and Neighborhood 2 Place Type the side adjoins. It does meet seven goals of the 2040 Plan as Dave has pointed out in the staff analysis. Then just specifically to the site plan, we do have a variety of residential types. Townhomes and single family will be for sale. They'll be apartment family units that will be for rent along Wheatly and then a senior facility also with units for rent there and as well as a 2,000 square foot medical facility that will be integrated into the senior facility itself.

We are working with the county to provide a trail system and make a connection from this site to the Billingsley Road Park. I'd be happy to answer questions.

Councilmember Mayfield said so Mr. MacVean, you have what I'm seeing in here in the proposed request details is to request an option to exchange or convert allowed unit types within this development area so long as the total number of allowed units is not increased. So, from the proposal and based on what we're seeing with the need in the community, do we have an idea if that could possibly leave more rental versus ownership? Because I'm concerned that line is even in there to give a little leeway.

Mr. MacVean said no. A good question. We added that to provide DreamKey Partners a little bit of flexibility on the unit types since we were very specific about up to 30 single family, up to 38 townhomes and so forth. So, we wanted some ability in case there was more need for townhomes or more need for single family that you could borrow from the apartments. If the apartments needed to grow by one or two units then you could go to the other way, but I'll let Fred maybe address it. It's again more flexibility. I think this is the program, but just wanted a little bit of ability to modify the plan as it went further along. Fred, anything you want to add?

Fred Dodson, Jr, 4601 Charlotte Park Drive, Suite 350 said thank you Keith. Thank you, Mayor Pro Tem and City Council Members. We developed this design based on feedback from Mecklenburg County. They submitted an RFP (Request for Proposal) where they asked for multigenerational affordable housing both for sale and rental homes. So, that was the basis of this plan that we have before you. We're not at the stage now where we have engineered drawings. There may be site related issues that may require us to make some changes to some of the units, but hopefully this is very close to the final, but we have a long way to go.

Councilmember Anderson said so I have had interactions with several constituents in Grier Heights as well as you all and had conversations around this project. I would like to convey that the constituents in Grier Heights look and view DreamKey Partners as a dear near partner in the community. So, they like the involvement that they have with you. One of the major pushbacks that I'm hearing about this effort is the restricted age facility for seniors. There is a feeling in the community, a sense that they have had age restricted living developed over the last several years in that community and that they have capacity for housing for restricted age seniors. They want to have flexibility as we just discussed for the other housing types to maybe flex down the number of units for the age restricted living facility. I see you have the language here that says up to 80, but can you expound and add some color around what your plans are for the age restricted facility?

Mr. MacVean said I think the one thing that's important for us to emphasize is that when we first started working on this neighborhood and first started having conversations up to three years ago, we pledged to listen to the neighborhood, and we've done that. This is a result of those conversations, but we're not done listening. We think that there's a tremendous need for age restricted housing even in our own portfolio. We did a survey and we found that there's almost 800 people on the waiting list for our senior

community. So, there is a tremendous need for senior housing. Grier Heights is a very young neighborhood demographically. So, we understand where that concern comes from. Even in that neighborhood there's a need for additional senior housing, but we will continue to talk to the people and get their feedback and continue to refine our plan.

Ms. Anderson said thank you. Of course, we've had conversations, myself and all of you. I think it would be great as we continue through this process to circle the wagons with some of the key constituents so they can hear what your plans are and come to a common ground. Thank you.

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

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ITEM NO. 30: HEARING ON PETITION NO. 2021-275 BY ABACUS ACQUISITIONS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 7.54 ACRES LOCATED ON THE WEST SIDE OF GRIMES STREET, NORTH SIDE OF FRANKLIN AVENUE, EAST SIDE OF NORTH GRAHAM STREET, AND SOUTH SIDE OF WEST 28TH STREET FROM I-2 (GENERAL INDUSTRIAL) AND R-5 (SINGLE-FAMILY RESIDENTIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Rezoning Planner said approximately 7.54 acres on the west side of Grimes Street, north side of Franklin and east side of North Graham, southside of West 28th Street. You see the site is currently zoned I2 and R5. The R5 is basically the south southern corner of the site. Proposed zoning is MUDD, CD, mixed used development district, conditional. The 2040 Policy Map recommends Neighborhood Center for basically the northwestern portion of the site and Neighborhood 1 for this southeast part of the site.

The proposal would be for up to 370 multi-family units, up to 31 townhome units at a height of 65 feet for the multi-family and 40 feet for the townhomes. It constructs a 12-foot multi-use path and an 8-foot planting strip along the site's frontage of Graham Street and an 8-foot sidewalk and 8-foot planting strip along all the other public street frontages as well as both sides of the proposed Bancroft Street extension. It does construct that extension of Bancroft Street. Installs a left-hand turn lane westbound approach on West 28th Street at Graham with 150 feet of storage. It upgrades the crossings and ramps at the northeast and southeast quadrants of Graham and 28th Street.

Class C 31½-foot buffer with either a berm or a fence adjacent to the two single family homes at the southern corner of the site. Provides amenity space which may include a various number of amenities and provides architectural details for both the multi-family and the townhome development. Staff recommends approval of the petition upon resolution of the outstanding issues related to transportation items. It is consistent with the 2040 Policy Map recommendation for a Neighborhood Activity Center for the northwest part of the site. It is inconsistent with that Neighborhood 1 Place Type for the southeast half of the site. Staff does feel that it provides housing options to the area and provides a compatible and appropriate development adjacent to the existing single-family neighborhood on Graham Street and Franklin and Bancroft. Commits to enhance building design and features and provides the multi-use path sidewalks along the frontages. Additions could facilitate goals one, two, five and six of the Comprehensive 2040 Plan.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown on behalf of the petitioner. I will expedite as we have a long agenda. As John has mentioned, I'll just include a couple of photos. This is a site that has not been in contribute to the neighborhood for many years. I think there's a kind of a welcome seeing something new

here. One of the points I want to reiterate is this current industrial use had really cut off the neighborhood. So, one of the very positives about this petition will be the restoration of the traditional street network, Bancroft coming through the site bringing in residential uses. As John mentioned, kind of feathering around the edges, townhome style units to transition to the neighborhood. So, that said, happy to take questions.

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

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ITEM NO. 31: HEARING ON PETITION NO. 2021-279 BY CRESCENT COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 61.01 ACRES LOCATED WEST OF DIXIE RIVER ROAD AND SOUTH OF SADLER ROAD IN THE RIVER DISTRICT FROM R-3 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO MX-2 (INNOV) (MIXED-USE, INNOVATIVE, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Rezoning Planner said this is approximately 61.01 acres on the west side of Dixie River Road, south of Sadler Road in the River District. The site is currently vacant and zoned to R3, single family residential and the proposed zoning would be MX2, innovative. Not going to read all that out, but it's basically mixed use innovative and a stormwater protected area. The 2040 Policy Map recommends Community Activity Center for this site and the surrounding area. Up to 488 residential units, 150 of which may be single family detached at a density of eight DUA. It provides lot standards and innovative provisions for those single-family detached homes with lot size of 2,500 square feet, minimum lot width of 30 feet and building coverage of 70 percent.

Lot standards and innovative provisions for the single family attached which include a lot size of 1,700 square feet, width of 15 feet and building width of 75 feet. Maximum of five units per building for the single family attached units that front public or private streets. Porches and stoops and blank wall limitations for corner and end units. Commits to a number of transportation improvements including ramps at West Boulevard and I485 which would install a traffic signal and restriping. The Dixie River Road Access A, right in, right out access with a median on Dixie River. At Dixie River and Access B, there would be a northbound left turn lane.

At Sadler Road and Access C, a full movement access that would implement the Dixie River Road approved cross section to include two 10-foot travel lanes and 5-foot on-street parking, curb and gutter, 8-foot planting strip, 6-foot buffered bike lane, and 8-foot sidewalk. Reserves a minimum of 15 percent of the site for passive open space and 5 percent for active open space. The staff recommend approval of the petition upon the resolution of outstanding issues related to transportation, environment and site and building design. It is consistent with the 2040 Policy Map recommendation for Community Activity Center Place Type for the site. I'll take any questions after Ms. Grant's presentation.

Bridget Grant, 100 North Tryon Street said excellent, thank you. Good evening, Mayor Pro Tem, Members of Council, Members of the Zoning Committee. My name is Bridget Grant. I'm a land use consultant with Moore and Van Allen. Pleased to be here tonight representing Crescent Communities on their rezoning of this piece of property. As you may recall, Jeff Brown and I worked on this rezoning several years ago and it's part of and adjacent to the overall River District. This is really just an extension of that overall vision and plan. Given we have no opposition, a positive community meeting and positive staff support and the number of cases you have on your agenda, I'm happy to take any questions.

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

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ITEM NO. 32: HEARING ON PETITION NO. 2022-013 BY CHARLES T. CARPENTER FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.664 ACRE LOCATED ON THE NORTH SIDE OF JOYCE DRIVE, WEST OF MILTON AVENUE, AND SOUTH OF THE PLAZA FROM R-4 (SINGLE-FAMILY RESIDENTIAL) AND B-1 (NEIGHBORHOOD BUSINESS) TO B-2 (CD) (GENERAL BUSINESS, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2022-013. It's 0.664 acres on Joyce Drive, west of Milton Avenue, south of The Plaza. It's currently zoned to R4 and B1 and the proposed zoning is for B2 conditional. The adopted Place Type in this area is for Neighborhood Center. You can see some Neighborhood 2 as well as Neighborhood 1 in the area as well. Proposal is to allow a parking area with 18 spaces to serve an existing auto repair facility. The parking there would be on plan left. There's like I said 18 spaces in that area. They would also provide a Class B buffer along the portion of the property lines that abut existing single-family home and an existing daycare facility. The home is to the rear, the daycare is to the left. The buffer width may be reduced 25 percent with provision of a wall or a fence. Also notes that no changes are intended for existing building or the existing parking in front of it. So, mainly this rezoning, while it includes both parcels, it mainly focuses on improvements to the left side where those new parking spaces would be.

Any additions or redevelopment of the existing building or existing parking would require compliance with all standards of the B2 district. Staff does recommend approval of this petition. I have some outstanding issues related to transportation and site building design to resolve. It is inconsistent with the Neighborhood Center Place Type. I will say that Neighborhood Center does allow a smaller auto repair type facility. However, some of the conditions that would need to be met in order for that to be consistent with the Neighborhood Center because this is an existing business, they would have to basically start over and kind of rebuild to some of those standards.

So, staff doesn't have major concerns with it being inconsistent with the Place Type. It would take it to commercial versus Neighborhood Center. Just to get an idea, a facility like this could be constructed if some additional standards would be met for new construction. Again, knowing this is an existing building, we're really trying to resolve the parking issue. Staff didn't have any significant concerns and does support the petition moving forward. So, with that, we'll take any questions following the petitioner's presentation. Thank you.

Maria Garver, 121 Gilead Road, Huntersville said thank you. Good evening. My name is Maria Fernanda Garver and I'm here from HensonFoley a civil engineering firm campaigning for Charles T. Carpenter. The purpose of the rezoning is to propose a new parking to serve the existing auto repair facility and associated parking. Existing zoning, B1, R4 and the proposed zoning, B2 CD with conditional notes to propose a minimum of 22-foot Class B buffer. In this case, the total area is 0.664 acres that would be a 27 foot buffer width 20.25 foot with fence.

No change would exist for the existing building or existing parking. Any additions of the existing building or the existing parking would be required to comply with all the standards of the B2 district. Conditional notes. The petitioner commits to construct an eight-foot planting strip and five-foot planting sidewalk along Joyce Drive with 28 right of way from Joyce Road. I think that's all. If you have any questions, we'll be here, and the team will be there to help you out if you have any questions.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2022-016 BY VISION PROPERTIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 25.91 ACRES LOCATED ON THE EAST AND WEST SIDE OF CARMEL COMMONS BOULEVARD AND EAST SIDE OF CARMEL ROAD, SOUTH OF PINEVILLE-MATTHEWS ROAD FROM O-1 (OFFICE) TO MUDD-O (MIXED-USE DEVELOPMENT DISTRICT - OPTIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Rezoning Planner said okay, 25.91 acres on the east and west side of Carmel Commons, east side of Carmel Road, and south of Pineville-Matthews Road. The site is currently developed with three existing office buildings that are zoned O1 and proposed zoning would be MUDD-O, mixed use development optional. The 2040 Policy Map recommends Community Activity Center Place Type for the site. The proposal would divide the site up into three development areas. You have development area A which would be for 282,483 square feet of existing office space, 10,000 square feet of medical office and 4,700 square feet of retail. The drive-through use would be limited to 4,700 building. So, that's basically the northern section of the site.

Area B would be for up to 360 multi-family dwellings. That's the southeast corner of the site. Area C, up to 74,517 square feet of existing office, 10,000 square feet of retail or 360 multi-family units, resulting in a total possible of 720 dwelling units on the site. So, that would be the southwest corner of the site.

The prohibited uses would be car washes, gas stations, convenience store and single-story self-storage facility. The maximum height of 85 feet. There are some optional provisions to allow the existing buildings to remain to allow parking between those buildings and streets and also between new buildings and the streets at specific locations. Also, an optional provision to allow one drive-through use and streetscape deviations to preserve existing trees near the road frontages. An optional provision for signage for the existing tenants.

Access would be from a new street that would be constructed per the rezoning, basically for the Publix north of this site. So, that's the dotted line just to the north kind of off of the site plan. They would be tying into the access. They would also be constructing an east-west street utilizing some of the existing driveways and movements through the site to the eastern property line. Then also provides additional transportation improvements around the site at different intersections. It constructs a buffered bike lane and planting strip on Carmel Road and then an eight-foot planting strip and six-foot sidewalk on Carmel Commons.

There's architectural standards and if a structured parking deck is constructed on Area B, it would be fully wrapped. Staff recommends approval of the petition upon the resolution of the outstanding issues related to site and building design, technical revisions, the site and building design and land use. It is consistent with the 2040 Policy Map recommendation for Community Activity Center. I'll take any questions after Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown on behalf of the petitioner. Again, I'll try to expedite because of your agenda tonight. In a nutshell, this is an aging office development, really functionally obsolete but in a mixed-use center. So, looking at redeveloping those, providing housing really meets kind of all the visions of your 2040 Plan, bringing new housing in the area, walkable. Last year we approved on the adjacent parcel. One of those old offices is going away and becoming a Publix. So, I think this is exciting to bring some residential into the area, replace some of these old buildings and have a real legitimate mixed-use walkable center here.

To fast forward to what's interesting tonight, I think you'll hear from the opposition. I'm going to move quickly. My understanding, I think Mr. Ken Davies attorney is here on behalf of the owners of this office condominium at this location. The issue is there's a connection between the two sites. Here it is. So, they have a private drive that runs between Pineville-Matthews or 51 to our center. So, that is a look at it. This is a look at it from Google Streets. So, you can see it's a pretty substantial driveway. My understanding, I'll let Mr. Davies articulate that, is the adjacent owners are concerned about traffic through their development. We certainly understand that. We're open to ways to solve it. I think it's fine with us if we don't want to have that connection at all and the city's okay with it, that's fine with us.

So, I'll just say this is a great development overall. We understand the neighbor's concern about the connection, and we are happy to accommodate it as long as we can figure out a way that's workable with the city to accommodate it. So, we'll continue working with the adjacent owners, the city, staff and Councilmember Driggs going forward. Happy to turn it over to Mr. Davies.

Kenneth Davies, 2112 East 7th Street, Suite 200 said good late evening Mayor Pro Tem, Members of the City Council, Members of the Zoning Committee, Ms. Terrie Hagler-Gray. Pleased to be here. My name is Ken Davies and, as Mr. Brown indicated, I represent the Carmel South Professional Center Condominium Association. With me is Mr. Tom Whiting. He's the president of the association. That property is about 7 acres. It consists of 8 buildings with 25 commercial condominiums, housing, commercial, educational, professional, health, legal services.

The important point is it fronts on Pineville-Matthews Road and therefore because an old private access easement is a ready means to get from the rezoning property, property subject to rezoning, to Pineville-Matthews Road. I had a conversation with Mr. Brown before the meeting. I think we have a tentative agreement to close that access point provided we can get the blessing of the C-DOT. So, that would resolve our sole issue. We can fully support this project if we could just close that access easement. What is anticipated is the 360 residential units in section B of the rezoning property would easily use that to access the property over my client's property, which they are maintaining solely on their behalf, insurance and taxes and is an unfair burden to put on them. I think that frankly the petitioner agrees.

I'll keep it very brief. This is a very old, well 2001 if you think that's very old, access easement that was put on privately and is entirely private. So, it services the property to be rezoned if it's rezoned and they certainly have the right to waive that access if they wish. So, we'll work together, try to get that done before the vote and hopefully we'll all be here supporting 100 percent this project. Thank you.

Mr. Brown said yes. That's all. I'll just point out as John mentioned, our development is building a new street network. Our properties will have plenty of access out to the public streets. We do feel like the connection benefits the condo owners, but if they don't want it, and it's okay with the city, we'll find a way forward over the next month. Thank you.

Mr. Davies said one thing I forgot to say is there's a safety issue with all that extra traffic coming through because there's kids in there.

Councilmember Driggs said yes. So, a couple of questions for clarification for the staff. It says the vehicle trip generation in the existing use is 12,000 based on 137,000 square feet of office. The entitlement is 2,660 based on 259,000 square feet of office. How does that work?

Jake Carpenter, Charlotte Department of Transportation said I think that the net difference is around 4,760. So, there may be a typo in the staff report, but we did do a traffic study for the development. It did trip our thresholds and we went through that process with the developer.

Mr. Driggs said alright. So, if it's a typo that's fine. Option A and Option B you refer to, is that related to whether or not that you end up with the additional 360 residential units? There were two possibilities. Is that what Option A and Option B is?

Mr. Carpenter said correct.

Mr. Driggs said also, what is the acreage of each of the development areas?

Unknown said we don't have the exact breakdown of the development areas. I don't know if the petitioner does, but we could certainly get that to you in a follow up if the petitioner doesn't have it handy.

Mr. Driggs said last question. Do we have an idea of what the actual traffic generation is there? I'm not sure all those buildings are currently in use, are they, that are in there?

Mr. Carpenter said I don't believe that we did existing counts for the existing unit, but for the traffic study we really focused on what the additional would be from what's actually built. So, it was assuming that they were full and then we studied the additional traffic on top of that.

Mr. Driggs said is at least one of the buildings not actually currently in use? Is that accurate?

Mr. Brown said the Publix building had been completely vacant. I'm not sure if any of these are completely vacant.

Mr. Driggs said alright, we can talk about that some more. I just want to make sure we have a handle on how much traffic compared to the actual today we're likely to see from this. Otherwise, appreciate the presentation.

Councilmember Johnson said while C-DOT is at the podium, I wanted to know if you could elaborate on why the easement is being recommended by staff?

Unknown said that's an existing cross access easement. That wasn't a C-DOT requirement, and based on it being a private drive connection, we have no issues with removing that connection. As part of the traffic study, they are proposing a traffic signal at Bennington. So, that gives access out the southeast side of the development and up towards 51 to the north. So, that connection really would be up to the property owners and we're okay with that going away if needed.

Motion was made Councilmember Johnson, seconded by Councilmember Mayfield, and carried unanimously to close the hearing.
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ITEM NO. 34: HEARING ON PETITION NO. 2022-018 BY MCRT SFR INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 77.20 ACRES LOCATED SOUTH OF JOHNSTON OEHLER ROAD, EAST OF PROSPERITY CHURCH ROAD, AND WEST OF MALLARD CREEK ROAD FROM R-3 (SINGLE-FAMILY RESIDENTIAL) TO MX-2 (MIXED USE).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2022-018 is 72.2 acres as mentioned at the end of Johnston Oehler private drive, also a connection down there to the existing single family proposed down there off of Ernest Russell Court. It's currently zoned to R3 and the proposed zoning is for MX2. The adopted Place Type from the Policy Map does recommend Neighborhood 1 for this site. You can see campus and parks and preserve and a Community Activity Center just off to the northeast there. Proposal is to allow up to 268 townhouse units. That would come in at

about 3.7 dwelling units per acre. So, relatively low in terms of density. It does convert that private drive of Johnston Oehler into an improved public street from site the boundary of the site up to the intersection with the main Johnston Oehler Road. It does provide a 10-foot multi-use path, a six-foot sidewalk, and eight foot planting strip along that drive as well. Access to the site would be provided both there and to a connection to Oak Street. That's the bottom corner where you see the red arrow kind of pointing there to Ernest Russell Court.

It does provide a stub for future connection in the northern part of the site. It's there at the top left corner. Provides also transportation improvements on Mallard Creek Road and Johnston Oehler Road including pedestrian signals, improved curb ramps and flashing beacons; 8-foot planting strip and 6-foot sidewalk would be provided along all public roads within the site. 50-foot Class C buffer would be around the whole perimeter and also common open space that includes potential amenities such as dog parks, seating areas, play areas and other amenities that encourage outdoor gathering. This project is also in very close proximity to Mecklenburg County Parks and Rec Facility. So, also has some built in amenities through that relationship there from the land use perspective.

Staff does recommend approval of this petition. I do have some outstanding issues related to transportation to work through. It is inconsistent with the 2040 Policy Map recommendation for Neighborhood 1, but at a 3.7 dwelling units per acre density and providing some of the additional housing type in the area for some single family attached, staff didn't have any significant concerns. We'll be happy to take any questions following the petitioner's presentation. Thank you.

Bridget Grant, 100 North Tryon Street said good evening, Mayor Pro Tem, Members of Council, Members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore and Van Allen. Pleased to be here tonight on behalf of Mill Creek Residential and Willie Morris. We also have with us Timmons Design Group and Katie Bradley. Staff did a great job on their presentation. So, I'm just going to show you our colored rendering. One of the biggest assets of this plan is that we're turning a private street into a public street providing direct connectivity between not only the residents that are being developed, but also some of the existing residential neighborhoods that provide walkability through sidewalks and bike paths directly to the schools and the parks in the area. With that, I'm happy to answer any questions.

Councilmember Johnson said this is for staff. Page five in this packet, there are some petition numbers and the statuses. Again, if I could get the number of trips for those two petitions and can you tell me how close those are in proximity to this petition?

Mr. Pettine said they don't appear to be very far. 2020-088 and 061 were adjacent to one another just on Prosperity Church. So, really just separated by three large parcels to the east maybe within a mile of the site.

Ms. Johnson said okay. Again, I know there's quite a bit of multi-family development in that area, I've heard from the residence. So, if I could get a more cumulative view of the impact on this area. So, if I could have the traffic numbers for all three of these petitions that would be great.

Councilmember Driggs said just a quick question. That density of four looks remarkably low in this day and age. How much of this land is actually usable? Is there a topography or some issue that makes it not all usable?

Ms. Grant said there's a Duke easement through the center of this site. So, if you look at the green swath directly across the center, that's a Duke easement that we can't build in.

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

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ITEM NO. 35: HEARING ON PETITION NO. 2022-026 BY CROSS COMMERCIAL REAL ESTATE GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.15 ACRES IN THE SOUTHEASTERN CORNER OF THE INTERSECTION OF STEELE CREEK ROAD AND SHOPTON ROAD WEST FROM R-3 LLWPA (SINGLE-FAMILY RESIDENTIAL, LOWER LAKE WYLIE PROTECTED AREA) TO NS LLWPA (NEIGHBORHOOD SERVICES, LOWER LAKE WYLIE PROTECTED AREA).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2022-026 it's just over three acres off Steele Creek Road and Shopton Road West. It is currently zoned to R3. It has a Lower Lake Wylie Protected Area overlay on the property. The proposed zoning is for neighborhood services or NS, also maintaining the Lower Lake Wylie Protected Area overlay. The adopted Place Type would be Neighborhood 1 for this property. You can see commercial and Community Activity Center surrounding it on the other corners. So, the proposal for this is up to 25,000 square feet of neighborhood services uses limited to financial services, pharmacy, office, medical office, daycare, and eating and drinking, and entertainment establishments with drive-through. Would require C-DOT and NCDOT (North Carolina Department of Transportation) approval of the stacking analysis to allow a drive-through facility. That would occur in permitting.

It does commit to a Class C buffer where adjacent to properties that are residentially zoned or developed. Limits building height to 45 feet. There are some transportation improvements that have been committed to. That would be dedication of 60 foot of right-of-way from the centerline of Steele Creek Road and then 65 feet from the center line of Shopton Road West. Would implement an eight-foot planting strip and six-foot sidewalk along the Shopton Road West frontage and then an eight foot planting strip and 12 foot multi-use path along Steele Creek Road, or pay in lieu if approved by C-DOT. Construction of an eastbound right turn lane with 100 feet of storage at access point on Shopton Road West.

Also, construction of a southbound right turn lane with 100 feet of storage at access point on Steele Creek Road. Extension of the median on Steele Creek Road to 100 feet past the proposed driveway radius and then also construction of a bus waiting pad on Steele Creek Road to be coordinated with CATS in permitting. As mentioned, staff does not recommend approval of this petition in current form. We would like to see the removal of the EDEE (eating/drinking/ entertainment establishment) with drive-through in this particular location. It is inconsistent with the 2040 Policy Map for neighborhood 1. This would take this to more of a commercial Place Type. So, wanted to note that as well. We'll be happy to take any questions following the petitioner's presentation. Thank you.

Jeff Mangas, 601 South Cedar Street, Suite 101 said thank you. Jeff Mangas, ACRO Development Services here to present. The first thing I'll say is we worked with staff on this specific case and still willing to work with them. So, we will remove as requested the drive-through associated with the EDEE. So, we've agreed to do that at this point. Also just want to reference that we have been working with the neighbors and I believe approximately 75 percent have been contacted or are in agreement with what we're proposing here. I think it's kind of an extension of what's naturally happening in the area with a lot of commercial development that's occurring. This specific parcel is currently residential, and I think the homeowner is trying to figure out the highest and best use of what's there today and what they can do. So, it's naturally migrating to more of a transition area between the commercial that's happening across the street and to the north and it's kind of a transition into the residential that's surrounding them. So, with that, here to answer any questions you may have.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2022-030 BY VLASTIMIL DIDIK FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.36 ACRE LOCATED AT THE SOUTHEAST INTERSECTION OF MATHESON AVENUE AND PINCKNEY AVENUE, WEST OF CLEMSON AVENUE FROM R-5 (SINGLE-FAMILY RESIDENTIAL) TO UR-1 (CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Rezoning Planner said alright, this is 0.36 acres at the southeast intersection of Matheson Avenue and Pinckney Avenue, west of Clemson Avenue. The site is currently zoned to R5, and the proposed zoning is UR1, urban residential, conditional. Policy Map recommends Neighborhood 1 Place Type for the site. The proposal would be to allow a 2,474 square foot single family detached residential home and two attached single family residential units each containing 1,224 square feet. Access would be on to Pinckney Avenue, including a shared access path to be shared by the attached residential units. It would provide an eight-foot sidewalk and eight-foot planting strips along Matheson and Pinckney Avenue. Staff recommends approval of the petition upon the resolution of outstanding issues related to transportation and site building design. The petition is consistent with 2040 Policy Map recommendation for Neighborhood 1 Place Type for the site. I'll take any questions after the petitioner's presentation.

Maria Garver, 121 Gilead Road, Huntersville said yes. Good evening. This is for rezoning 2022-030. The purpose of this rezoning is to propose one single family detached unit and one duplex or two townhomes on approximately 0.358 acres. Existing zoning is R5. Proposed zoning, UR1 CD. That's the location between the corner of Matheson Avenue and Pinckney Avenue. I'm showing that right now the elevation plans for the single-family house and total height of the building is from the ground to the top of the roof will be 28 feet. From the ground to the soffit will be 21 feet. This is the single-family house. For the townhomes, it's the same height of the building, 28 feet, from the ground to the top of the roof. From the ground to the soffit will be 21 feet.

This is one of the examples I want to show you. One of the finished houses the client has done. It's going to be really similar to this one, single family house. I want to show you these three examples of existing houses on Matheson Avenue, but it will be filled with a similar design from the petitioner. This one that goes on Matheson Avenue. It will be similar to the design that my client wants to do. That's it. If you have any questions, we'll be here to answer. Thank you.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2022-040 BY FRH REALTY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.58 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, WEST OF MATHESON AVENUE, AND NORTH OF BREVARD STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Rezoning Planner said okay. This is approximately 3.58 acres on the east side of North Tryon Street, west of Matheson Avenue, and north of North Brevard

Street. This site is currently zoned general industrial with industrial uses on it currently. The proposed zoning would be MUDD, CD, mixed use development, conditional. The 2040 Policy Map recommends Innovation Mixed-Use for this site. The proposal would be for up to 350 multi-family residential units in a single building at a maximum of 75 feet in height with two points of access on North Tryon Street including an ingress and egress via an existing 20-foot nonexclusive southern railroad access easement. It includes transportation improvements, and 8-foot sidewalk and an 8-foot planting strip along North Tryon Street and maintains existing bike lanes. Commits to architectural standards and provides open space located in interior courtyards. Recommend approval of the petition upon resolution of outstanding issues related to transportation, environment and site and building design. It is consistent with the 2040 Policy Map recommendation for innovation and mixed-use place type. I'll take any questions after Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown on behalf of the petitioners. This and the next petition are almost mirror images of each other. They're absolutely right next to each other and I think it's a continuation of what we're seeing on the North Tryon corridor. So, the next one you'll hear is right next door. As John mentioned, this is conversion of these heavy industrial uses into residential providing us more housing in good proximity to Uptown and transit. Happy to answer questions you have. I think we're supported by the plan and happy to have staff's support.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2022-044 BY 2130 NORTH TRYON STREET, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.67 ACRES LOCATED ON THE EAST SIDE OF NORTH TRYON STREET, WEST OF MATHESON AVENUE, AND NORTH OF NORTH BREVARD STREET FROM I-2 (GENERAL INDUSTRIAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Rezoning Planner said okay. This one is 3.67 acres on the east side of North Tryon, west of Matheson Avenue. It's just south of the one we just spoke about. Current zoning is I2, general industrial with industrial uses currently on the site, and proposing MUDD, mixed use development, conditional. The 2040 Policy Map recommend Innovation Mixed-Use Place Type for the site. It allows up to 367 multi-family residential units and a maximum height of 75 feet.

Provides architectural standards for the building. Proposes transportation improvements with two access points on North Tryon, eight-foot sidewalk and eight-foot planting strip along North Tryon Street. Maintains the existing bike lanes and constructs a right-hand turn lane with 100 feet of storage and appropriate taper on North Tryon Street at the proposed access points per NCDOT requirements. Staff recommends approval of the petition with resolution of outstanding issues related to transportation, environmental and site and building design. It is consistent with the 2040 Policy Map recommendation for Innovation Mixed-Use Place Type. I'll take any questions after Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown again. Again, almost mirror image. It just kind of fortuitously happened these two petitions came together. There some positives the development teams are coordinating, helping with some infrastructure improvements along the frontage. So, again, happy to have staff support to continue seeing this area transitioned from heavy industrial.

Councilmember Anderson said I just have a comment or an observation for the record. I'm looking at the previous petition and this one, and the impact to the school utilizations are the exact same numbers.

Mr. Brown said I expect that's right. They're each about 350. One's maybe 12 more units.

Ms. Anderson said okay. It would be interesting to look at this in aggregate to see how all of this development is impacting school utilization because these are effectively a mirror image of one another. So, you have schools in this area that are already over 100 percent that will be bumped up to 110 and 120 percent utilization. So, it's just something that we need to think about as we move forward. Motion to close.

Councilmember Johnson said that's a very logical observation. It's a cumulative impact. That's what we call them. Yes, I was wondering since they're right beside each other, I wanted to know the number of trips. I see the number of trips for the previous one was 1,625. I'm trying to see the number of trips for this one. What is that?

Mr. Brown said I don't know if C-DOT has their memo handy. I don't think I have it in the slides.

Ms. Johnson said page six. So, 1,760 for this one. Was a traffic impact study ordered? So, 1,760, now this is right in front our eyes council members. This is 1,760. The one previous is 1,600. We know that that totals more than 2,500, however there was no traffic impact study that was ordered. So, the developer is not required to do one, yet the residents will feel the impact. This happens every month, constantly. So, yes, I just need to make sure we all see that. So, that goes in line with what you were saying Councilmember Anderson with the schools. We don't take a look at that and it's very sad and it's a reality for our residents. So, that's all.

Mr. Brown said is that a question?

Ms. Johnson said no. No, it's an observation.

Mr. Brown said okay.

Ms. Johnson said are these the same petitioners?

Mr. Brown said no they're not. They're two different development teams and so it is an increased number of units. You're right. Because they're separate, a traffic study was not required. I'm happy to have C-DOT weigh in. I think this is an area where we do have actually some very robust infrastructure and we see a lot of improvements on the way. So, a lot of times in areas like that, there's not much more that C-DOT would ask for.

Ms. Johnson said well I know that the planning staff, there were two in District 4 that were right beside each other and the staff realized that I would want to see a traffic study. So, I don't know if we can do that with this to require it or if there's something that the city staff can do strategically for the residents of the city.

Mayor Pro Tem Winston said I would just say Ms. Johnson I've also noticed the questions you've been asking. I've asked staff to take a look at if there's more that they can do with that summary of the petitions to see if there are past traffic counts done with those. If we can get that in the report as well as seeing if there is any simple way to look at the distance of the surrounding rezoning petitions using the GIS (Geographic Information System) data to see if that could be easily dropped in the package moving forward.

Ms. Johnson said I appreciate that, and I thought we had a presentation in the 2040, when we were getting the presentations for the plan, I thought we were going to start tracking the cumulative impact. That was presented to us before.

Mayor Pro Tem Winston said that was part of the Strategic Mobility Plan as that continues to be implemented. I don't remember.

Councilmember Driggs said well they changed their requirement for the study. They had a new system; a new metric they were going to use which technically I suppose since we adopted that plan if effective. So, the question for staff. Are you using the new traffic metrics or are you using the old 2,500 trip test for the study?

Jake Carpenter, Charlotte Department of Transportation said so, currently we're still under the old ordinance with the 2,500 thresholds. As you know that will be changing with the CTR (Comprehensive Transportation Review) and the new UDO (Unified Development Ordinance). We will be doing expanded reviews of petitions like this that include multimodal study, transportation demand management, which can have a significant impact when you look at the cumulative impacts, and the threshold will be lower for the traffic study guidelines.

Mayor Pro Tem Winston said that would be for by right as well.

Mr. Driggs said by right, exactly. Yes, because we adopted the plan, but it isn't an ordinance yet. Is that the point? So, we need to have an effective ordinance?

Mr. Carpenter said yes. So, June 1st.

Mr. Driggs said okay. Thank you.

Mr. Carpenter said yes.

Mr. Driggs said that's it.

Councilmember Watlington said Assistant City Manager Babson, I would just like to go ahead and formally request that we get that back sooner than June 6th. So, if we could add that to an agenda in the next month or so to see where we are with that and what's left to turn that into an ordinance, that would be great since we know it's an open item. I don't necessarily see that it's tied directly to anything else we are waiting to trigger with the UDO. Would love to see it.

Liz Babson, Assistant City Manager said just to clarify. When you adopted the Unified Development Ordinance, you also adopted the Comprehensive Transportation Review Guidelines. So, those go into effect with the new UDO.

Ms. Watlington said right. I'd like to see what it would take to bring that into effect earlier, the CTR portion of it.

Mr. Driggs said so, when that becomes effective the threshold would be lower and that would trigger a traffic study.

Ms. Johnson said, or we are talking about a transition plan. We've talked about that. So, maybe make that a part of the transition plan. Or it's up to the council members to support or not because our residents are saying this. We know this, we see this. It's in black and white. So, it's up to us on how to proceed.

Mayor Pro Tem Winston said so, just to clarify, Council has made those changes where they're on track to be implemented as part of the timelines that we have for all of our updates to our development ordinances. Ms. Watlington has asked to see if there's any way to quicken that process up. Staff will get back to us and we'll see if that's a possibility or not, what goes along with that. Sound good?

Ms. Watlington said it does and if we raise the bar, perhaps developers will start to present those options and be willing to invest into the neighborhood without an ordinance.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2022-050 BY ASCENT REAL ESTATE CAPITAL, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.94 ACRES LOCATED AT THE NORTHEAST INTERSECTION OF LONG AVENUE AND CONNECTION POINT BOULEVARD, WEST OF EAST INDEPENDENCE BOULEVARD FROM MUDD-O (MIXED-USE DEVELOPMENT - OPTIONAL) TO MUDD (CD) (MIXED-USE DEVELOPMENT, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

John Kinley, Rezoning Planner said this is 2.94 acres on the northeast intersection of Long at Connection Point Boulevard, and East Independence Boulevard. The site is currently zone MUDD-O, mixed-use development, optional. It was part of a larger rezoning for this area and then the proposed zoning is MUDD, mixed-use development, conditional. The 2040 Policy Map recommends Community Activity Center for this site. Proposes up to 270 multi-family units or 80 single family attached dwelling units with a maximum height of 65 feet for the multi-family and 52 feet for the single family attached. Constructs a proposed private street connecting with the public access easement from Connection Point to Zephyr Wind Way along the northern edge of the site.

So, that would be on kind of the east side of the site plan. Constructs an 8-foot planting strip and 6-foot sidewalk along that proposed private street. Provides vehicular access via driveway connections on Connection Point Boulevard, and the new street installs pedestrian curb ramps along the site's frontage. Five minimum guest parking spaces on site and on street spaces along the private street connecting. Then commits to design standards related to exterior building materials for the single family and multi-family architectural dwellings. Staff recommends approval of the petition. It is consistent with the 2040 Policy Map recommendation for a Community Activity Center. I will take any questions after Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown on behalf of the petitioner. In the MoRa area where a lot of exciting things are happening. The current zoning, just to kind of put it in a nutshell, this came through maybe four or five years ago, and it was for really all commercial. So, where I have the star, is the parcel that we're talking about now. It envisioned that being maybe a big box retailer with a parking field. This is what it looked like. So, this would be the piece over there on the top right-hand corner. Demand is now such that the development team would like to bring some residential instead and really support some of that retail out there. So, this zoning gives two options. As John mentioned, there is an option for multi-family at 270 units or townhomes at 80 units. We've had very positive reaction from the community about urbanizing and densifying that a little more. They're actually some very nice walkable amenities and there's no drive-through on this site.

Councilmember Molina said I know that I've already spoken to you about this. So, we're good on residential and we've already spoken to the MoRa community.

Mr. Brown said we engaged with them, gosh, it's probably been a year before we filed just to let them know it was coming. They were very positive about the apartments; I think maybe equally when we add the option to do townhomes.

Ms. Molina said okay.

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

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ITEM NO. 41: HEARING ON PETITION NO. 2022-052 BY CAROLINAS PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.9 ACRES LOCATED ON THE NORTH SIDE OF TUCKASEEGEE ROAD, WEST OF TODDVILLE ROAD, AND NORTH OF INTERSTATE 85 FROM R-3 AIR LLWPA (SINGLE-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA) TO R-17 MF AIR LLWPA (CD) (MULTI-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY, LOWER LAKE WYLIE PROTECTED AREA, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2022-052 it's just under two acres on Tuckaseegee Road, just west of Toddville Road, and north of I85. Currently zoned to R3. Proposed zoning is for R17 MF, conditional. There is an airport overlay as well as a Lower Lake Wylie Protected Area overlay on the property. The property is recommended for a Neighborhood 1 for this site. You can see some Neighborhood 2 down there on the bottom right-hand corner of the slide just across from Toddville Road. The proposal itself is for up to 29 single family attached residential units.

No more than four units per building. Max height of 40 feet. Units along Tuckaseegee Road will front the road. Parking would be internal to the site that would provide one half guest parking spaces per unit. Vehicular access would be from a single driveway off Tuckaseegee. Constructs an 8-foot planting strip and 8-foot sidewalk as well as an 8-foot buffered bike lane along Tuckaseegee frontage. Provides a CATS bus waiting pad as well. That would all be coordinated with CATS during permitting. Provides the ordinance required 18-foot-wide Class C buffer with a fence along the western, northern and eastern property lines. All those are adjacent to single family uses and zoning.

Also commits to architectural standards related to four-sided architecture exterior building materials that would be allowed. Max building length, maximum expanses of blank walls, porches or stoops facing the public street, etc. So, those are all included as a condition within this petition. Staff does recommend approval. We do have some outstanding issues related to site and building design, environment and then technical revisions related to transportation and site and building design to be resolved. Again, staff does recommend approval upon resolution of those, and we'll be happy to take any questions following the petitioner's presentation.

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

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ITEM NO. 42: HEARING ON PETITION NO. 2022-055 BY ELMINGTON CAPITAL GROUP FOR A CHANGE IN ZONING FOR APPROXIMATELY 13 ACRES LOCATED IN THE SOUTHEASTERN QUADRANT OF THE INTERSECTION OF ALLEGHANY STREET AND ASHLEY ROAD FROM B-D (CD), INST, R-17 MF (BUSINESS DISTRIBUTIVE, CONDITIONAL INSTITUTIONAL, MULTI-FAMILY RESIDENTIAL) TO R-22 MF (CD) (MULTI-FAMILY RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2022-055 as mentioned, 13 acres off Alleghany Street also has frontage on Ashley Road and

Granger Avenue. The current zoning is BD conditional as well as institutional as well as R17, multi-family. The proposed zoning is to take the three of those and combine them into just an R22 MF conditional district. The adopted Place Type from the Policy Map does recommend commercial for this site. You can see that stretches a little bit along Alleghany. We also have Neighborhood 2, parks and preserve. We do have some campus due to the school being there and then some manufacturing logistics as well as Neighborhood 1 in that general area. So, a good mix of adopted Place Types mainly due to the mix of zoning and different uses that are in the area. This would be more akin to a Neighborhood 2. So, it would be consistent with that Neighborhood 2 Place Type that's just adjacent.

The proposal is for up to 220 multi-family residential units and then five single family attached residential units. Those single family attached are currently shown down in that southern portion, that bottom part of the project. It does limit building height to 65 feet for multi-family and then 50 feet for the single family attached townhomes. Architectural standards included pitched roofs, usable porches and stoops and blank wall expanses are incorporated into the proposal. Also, a minimum of 10,000 square feet of outdoor amenity areas has been included. Agrees also to provide a minimum of four of the following amenities: a community room, computer or business center, exercise room, picnic area, outdoor seating areas, and playground or a tot lot. It does confirm preservation of the trail connection.

You can see there's an easement there that runs just on that right hand portion of the property. It does confirm preservation of that between Ashley Road and Camp Greene Park. Also proposes to extend and construct Granger Avenue and Liggett Street to public street standards. It commits to construction of an 8-foot buffered bike lane, 8-foot planting strip, and 8-foot sidewalk along the site's Alleghany Street frontage. It does limit freestanding light fixtures to 21 feet in height, fully capped, shielded, and downwardly directed. Also commits to providing a 50-foot Class C buffer which could be reduced to 37.5 feet with fencing along that eastern property boundary when adjacent to lower density residential dwellings.

Staff does recommend approval of this petition upon resolution of outstanding issues related to site and building design. We talked about the inconsistency with the Policy Map but do feel that the proposal of this would be more of a Neighborhood 2 outcome. Is generally consistent with what is going on in that area, particularly just adjacent. We also just had some recent approvals for some single family attached in close proximity to this project as well. So, that's on the other side of Ashley Road. So, just continuing some of that diversity in housing in this area. Again, staff recommends approval upon resolution of those issues, and we'll take any questions following Mr. Brown's presentation. Thank you.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown again. A great overview by Dave. As you all know, our team has worked on a few in this location. Three miles from Uptown, five miles to the airport. I think folks in the area are excited to see some new development and investment coming in the area. I will switch to our pretty picture plan and I'll mention that Joe Horowitz from Elmington is in town from Nashville tonight if you have specific questions. This is a look at the layout of the site plan. I think importantly this does build out some of the street network that we're looking for in the area. Kind of completes a piece of the puzzle that has been out of place. Happy to take questions.

Councilmember Watlington said I'm sure glad you showed this because I was wondering where the trees were going. My question is for staff. Do we have any view of, as we look at these rezonings each month, how many trees we're losing?

Mr. Pettine said I don't think we have a clear calculation on how many. I'm not sure if I would even venture a guess because a lot of that would then come into permitting and determination on final construction plans and everything else. So, it's hard to gauge even at this stage of the process just because these plans could change. Some buildings could shift, the project could get smaller. So, at this point, it's hard to gauge

how many we may gain or lose as a result of a project until we actually get through that final part of permitting.

Ms. Watlington said we can reasonably estimate acreage even if not down to the individual tree, we certainly could take a look at these site plans.

Mr. Pettine said yes, you could at what the total acreage of the site is, how much of that's tree covered and then what's going to be left even at the base minimum with the ordinance. So, yes, I don't know if that's something that as a staff we have the capacity or resources to do, just through our Urban Forestry Team being fairly limited in size. So, if we needed to do it on a specific case by case basis, we may be able to, but I'd have to defer to Tim Porter in Urban Forestry to see if they even have the resources to take something like that on.

Ms. Watlington said I think it's important that as we talk about our goals in the 2040 Plan, that if that's what's needed, more resources to be able to determine this, then we prioritize those resources as appropriate in the budget because we talk about achieving our sustainability goals. I think even as we talk about cumulative traffic issues and school population, everything else, our sustainability goals are no different. So, really we need to make sure that we understand what the impact all of our development is having on our environment. So, I would ask assistant city manager that we include that in a follow up request. What would it take to be able to give us some read on tree acreage loss with these developments.

Councilmember Anderson said just to follow up on that. That was a great point. We have some community partners like Tree Charlotte that does assessment of our canopy on an annual basis and they also do a planting campaign to try and offset development. So, this might be an opportunity for us to leverage some of our community partners that are already in this business so we don't have to reinvent the wheel.

Councilmember Johnson said I'll just reiterate. I think we have all these priorities. The environment and infrastructure and then once a month I feel like we have to kind of ignore our priorities and focus on the growth of the city. There's a way to balance that and I think those kind of tools, giving those to us so we can see them as visual aids. Like this table, this is the traffic, these are the approved zonings in this area. So, it really helps us to monitor the growth and the impact and also balance our priorities. So, I think we should ask for that as a council and information to be included in our zoning books.

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

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ITEM NO. 43: HEARING ON PETITION NO. 2022-074 BY CROSLAND SE FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.40 ACRES LOCATED ON THE WEST SIDE OF ALLEGHANY STREET, SOUTH OF DENVER AVENUE, AND NORTH OF WILKINSON BOULEVARD FROM I-1 AIR (LIGHT INDUSTRIAL, AIRPORT NOISE OVERLAY) TO R-22 MF AIR (MULTI-FAMILY RESIDENTIAL, AIRPORT NOISE OVERLAY).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, thank you. Our final petition of the evening is 2022-074. It's 2.4 acres on Alleghany Street, just south of Denver Ave., north of Wilkinson Boulevard. The current zoning is I1. The proposed zoning is a conventional R22 MF. Both have the airport noise overlay on them. The R22 is just to the north of this site as well, which comprises part of this overall rezoning area. The 2040 Policy Map does recommend Community Activity Center for this site. You can see that in blue. Manufacturing, logistics and Neighborhood 1 are also recommended in the general area. This is a conventional petition. So, no outstanding issues or site

conditions or site plan to go over. Staff does recommend approval. It is consistent with the Policy Map recommendation for a Community Activity Center. We'll be happy to take any questions you may have followed Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said thank you. Mayor Pro Tem, Council Members, Collin Brown one last time. This site, again Councilmember Watlington's district. This is a conventional zoning. So, we do not have a site-specific rezoning plan. So, there are not zoning commitments. However, I will be happy to talk with you all offline and happy to meet with the Westerly Hills Neighborhood as well because I think what Crosland is proposing, you would be very pleased to have. The reason there's not a conditional rezoning is because they're very expensive. My team is working pro bono on this. So, that is the reason, but taken this I think from industrial to residential is not offensive. I think you all would be pleased with what the Crosland team has put together. I'm happy to coordinate with Councilmember Watlington to meet with the neighbors and bringing the Crosland team to explain what they're planning.

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

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ADJOURNMENT

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

The meeting was adjourned at 9:04 p.m.


Stephanie C. Kelly, City Clerk, MMC, NCCMC

Length of Meeting: 3 Hours, 57 Minutes
Minutes Completed: January 30, 2024