

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Tuesday, January 21, 2025, at 5:10 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Pro Tem Danté Anderson presiding. Council members present were Tiawana Brown, Ed Driggs, Renee Johnson, Lawana Mayfield, James Mitchell, Marjorie Molina, and Victoria Watlington.

**ABSENT:** Mayor Vi Lyles and Councilmember Malcolm Graham

**ABSENT UNTIL NOTED:** Councilmembers Dimple Ajmera and Tariq Bokhari

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### INVOCATION AND PLEDGE

Councilmember Driggs 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 Anderson** explained the Zoning Meeting rules and procedures.

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### INTRODUCTION OF THE ZONING COMMITTEE

**Councilmember Bokhari arrived at 5:12 p.m.**

**Andrew Blumenthal, Chairman of the Zoning Committee** said thank you very much, Mayor Pro Tem, and thank you to Council. My name is Andrew Blumenthal. It is my pleasure to serve as the Chairman of the Zoning Committee of the Planning Commission. Joining me this evening from the Zoning Committee, we have Theresa McDonald, Erin Shaw, Robin Stuart, and Rick Winiker. As a note, the Zoning Committee will next meet on Tuesday, February 4, 2025, at 5:30 p.m., on the second floor of this building. At that meeting, the Zoning Committee will discuss and make recommendations on the petitions that have public hearings this evening. The public is welcome and encouraged to attend that meeting; however, please note that it is not a continuation of these public hearings that are being held here tonight. Prior to that meeting, you are welcome to contact each and any of us directly. You can find our contact information, and the information on each petition, on the City's website at [charlotteplanning.org](http://charlotteplanning.org). Thank you, Mayor Pro Tem.

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### DEFERRALS/ WITHDRAWALS

Motion was made by Councilmember Brown, seconded by Councilmember Bokhari, and carried unanimously to defer: a decision on Item No. 8, Petition No. 2024-099 by Mecklenburg County to February 17, 2025; a decision on Item No. 13, Petition No. 2024-121 by Charlotte Planning, Design & Development Department - Text Amendment to February 17, 2025; a hearing on Item No. 14, Petition No. 2024-126 by Greystar Development East, LLC to February 17, 2025; a hearing on Item No. 16, Petition No. 2024-112 by DreamKey Partners to February 17, 2025; a hearing on Item No. 25, Petition No. 2024-124 by Aviation Metals of North Carolina, Inc. to February 17, 2025; and a hearing on Item No. 26, Petition No. 2024-125 by Tay Holdings, LLC, to February 17, 2025.

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## CONSENT AGENDA

**ITEM NO. 2: CONSENT AGENDA ITEMS 3 THROUGH 7 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK.**

**Mayor Pro Tem Anderson** said please note that these petitions have met the following criteria. They've had no public opposition to the petition at the hearing, the Zoning Committee recommends approval, and there are no changes after the Zoning Committee's recommendation, as well as staff recommends the approval. Are there any consent items that Council would like to pull for question or comment or separate vote?

**Councilmember Mayfield** said Item No. 4 for separate vote and discussion.

**Councilmember Bokhari** said I just have a comment on Item No. 3, but no need to have a separate vote.

Motion was made by Councilmember Mayfield, and seconded by Councilmember Brown to approve the Consent Agenda as presented with the exception of Item No. 4.

Mr. Bokhari said just a really quick comment of appreciation for all the hard work that went into Item No. 3, 2024-088. Thanks to Childress Klein, the petitioner, to the neighborhoods, SouthPark Association of Neighborhoods obviously being involved, and the concessions for this great project, including supporting SouthPark Business Association and our MSD (Municipal Service District), as well as the commitment to things like open space being made available. So, thank you all.

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

The following items were approved:

**Item No. 3: Ordinance No. 918-Z, Petition No. 2024-088 by Childress Klein amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 15.98 acres located along the north side of Rexford Road, south of Wickersham Road, and west of Colony Road from O-15(CD) (Office, Conditional) to RAC(EX) (Regional Activity Center, Exception).**

The Zoning Committee voted 7-0 (motion by Shaw, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) 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 site is designated as the Regional Activity Center (RAC) Place Type by the 2040 Policy Map. The RAC Place Type calls for a mix of uses such as office, multi-family residential, and retail and is characterized by urban form with mid-to high-rise commercial and residential buildings. The site is currently developed with two aging office buildings, one of which will be retained, and most of the site's land area is built as underutilized surface parking lots. The site is primarily surrounded by nonresidential developments and the immediate area has relatively little housing. The proposed plan would increase the number and variety of housing types in the area. Three public benefits are proposed as part of this Exception (EX) request under the categories of sustainability, public amenity, and city improvements including: a commitment that new residential buildings will be built to National Green Building Standards (NGBS), or equivalent. A publicly accessible open space, that exceeds the ordinance requirements, will be constructed. And dedication of funds to a community organization to be used for public improvements. The site is within a short walk, bike, or bus ride of dining, shopping, and groceries within the surrounding Regional Activity Center. The site is adjacent to the proposed route of the SouthPark Loop trail. The site

is served by the number 20 CATS local bus providing service between the Charlotte Transit Center and Quail Corners Shopping Center. The site is also located within walking distance of the SouthPark Community Transportation Center providing service to the 19, 28, 30, 57 CATS buses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 575-576.

**Item No. 5: Ordinance No. 920-Z, Petition No. 2024-098 by Helix Holdings, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.375 acres located along the north side of The Plaza, west of E Sugar Creek Road, and east of Sweetbriar Street from ML-2 (Manufacturing and Logistics-2) to N2-B (Neighborhood 2-B).**

The Zoning Committee voted 7-0 (motion by McDonald, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends 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: This site is located just east of NoDa's core on a portion of The Plaza that contains a multitude of uses including commercial, institutional, and residential. Some properties along the south side of the adjacent Aberdeen Carolina and Western Railway are designated as industrial, ML-2 zoning; but the area is shifting away from such uses. This gradual change is captured in the 2040 Policy Map which calls for the Community Activity Center Place Type on these formerly industrial properties adjacent to the rezoning. Although this petition is inconsistent with the 2040 Policy Map recommendation for the Neighborhood 1 Place Type, the request would bring the rear portion of four parcels under the same zoning district as the remainder of the four parcels, Neighborhood 2-B. The application of the Neighborhood 2 Place Type at this location is supported by the existing N2-B zoning along The Plaza and is cohesive with the abutting Community Activity Center and Neighborhood 1 Place Types. The site's current split-zoning condition constricts utilization of the site. The development of industrial uses under the current zoning of the 0.38-acres is not feasible and would be incompatible with the single-family homes on the southern portion of the four parcels, outside of the rezoning boundary. Removing the ML-2 entitlements may create a preferred land development pattern. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map, from Neighborhood 1 to Neighborhood 2 for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 579-580.

**Item No. 6: Ordinance No. 921-Z, Petition No. 2024-107 by Neelkanth Hospitality, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.19 acres located at the southwest intersection of West Arrowood Road and Microsoft Way, and east of Hanson Road from B-D(CD) (Distributive Business, Conditional), and ML-1 (Manufacturing and Logistics-1) to OG (Office General).**

The Zoning Committee voted 7-0 (motion by Shaw, seconded by Stuart) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for the Campus Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site's location along and near major roads, including West Arrowood Road and South Tryon, supports uses that enhance connectivity and align with the surrounding employment-heavy areas. The site is situated on the side of

West Arrowood that has very little residential use, with existing abutting uses predominantly commercial and office, reinforcing its designation as a Campus Place Type. Transitioning the site from B-D(CD) and ML-1 to OG aligns the property with the Campus Place Type, helping to bring a split-zoned property into consistency with the area's planning goals. OG is one of the zoning districts designated for the Campus Place Type, and this rezoning helps integrate the site with the surrounding office and institutional areas, enhancing its compatibility with the overall vision for the area. The site's proximity to the upcoming bridge replacement project on Arrowood Road (scheduled for 2026) enhances its potential for improved regional connectivity, supporting sustainable growth patterns outlined in the UDO. The site is located within an appropriate location for office uses in close proximity to the Arrowood Road and Interstate 77 interchange. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 581-582.

**Item No. 7: Ordinance No. 922-Z, Petition No. 2024-114 by DreamKey Partners amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.80 acres located west of Statesville Road, north of Oakwood Drive, and south of Cochrane Drive from UR-2(CD) (Urban Residential - 2, Conditional) to N2-B (CD) (Neighborhood 2-B, Conditional).**

The Zoning Committee voted 7-0 (motion by McDonald, seconded by Stuart) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Campus Place Type for the site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition proposes the development of 53 attached multi-family units, a use that is consistent with the existing and future multi-family attached developments that surround the site to the north and west. The proposal would fill a need for housing in an area that has been identified as lacking Access to Housing Opportunity by the 2040 Comprehensive Plan with an allowance for additional residential density and diversity of product types for the area. A buffer against the abutting single-family homes is required along the rezoning's southern boundary with a 10-foot Class C Landscape Yard. The petitioner commits to also providing a six-foot fence for additional screening which is not required by the ordinance. Preferred architectural standards are provided in the conditional notes of this plan to facilitate an urban design that is compatible with both the single family and multi-family areas along the rezoning's edges. Residents at this site and the neighboring developments will have increased access to Statesville Road via an extension of Debut Street. This road and correlated pedestrian infrastructure will significantly improve the connection to the existing bus stop along Statesville Road, just east of the site. Although the petition is inconsistent with the 2040 Policy Map's recommendation for the Campus Place Type, there are no existing Campus uses at this site or the surrounding parcels also designated for Campus. The Neighborhood 2 development proposed is a more appropriate use for the property. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from Campus to Neighborhood 2 for the site.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 583-584.

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**ITEM NO. 4: ORDINANCE NO. 919-Z, PETITION NO. 2024-096 BY 200E27, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.06 ACRES LOCATED ALONG THE SOUTHWEST SIDE OF E 27TH STREET, SOUTHEAST OF N TRYON STREET, NORTH OF N BREVARD STREET FROM ML-2 (MANUFACTURING AND LOGISTICS-2) TO IMU (INNOVATION MIXED-USE).**

The Zoning Committee voted 7-0 (motion by Stuart, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for the Innovation Mixed-Use 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 site is close to major transit options including bus stops on North Tryon Street, located 600 feet and 1,100 feet away from site. The area is transitioning from industrial uses to residential and mixed-use developments, as demonstrated by recently approved rezonings nearby. This shift aligns with the Policy Map, which designates most of the surrounding area as Innovation Mixed Use (IMU). The site is well-connected, located adjacent to East 27th Street, a local street, and near North Tryon Street, a major arterial road, offering strong transportation accessibility. Additionally, its proximity to the Cross Charlotte Trail and existing bike lanes further supports active transportation options in the area. The site currently hosts a vacant building, presenting opportunities for innovative and adaptive reuse. The site is within walking distance to commercial establishments and infrastructure, which aligns with the intent of the Innovation Mixed Use (IMU) district to support a blend of residential, commercial, and mixed-use projects. Its proximity to the Blue Line Extension Station further encourages transit-oriented development, enhancing the site's potential for a vibrant, connected community. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

Motion was made by Councilmember Bokhari, and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for the Innovation Mixed-Use Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is close to major transit options including bus stops on North Tryon Street, located 600 feet and 1,100 feet away from site. The area is transitioning from industrial uses to residential and mixed-use developments, as demonstrated by recently approved rezonings nearby. This shift aligns with the Policy Map, which designates most of the surrounding area as Innovation Mixed Use (IMU). The site is well-connected, located adjacent to East 27th Street, a local street, and near North Tryon Street, a major arterial road, offering strong transportation accessibility. Additionally, its proximity to the Cross Charlotte Trail and existing bike lanes further supports active transportation options in the area. The site currently hosts a vacant building, presenting opportunities for innovative and adaptive reuse. The site is within walking distance to commercial establishments and infrastructure, which aligns with the intent of the Innovation Mixed Use (IMU) district to support a blend of residential, commercial, and mixed-use projects. Its proximity to the Blue Line Extension Station further encourages transit-oriented development, enhancing the site's potential for a vibrant, connected community. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

**Councilmember Mayfield** said the concern that I have with this petition, a rezoning from Manufacturing to Innovation Mixed-Use, one, we need more manufacturing in the area. My biggest concern with this is, under Innovation Mixed-Use, and because it was not specifically carved out, potentially housing could also go in this area, and the idea of there potentially being housing this close to the train track, when we have already spent years trying to realign decisions that were made over many decades, of where housing was located along the train tracks, the conversation we're having now, with the airport and the Part 150 and having disbursement, the idea of having housing close to this train track or the idea that, well, the developer, if they choose to build housing there, then whoever moves there. Well, we have a long history in this nation of seeing which individuals have more options for where they're going to live, and who ends up living in

areas that are environmentally unsafe. So, for me, I have a challenge with this particular rezoning going from Manufacturing to Innovation Mixed-Use, mainly because of there not being a carveout stating that it can fall under the umbrella of Mixed-Use in the Innovation District, outside of any housing moving forward, to ensure that we're protecting any future residents that potentially will be located that close to a train track. Especially in light of the fire that happened earlier today at a warehouse and the impact of that. If there were to be an accident, God willing we never see it, but other areas have at our train station, the idea of having housing there gives me great concern.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 577-578.

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## DECISIONS

**ITEM NO. 9: ORDINANCE NO. 923-Z, PETITION NO. 2024-083 BY CITY OF CHARLOTTE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 0.324 ACRES LOCATED ALONG THE NORTH SIDE OF PARKWOOD AVENUE AND THE EAST SIDE OF PEGRAM STREET AND APPROXIMATELY 0.197 ACRES LOCATED ALONG THE WEST SIDE OF PEGRAM STREET, SOUTH OF PARKWOOD AVENUE FROM UR-3(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND CG (GENERAL COMMERCIAL) TO N2-A (NEIGHBORHOOD 2-A).**

The Zoning Committee voted 7-0 (motion by Stuart, seconded by Welton) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 2 Place Type for parcel 081-147-08; and The 2040 Policy Map recommends the Neighborhood 1 Place Type for parcel 083-091-09. 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: Located along Pegram Street and Parkwood Avenue in the Belmont neighborhood, this corridor is seeing residential densification and diversification of entitled uses. The existing zoning in the area immediately adjacent to the boundaries of the subject site allows for multi-family residential, single family residential, and commercial uses. The approved UR-3(CD) plan on parcel 081-147-08 allows for up to 17 multi-family units. The N2-A zoning district allows for similar multi-family uses as well as single family residential and some limited commercial uses. Although the 2040 Policy Map calls for Neighborhood 1 for the parcel along the north side of Parkwood Avenue, that place type does not align with the existing CG zoning on the property as well as the surrounding zoning, much of which would permit multi-family and commercial uses. The abutting properties to this lot are developed with a church, convenience store, and single-family homes. This parcel along the north side of Parkwood Avenue, PID 083-091-09, is a corner lot adjacent to CG and N2-B zoning and would be an appropriate site for the application of a moderately intense residential zoning and subsequent Neighborhood 2 Place Type given the surrounding context and locational characteristics. Both parcels in this rezoning request are located along a bus route and less than 200-feet from a bus stop. The LYNX Blue Line's Parkwood Station is also just over a half-mile walk from this rezoning site. Utilizing transit or pedestrian infrastructure, future and current residents can access an activity center a little over a half-mile both east and west of the site. These activity centers provide goods and services to connected residential areas. Multi-family residential zoning districts that allow for greater intensity than Neighborhood 1 developments, are supported by the

existing multi-modal transit options in the area and the destinations they facilitate. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map for parcel 083-091-09, from Neighborhood 1 to Neighborhood 2.

Motion was made by Councilmember Mitchell, and seconded by Councilmember Driggs to approve this petition and adopt the following statement of consistency: This petition is found to be consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Neighborhood 2 Place Type for parcel 081-147-08; and The 2040 Policy Map recommends the Neighborhood 1 Place Type for parcel 083-091-09. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: Located along Pegram Street and Parkwood Avenue in the Belmont neighborhood, this corridor is seeing residential densification and diversification of entitled uses. The existing zoning in the area immediately adjacent to the boundaries of the subject site allows for multi-family residential, single family residential, and commercial uses. The approved UR-3(CD) plan on parcel 081-147-08 allows for up to 17 multi-family units. The N2-A zoning district allows for similar multi-family uses as well as single family residential and some limited commercial uses. Although the 2040 Policy Map calls for Neighborhood 1 for the parcel along the north side of Parkwood Avenue, that place type does not align with the existing CG zoning on the property as well as the surrounding zoning, much of which would permit multi-family and commercial uses. The abutting properties to this lot are developed with a church, convenience store, and single-family homes. This parcel along the north side of Parkwood Avenue, PID 083-091-09, is a corner lot adjacent to CG and N2-B zoning and would be an appropriate site for the application of a moderately intense residential zoning and subsequent Neighborhood 2 Place Type given the surrounding context and locational characteristics. Both parcels in this rezoning request are located along a bus route and less than 200-feet from a bus stop. The LYNX Blue Line's Parkwood Station is also just over a half-mile walk from this rezoning site. Utilizing transit or pedestrian infrastructure, future and current residents can access an activity center a little over a half-mile both east and west of the site. These activity centers provide goods and services to connected residential areas. Multi-family residential zoning districts that allow for greater intensity than Neighborhood 1 developments, are supported by the existing multi-modal transit options in the area and the destinations they facilitate. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map for parcel 083-091-09, from Neighborhood 1 to Neighborhood 2.

**Mayor Pro Tem Anderson** said I'd actually like to make a statement here regarding this petition, as it's in District One. I've deferred this, and Council has supported me on deferring this petition for a few months, so that we can make sure that the community feels good about both lots that are going on here as a part of the ADU (Affordable Dwelling Units) Pilot Test for the City of Charlotte. Last week, we had a third community meeting with Villa Heights and the Belmont Neighborhood Associations. We had well over 30 community members present, including the Belmont and Villa Heights Neighborhood Association's Presidents, and other key leadership. I'm happy to say, both communities support affordable housing. They support the effort that is going on here. There were a couple issues that they wanted to sort out. One is, the lot that's on the Villa Heights side, the community actually wanted to have more density instead of just a single-family home with an ADU, and so the City of Charlotte staff has been looking into the potential of putting a quad there or a triplex, and the community was very pleased with the outcome of that.

The other piece that the community was concerned about, and this was on the Belmont side, was there's a parcel that had been previously rezoned, and as a part of that

rezoning, there was a connection there that was a part of the rezoning process. That rezoning actually has not gone anywhere, it hasn't moved at all, and the neighborhood's concern was that that connection piece would be lost if we were to move forward and approve this rezoning. Staff has reviewed this and discussed it, and if there's any rezoning on that parcel, that's not a part of this petition, it's a separate parcel, that's not under any active rezoning right now, but if there were to be rezoned, then that connection would have to be reestablished, and therefore, the concerns around traffic going into the community would be addressed. So, we're in a really good place, both with the Villa Heights community and the Belmont community on this particular petition, I'm happy to report. I just want to thank the City of Charlotte staff for working with the community. As I mentioned, we had three separate community meetings to ensure we got to a right answer.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 585-586.

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**ITEM NO. 10: ORDINANCE NO. 924-Z, PETITION NO. 2024-087 BY PENMITH HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.8 ACRES LOCATED ALONG THE NORTH SIDE OF GRIER ROAD, THE SOUTH SIDE OF ROCKY RIVER ROAD, EAST OF LASSEN BAY PLACE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A (CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Sealey, seconded by McDonald) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. 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 6.8 acres and meets the preferred acreage for a place type amendment. The proposed development would fill a need for housing in an area that has been identified as lacking Access to Housing Opportunity by the 2040 Comprehensive Plan with an allowance for up to 70 new multi-family attached residential units. The site is adjacent to Reedy Creek Nature Center and Preserve and the Reedy Creek Greenway system. The site is within a half-mile of a designated Neighborhood Center. The site is served by the number 29 CATS local bus route. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 to Neighborhood 2.

Motion was made by Councilmember Johnson, and seconded by Councilmember Mitchell, to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. 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 6.8 acres and meets the preferred acreage for a place type amendment. The proposed development would fill a need for housing in an area that has been identified as lacking Access to Housing Opportunity by the 2040 Comprehensive Plan with an allowance for up to 70 new multi-family attached residential units. The site is adjacent to Reedy Creek Nature Center and Preserve and the Reedy Creek Greenway system. The site is within a half-mile of a designated Neighborhood Center. The site is served by the number 29 CATS local bus route. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Neighborhood 1 to Neighborhood 2.



**Councilmember Johnson** said I just want to thank the developer, Paul Pennell, for working so closely with the community. You all have heard me talk about the District 4 Coalition, which is a coalition of neighborhoods in District 4. It's a unified approach to just maintaining the quality-of-life and really overseeing and working with Council. So, he worked very, very closely with the District 4 Coalition on this petition. There was some opposition, and that has since been resolved. He worked with the neighbors, and he's just done a great job in working with the community on this development. As such, the following concessions were made, and I'm just very happy to support this. All residential units are for sale homes, and this was coordinated with the District 4 Coalition, to limit rentals in the community. There's a cap that only 20 percent can be rented. The Grier Road is to be widened with an additional lane to minimize traffic congestion. There is substantial tree save area adjacent to the existing community, adjacent project to maintain existing privacy. There's a new bus stop on site. They are providing a 12-foot multi-use path along Grier Road, and a 400-foot sidewalk extension along Grier Road to the Glen Laurel Community to provide a continuous sidewalk to Reedy Creek Park for residents. So, this is one of those developments that really adds to the community, walkability, infrastructure, transportation, and maintaining the quality-of-life. So, I'm happy to support this, and I'm thankful to the developer and also to the District 4 Coalition for helping. So, I'm honored to support.

**Mayor Pro Tem Anderson** said excellent. Great work, Ms. Johnson.

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

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 587-588.

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**ITEM NO. 11: ORDINANCE NO. 925-Z, PETITION NO. 2024-108 BY OLYMPIA & WRIGHT HOMES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 3.0 ACRES LOCATED ALONG THE SOUTH SIDE OF MT HOLLY-HUNTERSVILLE ROAD, ON THE WEST AND EAST SIDE OF PAWLEY DRIVE, AND NORTH OF MT HOLLY ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-B (CD) (NEIGHBORHOOD 2-B, CONDITIONAL).**

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Neeley) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is adjacent to Neighborhood 2 Place Type developed as multi-family housing to the north across Mt. Holly-Huntersville Road. The site is directly abutting a multi-family attached development to the west along Mt. Holly-Huntersville Road, zoned N2-B. The proposed plan would continue the trend in densification in around the Mt. Holly Road/Mt. Holly-Huntersville Road intersection. According to the Comprehensive Plan's EGF the site is located within an access to housing gap and the petition's proposed 40 units would add to the housing supply and diversify the housing stock. The proposed development fronts on Mt. Holly-Huntersville Road, designated by the Charlotte Streets Map as a 4+ Lane Avenue and considered an Arterial Street by the UDO. The Comprehensive Plan calls for N-2 Place Types to be located on arterial streets designed to accommodate alternative modes of transportation. The site is located within a half-mile of a commercial center containing a range of uses including grocery, restaurant, and retail uses. The proposed plan includes a 12-foot multi-use path along the site's frontage with Mt. Holly-Huntersville Road and the installation of a bus waiting pad. The site is along the route of the CATS number 18 local bus providing service to the Rosa Parks Community Transportation Center, forming the beginnings of a multi-modal transportation network. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion. The approval of this petition will

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

The 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. Updated tree survey to show right-of-way trees.
2. Added note that all transportation improvements will be completed prior to first Certificate of Occupancy.
3. Committed to abandoning Kings Drive right-of-way prior to Land Development application.

**David Pettine, Planning, Design & Development** said staff believes these changes are minor and do not warrant any additional review by the Zoning Committee, and we'll take any questions you might have.

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

Motion was made by Councilmember Mitchell, seconded by Councilmember Johnson, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is adjacent to Neighborhood 2 Place Type developed as multi-family housing to the north across Mt. Holly-Huntersville Road. The site is directly abutting a multi-family attached development to the west along Mt. Holly-Huntersville Road, zoned N2-B. The proposed plan would continue the trend in densification in around the Mt. Holly Road/Mt. Holly-Huntersville Road intersection. According to the Comprehensive Plan's EGF the site is located within an access to housing gap and the petition's proposed 40 units would add to the housing supply and diversify the housing stock. The proposed development fronts on Mt. Holly-Huntersville Road, designated by the Charlotte Streets Map as a 4+ Lane Avenue and considered an Arterial Street by the UDO. The Comprehensive Plan calls for N-2 Place Types to be located on arterial streets designed to accommodate alternative modes of transportation. The site is located within a half-mile of a commercial center containing a range of uses including grocery, restaurant, and retail uses. The proposed plan includes a 12-foot multi-use path along the site's frontage with Mt. Holly-Huntersville Road and the installation of a bus waiting pad. The site is along the route of the CATS number 18 local bus providing service to the Rosa Parks Community Transportation Center, forming the beginnings of a multi-modal transportation network. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map, from the Neighborhood 1 Place Type to the Neighborhood 2 Place Type for the site, as modified.

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 589-590.

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**ITEM NO. 12: ORDINANCE NO. 926-Z, PETITION NO. 2024-115 BY THE VUE AT HONEYWOOD AM, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 6.95 ACRES LOCATED SOUTHEAST OF MONTANA DRIVE, NORTHEAST OF TENNESSEE AVENUE, AND WEST OF SOUTHWEST BOULEVARD FROM R-**

**22MF(CD) (MULTI-FAMILY, CONDITIONAL) TO R-22MF(CD) SPA (MULTI-FAMILY, CONDITIONAL, SITE PLAN AMENDMENT).**

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is a site plan amendment to a previously approve conditional rezoning plan, 2021-016, requesting to reduce the permitted number of principal structures, increase the proposed height, and add an accessory amenity building to the site. The site plan amendment would not increase the number of dwelling units permitted under the previously approved conditional rezoning plan. The site is designated as the Neighborhood 2 Place Type by the 2040 Policy Map. The Neighborhood 2 Place Type is characterized by low- to mid-rise multi-family buildings. The site is served by the CATS number 3 local bus providing service to the 36th Street Lynx Blue Line Station and the Albemarle and Lawyers Road Park and Ride.

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. Added large maturing evergreen trees at the center of Building 1 adjacent to abutting property to visually breakdown the scale of the structure.

**David Pettine, Planning, Design & Development** said we had been asking for them to consider some ways to make that structure a little bit less cumbersome. So, adding some of those trees is certainly something we would welcome. Again, that's a minor change, we don't feel it warrants additional review by the Zoning Committee, and we'll take any questions you might have about it. Thank you.

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

Motion was made by Councilmember Mitchell, and seconded by Councilmember Driggs, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is a site plan amendment to a previously approve conditional rezoning plan, 2021-016, requesting to reduce the permitted number of principal structures, increase the proposed height, and add an accessory amenity building to the site. The site plan amendment would not increase the number of dwelling units permitted under the previously approved conditional rezoning plan. The site is designated as the Neighborhood 2 Place Type by the 2040 Policy Map. The Neighborhood 2 Place Type is characterized by low- to mid-rise multi-family buildings. The site is served by the CATS number 3 local bus providing service to the 36th Street Lynx Blue Line Station and the Albemarle and Lawyers Road Park and Ride, as modified.

**Councilmember Mayfield** said Mr. Pettine, maybe you can help me with this.

**Councilmember Ajmera arrived at 5:30 p.m.**

What we have on page two of seven in our background is that in 2021, Petition 2021-016, the site was rezoned from R-5 single-family to R-22 multi-family, conditional, to allow the developer up to 100 multi-family dwelling units and no more than seven buildings. When I go to our website and pull up the rezonings, 2021-016 notates a rezoning off of I-85, West of Beatties Ford Road, and north of Brookshire Freeway, because I was going to see what the community meeting minutes were. So, what is the correct petition? Also, I want to know what is the impact if we were to increase the height? So, in 2021, according to this, there was a community meeting that was held. I'm not able to pull up any community meeting notes, because again, when I type in that petition number, a different set of information is provided, but what the community supported was what was originally presented. Now, in 2025, they're asking to, not only reduce the number of buildings, but to increase the height from 40 feet up to 58 feet. Should this not have at least had an opportunity to go back to the community for them to be a part of the discussion again, and why am I not able to pull up the previous information, when what is noted in here comes up with different information?

Mr. Pettine said so, it looks like the Petition Number is 2021-016. I'm not sure if there's an issue with one of the links on the website, but that is the approved set of plans, and the project did go back through. This decision has gone through the entire rezoning process to talk about reducing the number of buildings and increasing the height. So, that had community meetings, that had a public hearing. So, all of the changes that you're seeing in front of you for decision tonight went through that entire process again. So, the community was made aware of going down from six buildings or seven buildings that were approved, to three, and having an increased height, but still having the same unit count, and there were no comments that we were made aware of, of concern. There was no opposition at the public hearing that we were aware of.

Ms. Mayfield said so, the biggest challenge I have is going into our City's website and pulling up this petition, that is not the information that comes up. So, I did not see a way for me to go in and look to see if there were any actual comments from community, since what they supported was a completely different project than what's being presented to us tonight. Is there any impact with increasing this height from 40 to 58?

Mr. Pettine said so, we weren't made aware of any impact. Once a rezoning is approved on our websites, we do take down some of that previous information, just because of the scale of some of the info we have does clog up some of our website traffic, so we just stick to approved plans for some of those older petitions, over the last several years, but we weren't made aware of any concerns about this petition changing and increasing the height. There was no, like I said, opposition at the public hearing for this one, didn't have any concerns raised during the Zoning Committee meeting. So, we're not aware of any potential concerns of the change of this project, from what was approved back in 2021, to what's being presented this evening.

Ms. Mayfield said thank you.

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

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

NAYS: Councilmember Mayfield

The ordinance is recorded in full in Ordinance Book 67, at Page(s) 591-592.

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## HEARINGS

**ITEM NO. 15: HEARING ON PETITION NO. 2024-102 BY DRAKEFORD COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 11.9 ACRES LOCATED ON THE NORTH SIDE OF SUNSET ROAD, EAST OF PAULA COURT,**

**AND WEST OF LINDA VISTA LANE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

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

**Joe Magnum, Planning, Design & Development** said this site is just shy of 12 acres, located along the north side of Sunset Road, west of Linda Vista Lane and east of Carpenter Cabin Drive. It is partially developed with a utility substation, as well as a 70-foot utility easement running north/south through the property. Current zoning is N-1A. Proposed zoning is N-2A(CD). The 2040 Policy Map recommends Neighborhood-1 Place Type. The proposal would allow for a community of 79 multi-family attached residential dwelling units. Would limit buildings to no more than four units per building. Establish a public street network to provide access to the units from Sunset Road, while connecting to a neighboring public street. Maintain the existing substation and natural gas easement that bisects the site. Would install a 10-foot Class C landscape yard with a six-foot fence along the property boundaries, except for the areas within the natural gas easement. Would commit to usable porches and stoops as predominant features of building design. Agrees to coordinate with Mecklenburg County to dedicate an area for a connection to future McIntyre Creek Greenway, and commits to several transportation improvements, including a public street network and private alley to access units, an eastbound left turn lane into the site from Sunset Road, an eight-foot planting strip and 12-foot multi-use path along the site's Sunset Road frontage, an eight-foot planting strip and 10-foot sidewalk along the eastern side of the north/south public street, and an eight-foot planting strip and six-foot sidewalk along the western side of the north/south public street. Also, would provide recess parking along the public street to provide visitor parking.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation. It is inconsistent with the Policy Map recommendation for Neighborhood-1 Place Type. However, the proposed multi-family attached dwellings would provide an additional housing option in an area identified by the 2040 Comprehensive Plan as being in a housing gap. The site is less than two-thirds of a mile from a Neighborhood Center with retail and services. The Beatties Ford Road, Sunset Road Pedestrian Improvements Project will provide sidewalk connectivity between the site and the Neighborhood Center. The petition would allow development of a site that is heavily encumbered by a natural gas easement while improving street connectivity. This petition commits to providing a 10-foot sidewalk along one side of the north/south public street and coordinating with Mecklenburg County to dedicate an easement for access to future McIntyre Creek Greenway. I will turn it over to the petitioner and members of the public.

**Brittany Lins, 1420 East 7<sup>th</sup> Street, Suite 100** said thanks so much. Mayor Pro Tem, Council members, members of Zoning Committee, Brittany Lins with the Law Firm of Alexander Ricks. Tonight, I'm representing Bobby Drakeford and the Drakeford communities. I also have Matt Langston with us as well to answer questions if needed. Just want to orient you to the site. Zooming out really briefly, you'll see at the very top of the screen, there is Hornets Nest Park and then the McIntyre Creek and future greenway. Just kind of zooming out a bit, you'll see I-77 on the other side. Continuing to zoom in, just to orient you to this site, there's Beatties Ford to the east and then fronting on Sunset. Zooming in again, 11.9 acres. This is a current street view of the site. You can see there's no curb, there's no gutter, there's no sidewalk, but there is some community neighborhood centers further down, less than a mile away, and right now there's not very good walkability to get that direction. As mentioned by staff, our request is for the N-2 Zoning District, and we recognize that the 2040 Plan and the current zoning is N-1, but this is a conditional site plan, and we're committing to single-family attached and detached only. So, it's an N-2 Zoning District, but it's really more of an N-1 style. You've seen this, I'm sure, plenty of times on Council. We need a little flexibility based on the lot, and I'll show you in a moment, as staff referenced, that there's that natural gas easement. So, allowing for more flexibility, better lot layout, is really more the reason why we have this zoning request. It's not for density, it's for design. So, again, the N-1 Place Type, that allows for, as you know, duplexes, triplexes and sometimes quadraplexes. We are similarly limiting our site to triplexes and some

quadraplexes. So, this is not multi-family N-2 development, it's more of the N-1 style. Just want to reemphasize what staff said that this petition does have the housing access for all and then the trail-oriented development goals of the 2040 Plan that we're happy to present to you tonight.

That all gets me to the rezoning proposal. So, we are proposing 70 attached or detached single-family units. You'll see how the gas easement kind of bisects the site. Two things I want to emphasize that are a direct result of talking with the community. The first one is, we've reduced the building height to a maximum of 36 feet. So, although by-right you can go up to 48, we've talked with the community, they had concerns about units that would be towering over their lower elevation homes, so maximum of 36 height in building. Then, also we have said that we would not have any balconies or second story porches. So, again, by-right, you could have porches, you can have balconies, you can have rooftops. We have restricted in our conditional notes that we would not do that. This colored rendering probably shows you a little better, we've committed to Class C buffering around the edges and a six-foot-tall fence, again, not a requirement otherwise. Then, the purple line that you see going through the site, that represents the greenway sidewalk that would be going through our site eventually connecting at McIntyre Creek to that Hornets' Nest Park and down on the opposite side from Sunset. So, we're working in coordination with Park and Rec on that connection. We're also providing the 12-foot multi-use path along Sunset where there currently is no sidewalk. Then, we're intentional about the tree save and the buffering areas, while working around that power easement. So, again, this is not a density play. This is a design to try to work with the existing site constraints and stay away from some of those neighborhood borders. There's a lot of words and numbers on this slide, but I want to emphasize here again, the design, not density, is our focus here.

So, the number of units that we're proposing, again, is 70. We had engineered sketch plan for a by-right development, and we were able to conclude that approximately 71 units can be put on the site today by-right under the N-1 Zoning District. So, using the compact development, putting triplexes on the site, for a total of 23 triplexes and 1 duplex, with the minimum lot sizes of the 5,000 square foot minimum lots for N-1, we can achieve 71 units on the site by-right. That's not the layout that feels right to the Drakeford communities. They'd prefer the layout that they've proposed for 70 units. Again, emphasizing on this chart the building height, we're at 36 feet, by-right would be 48 feet. Also emphasizing the maximum number of units, we've restricted that to a maximum of four, which feels like that N-1 Place Type. We've also committed to guest parking, which is not a requirement of a by-right development, including parallel on-street parking. So, capturing some of that visitor parking, so there isn't any concern of overflow into the neighborhood. Again, that greenway connection is a commitment of our zoning, as well as the tree save and the planting commitments being around the edges of the site adjacent to the community members, and with the fence on the line. So, hopefully this chart's a little bit helpful. Again, I know it's a lot of numbers and N words on it, but happy to go through it in further detail if there are questions. Zooming out again, this kind of just shows the site and the scale of the community around it, having the access through Sunset, connecting to Carpenter Cabin as a requirement, whether this would be a zoning or a by-right development, and then again, that purple line representing the greenway connection through our site via our sidewalks. We do have some example elevations. This is just some conceptual elevations, and then next, these are some pictures that the Drakeford communities provided as some examples.

At this point, I know we have some opposition speakers. I know that we have worked with the community. In addition to our official community meeting, we've had follow-up meetings. Also, Bobby Drakeford has met on-site with multiple neighbors. We are certainly willing to continue those discussions, happy to hear what they're going to say tonight, and then we continue to work with them and hope that we'll be able to come to some resolution, but I'd be happy to take questions after we hear from the neighbors. Thank you.

**John Lynn, 3225 Sunset Road** said my name is John Lynn. I live two properties away from the proposal. I heard the mention of greenway, and I know that there was a

greenway plan to go through there, but their greenway plan has their greenway crossing over 30 or 40 driveways, and when you're on a greenway, I've never seen a greenway in Charlotte that crosses over that many driveways. You have kids riding bicycles on greenways. Since it's crossing driveways, you're going to have a lot of parked cars on those driveways, kids accidentally hitting cars or whatnot. It's just not a good design to begin with. The number of units, they want too many, they want 79 units. I think it should be closer to 60 or 65 to allow for more tree buffer for especially the front. It should be aesthetically pleasing to the eye, not see buildings up in your face right up on the road, and I'd like more of a tree buffer between the development and the neighbors. Currently, when I step out on my back porch, I only see like seven houses. Now, you're going to add like over 70 houses right next door, two properties over. I'm going to see a lot of those properties. Yes, I think that as Charlotte grows, the greenways should too, and they should be safe and inviting for the community. It's currently acting as an animal highway for a lot of the animals in the area, especially with all the new developments in the area. You've got two new developments on Oakdale, you've got another new one on Sunset, you've got another one right around the corner from Peachtree, and I don't know about my neighbors, but I've noticed a huge increase in traffic as it is, and some of these developments aren't even finished. You're talking about Belmont earlier, and I know what they're going through. They're having a lot of traffic problems, and I've noticed we're having a lot of traffic problems on our side of town. You've only got that lower road. It's not a four-lane road. It's just a little two-lane road, but yes, there's a big concern. We don't want to see three-story buildings. Glenlea, the next townhouse community up the road, that's only two-story units. We don't want to see these huge buildings towering over our streets. There's a lot of areas in Charlotte that have trees buffering from the main road from the communities, and we'd like to see just something that improves Charlotte, enhances it, but doesn't leave a scar on it.

**Alex Melton, 3217 Sunset Road** said hi everyone. My name is Alex Melton. I've got a few concerns with this development. Number one, I don't think it fits the neighborhood, as John was stating right now. They dropped the height down to 36 feet, but I believe that still allows for three-story townhomes. The developer hasn't really committed to if it's going to be a two-story or three-story model. I think that's the huge issue. The renderings shown tonight are the first time I've seen those renderings. They're different than the renderings they showed us previously. So, I really don't think three-story townhouses fits the neighborhood. I'm in the third house over, and a lot of the houses on Sunset are one-story ranches. The houses in Linda Vista that are next to this are two-story houses. Three-story townhouses do not fit this community. Another concern of mine is they're saying that they're proposing a tree buffer, and I'm right on Sunset Road, so I don't really have a front yard, because that's Sunset Road, but I bought my house because it's got a huge backyard, but with the proposed development, I'm going to have 14 possible three-story townhouses looking into my backyard. This is going to negatively impact my property value. The developer is proposing a tree barrier, but they're not willing to guarantee that there's going to be a tree barrier on the units, the 14 that line on the side of the property. On this map, they're going to be on the line of the houses that are on Sunset. I think that's a huge concern. I mean, they're proposing the tree barrier, but I'd like to see some real commitment and some transparency in this process. Again, we still don't know if they're two-story townhouses, if they're three-story.

Lastly, my other concern is the neighborhood entrance. Peachtree Road, NC-DOT (North Carolina Department of Transportation) just installed a three-way intersection with a traffic signal. I believe that this development should connect to that intersection and not have a separate driveway. I think that's the most logical thing, but the developer says that NC-DOT isn't requiring it, and I think that that's an issue. I believe that the development should connect to the intersection that's at Sunset and Peachtree, because I think that having a separate driveway and connecting to an existing neighborhood is really going to increase traffic.

**Andrew Cheek, 1803 Carpenter Cabin Drive** said hi there, my name is Andrew Cheek. I live right at the end of Carpenter Cabin there. I'm probably the closet one in that community to this proposed development. One of my major concerns with this

development is kind of its consistency with the 2040 Policy Manual. The bullet points, they say all considered, not all required, I understand that. So, I understand they don't need to meet all the bullet points, but going through the list it seems like they only meet maybe two or three of them, one of them being the housing gap, which is a very important thing to me. I believe in affordable housing and understand the housing crisis, because all my friends are looking for houses. The other one they meet is the remnant parcels, which they're not leaving any parcels leftover, and then the frontage to the arterial, which is Sunset. So, out of the six, they're only meeting three. I think that's kind of concerning, just given how the Planning staff had recommended approval, and they're only meeting three. So, I don't expect them to meet all of them, but at least a majority, that's my biggest concern.

My second biggest concern is the proximity of the new proposed driveway to Peachtree. I believe there's going to be a lot of transportation issues with that. I know that they're working through that, and I know that they've pushed the driveway over as far as they can to allow houses on one side, but I still think it's insufficient based on just the proximity. You just don't see a proposed public road that close to another one with a signal, it's something you just don't see. The other issue I have is with the density. I know that they've mentioned that there's only going to be a few quadraplexes, like some quadraplexes, with a lot of triplexes, but the majority of them are quadraplexes if you look on all the proposed conceptual plans they provided. So, I believe that to make it more consistent, they need to lower the density down to triplexes. I'm okay with that. Again, I'm not against the driveway and the connection to Carpenter Cabin. I'm not against development, but I do wish, and I do hope that they reduce the density and address the greenway issue. I do believe that on the first round of comments, there wasn't a comment regarding the greenway, in which it needed to be separate from the sidewalk. It needed to be a dedicated greenway space, and I know that the requirement on that comment was pretty wide, but I'm okay with it being narrower, but just out of the driveways. I do believe that's a big issue as well. So, those are the comments I have. Thank you for your time.

Ms. Lins said thank you. Just to hit some of the high points. So, we heard about the greenway connection. We'll certainly coordinate with Park and Rec on that and make sure that we have a proposal that makes sense, and that works for them as well, so the greenway coordinating with Parks and Rec. As far as density and units, I mean the by-right development could allow that much. I don't mean to say that threateningly, but we are trying to work through a site plan that works for us as well as a density that we feel like is consistent with the N-1 Place Type. The not wanting to see three-story buildings, I don't know at this point whether it's two or three-story buildings. I know it will be restricted to 36 feet, which is again significantly less than the by-right, which would allow for 48 feet, but certainly willing to continue those discussions with the neighbors and try to home in a little bit on what the buildings might look like, so that we can address some of their height concerns. Then, the other comment I heard was about the intersection and lining up with Peachtree Road. We are not able to do that. There's an existing substation on the site and then that power easement through the site, so we can't move that, that's going to remain, and there's no way to line up with Peachtree, because that's where the substation is. So, we have instead, as the community member mentioned, we tried to push it as far away from that intersection so that it wouldn't conflict, but that's the best we can do with the site constraints and the existing power gas easement. Then, we'll continue coordinating with C-DOT (Charlotte Department of Transportation) on that one as well. So, I think those were kind of the high points. We have their contact information, we'll certainly continue discussing with those community members, and we'll let you guys know if we're able to make some progress, but we understand their concerns and we're happy to continue talking through them.

**Councilmember Ajmera** said Brittany, thank you for answering some of the questions that I've had, specifically about the greenway connection, and see if their concern can be addressed in the way the connection is designed currently. So, I would like to see some progress on that. I think it's important if it's separate from sideways, because that's the concern that both Mr. Lynn and Mr. Cheek had brought up. I certainly appreciate the infrastructure improvements that the petitioner is making, as well as the



connection to greenway. Also, the comparison chart was very helpful, because that shows what could come. If we can bring that up here on the screen, because that shows what could go there by-right versus what is being proposed. So, in terms of the density, what is currently being proposed is about the same?

Ms. Lins said technically, it's one less. We're relying on our engineer. He got 71 units using the duplexes and triplexes, and we are proposing 70, down from 79, which was our original, but I think if you get that slide up, that would be really helpful.

Ms. Ajmera said yes, I think that slide is important, because that shows the height restrictions, as well as the guest parking. So, certainly, there are many things that's being addressed in the proposed plan, especially height restriction, number of units being actually one less. Other thing, a tree barrier. If you could go back to the site plan, and I think Mr. Melton had brought up tree barrier.

Ms. Lins said I believe Mr. Melton lives in this direction. So, this of course, is all tree save and staying out of the easement area, and then for this area we're proposing a minimum of a 10-foot Class C landscape planted area and a six-foot-tall fence.

Ms. Ajmera said so, there is a tree barrier?

Ms. Lins said yes. There's a landscape area, and then we have tree save on top of that. Do you know the dimension of that area?

**Matt Langston, 1230 West Morehead Street, Suite 304** said so, as you can tell on the site plan, like Brittany mentioned earlier, there's a gas pipeline that zigzags through the property. It really constrains us, and there's an existing sewer right-of-way that cuts through as well, and we've obviously had to locate the stormwater ponds in the low points of the property. So, that really constrains us for tree save. So, the areas where you see tree save, are where are we are really, really going to try to put them, because we don't have other places to put tree save. So, for it to be tree save, it'll have to be 30 feet wide, and like Brittany mentioned, on top of that, we have to put a C landscape yard, which has a six-foot fence and some additional plantings. So, it'll be 30 feet with enhancements.

Ms. Ajmera said got it, that is helpful. Certainly, this is a difficult site to develop. So, I think it was Mr. Melton who had brought up a concern around three-story. So, what is the nearest property's height from this development?

**Bobby Drakeford, 1914 Brunswick Avenue** said good evening, Mayor Pro Tem and Council. My name is Bobby Drakeford. Thank you for allowing us to present. So, the abutting neighborhood is comprised of some older homes from the 1950s. There's a subdivision at the end of Carpenter Cabin. Carpenter Cabin homes are two stories. The older homes along one side of Sunset are generally ranches. The other side, there's some fairly large estate-type homes that are certainly, probably 25, maybe 35 feet high, and another perhaps two miles down Sunset there's a new development under construction now that has three-story townhomes that are taller than 36 feet. So, our thought is that this 36-foot limitation will allow us to do a 2½-story unit, that wouldn't have the appearance of a two-story, but would allow for a loft on the third floor. That was a compromise reached on meeting one of the neighbors who interacted with us more that is closest to us there, right next door. We met on site and talked about these issues and concerns, and it was a response to their willingness to talk.

Ms. Ajmera said so, are the homes on both sides?

Mr. Drakeford said so, there are relatively new subdivisions, perhaps 20 years old, I'd say within 500 feet of both sides of us, and those subdivisions are two-story single-family homes. There are townhomes as well out there that are older that are two stories.

Ms. Ajmera said but I do see there is a tree barrier on both sides.

Mr. Drakeford said that's correct.

Ms. Ajmera said so, that would help in terms of some of the height concerns that the neighbors have. That's all I have. I hope that we find a resolution on the greenway connection, I think that's a valid concern, and I hope that the progress continues in addressing their concerns. Thank you. That's all I have.

**Councilmember Johnson** said so Mr. Drakeford, you all might be able to answer the question. I heard from Mr. Melton and Mr. Cheek about the neighborhood entrance, and you all can clarify. I thought I heard Mr. Melton say that he would prefer the entrance not to be in the subdivision, and Mr. Cheek said he wasn't so opposed to it. So, I just want to know where is the entrance? Is it off of Sunset or is it off the residential?

Ms. Lins said they might have to correct me or if you guys heard it differently, I believe what they were talking about is across the opposite side of Sunset is Peachtree Road, and there's an entrance to the neighborhood there, and I believe they were asking if we can make that an intersection, rather than offset. Is that what you guys heard? So, my response to that was that this is the existing location of that substation, and we're not able to line it up with existing Peachtree Road for that intersection at the entrance, so we've pushed it as far as we could in the opposite direction so that it couldn't conflict, and that was in coordination with C-DOT. I believe that is what they were talking about, and if not, I'm certainly happy to address any other concerns.

Ms. Johnson said is that correct, Mr. Melton?

Ms. Lins said this kind of reflects that existing condition for the substation.

Mr. Melton said my concern with the intersection, though, is they say the substation's there, but I'm just wondering is there any possible way to actually connect like do a four-way intersection there or not? That's my biggest concern, is can it be done or can it not? Because of the intersection currently, with the proposed driveway placement, like Andrew and I were saying, it's so close to the intersection that you wouldn't typically have it there. I'm just thinking it's going to be best for the surrounding neighbors and everybody if there's any way at all possible to do a four-way intersection at Sunset and Peachtree, that's all. If it's truly not, then I mean I guess I'd be fine with the plan, but I just feel like it hasn't really been fully investigated if it can actually be done or not, that's all.

Ms. Johnson said thank you. Yes, Mr. Drakeford.

Mr. Drakeford said I'd like to respond and let you know that that's an older photograph. So, the street's been widened and there's now a red light there and a left turn lane, and that's going westward on Sunset. So, we're going to widen the eastern approach to that intersection, and have a left turn lane into our site, and so that would facilitate traffic there. It wouldn't be that pattern that you're looking at right now. So, Sunset is now right there, a three-lane road. So, there are two lanes going west towards our driveway and then on the other side of our driveway, we're going to widen it so it'll be a left turn lane in, so traffic won't be as congested as it otherwise would be without these improvements. That was just a much older picture.

Ms. Johnson said okay. Then, let me just ask C-DOT, if you don't mind. Can you give us some input on the substation? Is there anything more that can be done?

**Jacob Carpenter, C-DOT** said so, because of public road requirements and design requirements, it would be difficult, if not impossible, to have an entrance align with Peachtree, and meet the radius requirements and design requirements for a public road through there. So, we did work with the petitioner to push it as far as possible and included addition of a left turn lane at the driveway, to take some of the load off of those movements. It's approximately at the distance that we would normally require. Two hundred feet is standard for distance from a traffic signal, and so I think it's about 185

feet or so. So, we've worked to design it as well as possible for the situation that the property has.

Ms. Johnson said thank you. So, it sounds like the developer has worked with the City and they've done the best that they can as far as the entrance and the intersection. I just wanted to address your concern and ask that question. That's all I have, thank you.

**Councilmember Driggs** said so to the residents, I'm sitting in Malcolm Graham's chair tonight. He couldn't be here tonight. Critical that you engage with him, and he will work with you to see what issues can be resolved. I will note that using the old criteria and of density, it's 6.6, which is not aggressive. Granted, not all the land is buildable, but in fact, the way we judge these things, is how many units are there in that space? It's not necessarily the building type and so on. So, I'm just saying, there are number of conversations that will take place, and it's critical that you work with him. One thing I will mention is we saw tonight a description of the by-right alternative, and the question for you is going to be, do you accept that that is what could happen? You may want to satisfy yourselves about that, and then you need to look at really how that compares. So, I had one recently, very difficult comparison between the by-right solution and one that residents, at least initially, didn't like. So, I'm just saying be mindful of that, understand that as these things go, this is a not a tough one for us in general. So, if your thought is to kind of make it go away, get back to two-story, whatever, I don't know that you're going to have that kind of leverage, and I'll let Mr. Graham speak, but I'm just pointing out to you, it's critical for you to work with him and look at that by-right alternative and then think about where you come out. I'm hopeful that he will be able to respond to issues that you have raised to achieve a more acceptable outcome, and that that's the way this often works, but I just wanted to offer you that advice. Thank you.

Mayor Pro Tem Anderson said I will say before we close that Ms. Lins, the comparison here, this chart here, I think is an excellent tool, because we quite often talk about by-right, but it's clear here, not only for the Council, but for the residents, of what by-right is, and how the progression has occurred throughout the community meetings. So, thank you for that.

Ms. Johnson said I like what you said about the comparison, and maybe staff can provide us with that in our zoning books as a resource, so that we can see, or the developers are welcome to do that as well, but it is helpful, so thank you for this. That's all.

Motion was made by Councilmember Driggs, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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**ITEM NO. 17: HEARING ON PETITION NO. 2024-116 BY FEVEN NEGASH FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.35 ACRES LOCATED ALONG THE WEST SIDE OF WHITE PLAINS ROAD, NORTH OF HIDDEN VALLEY ROAD, AND EAST OF WEST SUGAR CREEK ROAD FROM N1-B (NEIGHBORHOOD 1-B) TO N1-C (NEIGHBORHOOD 1-C).**

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

**Holly Cramer, Planning, Design & Development** said this petition is a third of an acre located in the Hidden Valley neighborhood. It's in an area with established single-family homes and goods and services accessible to residents along the North Tryon and West Sugar Creek Road corridors. Property and surrounding lots are all zoned Neighborhood-1B, and the rezoning request is to go up one classification to Neighborhood-1C. These two Neighborhood-1 Districts allow for the exact same uses, but differ slightly in dimension and standards. So, for example, Neighborhood-1B has minimum lot size of 8,000 square feet, whereas Neighborhood-1C has minimum lot size of 6,000 square feet. This lot size, for reference for the lot in question, is 15,000 square

feet, or a little bit over that 15,000, so it's currently less than 1,000 square feet short of just being able to subdivide currently under the existing N-1B zoning that is. So, if the rezoning were approved, this property could be subdivided into two lots. So, just real quick, and this discussion might come up later, but I want to note that deed restrictions are on lots in this neighborhood. UDO (Unified Development Ordinance) does not nullify or supersede any private easements, covenants or any other agreements between parties, which includes deed restrictions. So, it is incumbent upon petitioners to conduct appropriate research into all applicable restrictions on a site, as they would remain regardless of a successful rezoning. So, this request is consistent with the 2040 Policy Map's recommendation for the Neighborhood-1 Place Type. It is a conventional petition with no associated site plan. Staff recommends approval of the petition. The request for the Neighborhood-1C District maintains the same single-family intent of the Neighborhood-1B District, but it allows for slightly more flexibility in dimensional standards. Given the limited size of the rezoning area, and the request to a district that is just one step above the existing Neighborhood-1B classification, staff felt that this was an appropriate request that kept the Neighborhood-1B zoning as well as that Neighborhood-1B Place Type intact, and I'll take any questions following comments.

**Feven Negash, 813 White Plains Road** said my name is Feven Negash, and I own 5930 Investments, LLC, which aligns with the property 813 West Plains. I did apply for rezoning and intention to subdivide the lot to two. Based on the deed restriction, you cannot have two single-family on one lot. So, my purpose to rezoning is because I'm short. Just like was mentioned before, the N-1B, you have to have the minimum allowed. So, when I subdivide it, I don't have the minimum required. So, when I rezone it to N-1C, it will allow me to have the small lot, which I have this one [INAUDIBLE] is right here. So, [INAUDIBLE] will be, if it was approved, 7,062 square foot lot, which the minimum is 6,000. So, I will be compliant with rezoning N-1C to have a small single-family, which will be around 1,530. When I had the community meeting, the community had mentioned the deed restriction. The deed restriction does not stop it or does not say anything that I cannot rezone or subdivide it. What it says, though, you cannot have two single-family on one lot. Also, it does say on the deed restriction, you can't have more than two-story and a half. That's the deed restriction that is on what I read. So, I do understand. Next door, Ms. Gardner, has talked with me personally in the meeting. Also, I'm going to have a community meeting, but she really is concerned of her privacy. I totally understand that, but for me, that's the vision that I had when I bought this property for myself and for future of my family. When I asked for the rezoning, I also asked the rezoning team, "Do I have anything that does not allow me based on deed restriction?" I was advised to speak with attorney, and to do my own homework, and speak with our surveyor. That's the reason why I just had it yesterday. So, when the community asked me do I have a plan, I didn't have a plan that time when I shared [inaudible] they were not happy. I just didn't have it to share with them, but I did share my vision. The vision is like to subdivide it to build the single-family house some day in the future, not right away. So, I'm here for everybody and for the Council to see my vision, and to let me know if it was approved in compliance, and I'm also open here for any questions. Thanks. I'm nervous, this is my first time. I'm just here taking that advantage for being in United States and here as an immigrant. I was shocked when I see today all the Hidden Valley come to speak against it. I am very compliant with them in future with the [inaudible] going to own the property. I will work with them, work with my next door neighbor, make sure her privacy is number one priority on me. When I build the house, I will make sure the entrance is not next to her entrance, that way she'll have her own privacy. I'll also make sure that she has enough room, based on the deed restriction, says it cannot be nearer than 10 feet, and also make it farther than the deed restriction requires, if it is a requirement with the space that I have. Thank you.

**Qnubia Umazar, 4317 Munsee Street** said good evening. My name is Qnubia Umazar. I am proud to serve as the Secretary of the Hidden Valley Community Association. I'm also a long-time resident of Hidden Valley and was blessed to be able to come back and move into my parents' neighborhood that I grew up in and that I love. I'm here today to ask you to vote no against this zoning proposal. There's a lot of lofty language, but this really is an attempt to circumvent our deed restrictions and to basically create multi-family homes on one lot under the guise of splitting those lots. As many of you know,

Hidden Valley has a long and complicated history in this City. We are an established neighborhood with deep wounds. As the Mayor so eloquently put, back in April of 2023, a lot of the issues that are now with Hidden Valley, is because of the inaction, and sometimes the action, of City Councils in the past, but we are blessed that under your leadership, Mayor Pro Tem, and a lot of you sitting on this Council today, we move forward as a community. A lot of those wounds are being healed, and we are on the mend. What we're asking today is that you not allow developers and investors to come into our neighborhood and basically piecemeal/gut the lots that are already there. Our deed restrictions are in place, because Hidden Valley is a single-family home community. We are a community with homes that have been there for 60 plus years. This home that she purchased in Hidden Valley was built in 1963. It's a 62-year-old home. Let's also be clear, these investors and developers that are coming into Hidden Valley, because this will open up Pandora's box of other investors coming in, owning that lot, splitting it up, and essentially putting in any and everything beside homes that have been here for 60 plus years. We cannot allow the City to let that happen. We cannot go back. We can't let investors to come in and twist the knife and reopen those wounds.

Hidden Valley can no longer be the footstool of Charlotte. The City is moving forward with Hidden Valley, and we must continue so. We are making great strides in our community. Also, these developers are coming in, and when they do this, they're not building craftsman homes or enhancing our neighborhood, like you will see in Plaza Midwood or NoDa. That is not what they're doing. This is not what this will lead to. This will lead to developers splitting our lots and putting anything and throwing a tenant in that space. We already have code violations from tenants, from landlords who are not taking care of their property through the roofs, and even though our code enforcement are doing a lot, we still have so much to do. We have an infrastructure issue in Hidden Valley. It took me 15 years to get a four-way stop at [inaudible] and Muncy. My kids are now in college. So, we have so much to do in Hidden Valley. This cannot be one of them. We want to partner with the City. We don't want it to be on our backs. Thank you.

**Marjorie Parker, 5131 Springview Road** said good evening, Mayor Pro Tem Anderson and Council members. My name is Marjorie Parker. I'm President of the Hidden Valley Community Association, and I want to thank you for this opportunity. I'm here to oppose the rezoning of 813 White Plains Road, Petition Number 2024-116, submitted by Feven Negash of 5930 Investments, LLC. We don't oppose all rezonings. However, we must protect our legacy and our seniors. As President, I will never offer an apology for protecting our legacy and our seniors and for what is right. We oppose the rezoning of 813 White Plains Road from the N-1B to N-1C for the following reasons. This small side yard will not accommodate another three-bedroom home without blocking the view of the current neighbor of 20 years. Would any of you want your home views blocked after living there for 20 years? This is a complete manipulation of the zoning rules and a complete workaround against the Hidden Valley deed restrictions, which states one single-family home per lot. I challenge you to do the right thing. I challenge you to make sure that your zoning process is fair and equitable. This is not about affordable housing or homes being available. This is not about a home for mother. This current home is a rental property for profit. This second home will be a rental property for profit. I also challenge the Council to encourage City staff to work on existing violations in Hidden Valley, violations of too many people in the homes, and not add to an existing problem. I challenge the Council to have Corridors of Opportunity work on the cleanup of Sugar Creek at Reagan. Yes, I'm throwing that in at this time. In closing, I challenge the Council to consider people over politics.

**Natalie Gardner, 825 White Plains Road** said hi, my name is Natalie Gardner. Dear City Council members, I express my profound concern regarding the proposed rezoning request at 813 White Plains Road. I oppose a subdivision of a single-land parcel directly adjacent to my family's property at 825 White Plains Road. This is not a matter of community-wide concern, but a deeply personal issue that threatens the legacy I plan to preserve for my family. My family's property has been carefully maintained and cultivated for over 24 years, to create a lasting inheritance for me, my children, and my grandchildren. This proposed subdivision represents a direct and immediate threat to

that legacy by, number one, diminishing our property market's value and reducing the land we've carefully preserved. It will eliminate a buffer zone between our properties obstructing the natural light, views, and a peaceful environment we've maintained for that 24 years, the reduce of usable land area, and the cause of potential boundary issues, and most importantly, this rezoning directly challenges the generational planning my family has meticulously developed. We've invested, not just money, but years of care, maintenance and strategic planning into our property, all of which will be undermined by this single rezoning decision. This rezoning strikes the heart of my family's most cherished investment, our land, home, and our legacy. I urge you, the Council, to recognize that this is more than just a technical zoning matter. This decision will echo through generations of my family. This is about preserving the integrity of family properties, respecting generational investments, and maintaining the careful balance of our community's landscape, and I implore you to consider the long-term generational consequences of such rezoning, and protect the rights and investments of long-standing community members. Thank you.

**Charlene Henderson, 6814 Hidden Forest Drive** said so, we passed this out, so that you can have a clear vision of what's going on. We want to thank our community. Ya'll make sure you hold them up, because we want you to see this clearly. We're saying no, because of our community, and I'm going to read this to you. Good evening, Council. Thank you for the opportunity. My name is Charlene Henderson, and I am the Communications Liaison for the historic Hidden Valley. From a policy perspective, we want to know what's wrong with the UDO? Of course, for those that don't know, it's Unified Development Ordinance. As an advocate for the marginalized and under represented, I and we oppose this Petition 2024-116. City Council and staff, we're concerned about this UDO and how it affects our community, like Hidden Valley, that has the character and preservation, and we encourage you to take a closer look at the code violations, like parking, overcrowded homes, overflowing trash, and so much more. As our representatives, you have to do better in assisting us in the communities with educational information in Spanish and in English, and we keep saying that over and over, because these violations are real, and it's so many different [inaudible] in our community. We have 50 percent of LLCs, and some of those owners are slumlords. They are price gougers and they take advantage of the leasors. That's called predatory practicing. As a proud resident of the Hidden Valley community, I tour these communities and have identified vacant homes, boarded up homes, and viable homes at the same time. We're not unreasonable or unfair, but we want to continue to enjoy aging in place without worrying of those practices creeping in and taking over without protection, for our beautiful and well-maintained community like Hidden Valley. We've come a long way, and we have rebuilt those relationships and partnerships with the City and businesses, and we want to continue to know that our Council is fair and just and will do the right thing. Accountability is here. Accountability is now. What say you when it comes down to this Petition 2024-116? We say no, and please look at it closely, and please vote no. Thank you.

Ms. Negash said thank you for allowing me to speak back again. I have no plan to bring any commercial property to this lot. I'm planning to bring a single-family, which is the same houses that are around. There will be no extra parking. There will be no crazy nightclub, or they'll be no noise and disturbing to the neighborhood. I will be compliant, be working with them. I'm going to own this, and some day it will be my own house, primary house. I have a big family. I'm not planning to move right away, and will be my kids, the second house, some day in the future. Yes, now it's going to be rented. I have very small kids. They're not ready to move in, and I'm not also ready to move in. I have a big family, seven family in the house. So, those houses are not going to be ready for me to move in, but I will take care of the house, the landscaping, my tenant will be. I already provided the contract. I contacted the President, would they have anything restriction? How they want me to write the contract, and we spoke with this. So, what they said, everything makes sense. I will be part of this community. Hidden Valley is for all, and I want to be one of the Hidden Valley Community, and I want them to take me and consider me one of them. Hidden Valley is for all. I take number one priority in myself, whether I live or my tenant lives, it will be my priority based on safety, based on beauty, and I'll care of it, and I will take it serious. I'm not going [inaudible]. This is my

property. This is my community. This is my neighborhood. It's not going to be because I'm investor. I don't want them to consider me as an investor and that I'm not going to take care of it. Thank you.

Mayor Pro Tem Anderson said thank you. Alright, we're going to open it up for comments, but I just want to start out, because I've been working with the Hidden Valley community on this. We actually had a meeting last week, and several board members for the Hidden Valley Neighborhood Association, as well as neighbors, attended the meeting, and there was also staff there as well talking through the differences between the N-1B, N-1C, and the setbacks, and assuring and going through how the deed restrictions work in concert with the UDO, in terms of not superseding the UDO. So, it was a very helpful and thorough meeting. I want to thank the community members for attending that meeting. I believe we had more in attendance in that meeting than the community meeting with Ms. Negash, so it was good to have another touch point. We do have several questions that we want to continue to work through, as we work through this particular petition, so you've heard directly from the community.

**Councilmember Watlington** said I've got a couple questions. So, that's helpful, a little bit of context to understand why there seems to be a disconnect between your plan and what the community is understanding it to be or understanding what could be possible. I'm curious to hear from staff. I see the notes in the book, but I'd like to understand why in the midst of this N-1B area here, are we looking, after the work that we've done with the Policy Map, to upzone this one particular lot? Can you just help me understand what the thought process is there?

Ms. Cramer said yes. So, we're looking at policy considerations. It is consistent with the Policy Map here. It is frankly a larger lot than you might see comparatively across some of the other parts of the neighborhood. Like I said, it's about 15,000 square feet on its own.

Ms. Watlington said are you saying it's consistent or inconsistent with the Policy Map?

Ms. Cramer said it's consistent with the Policy Map, so the Policy Map is recommending Neighborhood-1, so request for Neighborhood-1C is still consistent with the Policy Map here. So, when we're looking at plan consistency, that's one of the items that we're looking for. So, when you're talking about that one step up in classification, we're looking at, is it contextually appropriate. If we were looking at something where it's like a Neighborhood-1B to a Neighborhood-1E, something like that, that's a huge disconnect, and you're talking a lot size that would be really variable compared to what's on the ground currently. So, one step classification, we thought, is pretty minor compared to what's on the ground currently, and given the consistency with policy on the ground, there wasn't anything for us to step back and say this is in alignment with what our policies allow us to speak to.

Ms. Watlington said so, when it comes to the rest of it, because it sounds like what I'm hearing is that the neighborhood's concern is that this may be the canary in the coal mine, if you will. What prevents the rest of the lots to then see this inconsistency between letters within the N-1?

Ms. Cramer said so, yes, every property owner has the right to rezone, and that's actually what we spoke at, at length, during our meeting, and Mayor Pro Tem Anderson, and we talked about, I know as mentioned, the Pandora box. This is going through that formal rezoning process and that vetting process. Are the entitlements requested appropriate here? Every single property owner has that right to request a rezoning, and with every single rezoning, we're going to assess whether or not the entitlements requested are appropriate. If this had come in from an N-1B requesting an N-1E, I don't think that would be appropriate, given that it's right in the middle of a neighborhood. If you're talking about something that's on the edge of a neighborhood, a real corner lot maybe located along a major arterial, for example, and so it's at the periphery of the neighborhood, you can see some densification appropriate there, but when you're talking about in the middle of the neighborhood, or even if it's a lot size that's the exact same to your neighborhoods, well, why would go from a Neighborhood-1B to a

Neighborhood-1E? There has to be some sort of justification there. So, Neighborhood-1B to Neighborhood-1C, that one step up, though.

Ms. Watlington said I got where you're going with that. Ultimately, these come down to decisions from us, but I'd love to see a little bit more, or understand a little bit more, about what the black and white says about why this one versus another one. I know we've got setbacks and lot size, that kind of thing, but it will be helpful just to have a little bit more straight forward approach to this, because then we do get into these situations where, okay, well, perhaps this particular homeowner is saying I want to build, because I want to be a part of this community, I want to be an owner/occupant at some point versus what a lot of it sounds like the concern is around investors, or corporate investors even. So, I would hate for it to just come down to a decision amongst us, so if there's anything we can clear up there. Then, I just have one last question, and it is for, yes, ma'am, Ms. Parker, you can come down.

**David Pettine, Planning, Design & Development** said if I could just answer that again real quick for you. The other thing that we want to consider is frontage on this lot. I think it's about 230 some feet of frontage on White Plains. Most of the other lots are probably anywhere from 50, 60, upwards, maybe pushing 70. So, when we look at that and you start looking at what you could do to subdivide out, if somebody came in next door and said, hey, I want to go to N-1D or E, and really start shrinking to a 30-foot-wide lot that really is out of context and out of character, that's where we would start to have a little bit of concern, but given that over 230 some feet of frontage to split that into two, we're still going to get a lot pattern that is somewhat similar to N-1B. What it comes down to is the pie shape of it, square footage is a little bit constrained. So, I think we're looking at an 8,000 square foot under N-1B, to 6,000 square feet under N-1C, so it's not a huge difference. So, we still get to keep the lot width pattern, so to speak on this one. We shrink the lot size just a little bit, but yes, if somebody came in on some of these others and wanted D or E, and we really start carving up and getting real narrow and skinny, that's where we're going to start to have some serious pause on those, but I think that's where we looked at this one a little bit differently, just because it's got that really long frontage on White Plain. So, I just wanted to add that to it.

Ms. Watlington said thank you, that's helpful. I'd just like to understand very specifically. I hear you all talk about your deed restrictions, and I want to make sure that I'm clear about what it is that you're saying is inconsistent with your deed restrictions, because I would imagine that as we've been having these conversations over the years, that that private contract would then supersede what is in the UDO. So, I just want to understand, what is it that you're saying that this particular petition is in conflict with?

Ms. Parker said this particular petition needs 1,000 square feet less to build two homes. When they built that home in 1959, that development, they probably realized that you couldn't put two homes on that lot of the position and how the road curves. So, N-1B, like he said, is 8,000, N-1C is 6,000. N-1B she wouldn't be able to build. Changing it to an N-1C gives her less square feet to build it.

Ms. Watlington said and is there something in your deed restrictions specific to this?

Ms. Parker said the deed restriction says one single-family home per lot. So, the intention is to subdivide the lot into two lots and have two homes on it. We're saying, if she was remodeling the first home and wanted to live in it, wow, that's wonderful. We had a tenant in there from years ago. Well, she's gone. So, I don't think it's about affordable. I think it's about profit.

Ms. Watlington said Ms. Parker, if you don't mind, I just want to make sure that I'm super clear then. What you're saying is your deed restriction says one house per lot, but it doesn't indicate how big the lot has to be or that the lot size would have to be the same?

Ms. Parker said well, it has some different setbacks and things like that, but it says one single-family home per lot. Now, this is to subdivide. That's in the petition, this



information I have in my folder, to subdivide this lot. There's one home already on the lot, into two lots and build two homes on it. The way that house will sit in there is going to block the young lady's mother, is who she's speaking for. Natalie is speaking for her mother whose been there for 20 years. It's going to block her backyard and her back bedroom window. Then, I can't see where the adequate parking is, because it's a curb, and you can't park on the street, so that's what we're concerned about, and we're concerned about setting the precedent for other developers to do the same thing.

Ms. Watlington said gotcha, thank you. Do ya'll know each other?

Ms. Parker said yes. I worked at the City, and she was my student intern in Health Information Management in records. So, she spent a lot of time under me, so I'm very disappointed in my student.

Ms. Watlington said well, look, I won't get into that, but I just wanted to make sure that you all are able to have that conversation. It sounds like you're amenable to additional discussion. So, I look forward to it, thank you.

Ms. Parker said but that's neither here nor there, but that is the intent, and we just don't want to do that. The lots are moderate sized, they're not huge lots, and we're not unreasonable people, and we just don't fight to be fighting. So, that's what I want to make clear to the Council, that this will set a precedent, it goes around our deed restrictions. When you start changing the N-1B, then let it be an N-1B. Thank you.

Ms. Watlington said thank you. Those are my questions.

**Councilmember Mayfield** said I want to thank both Ms. Parker and Ms. Henderson for reaching out last week and inviting me out. I did have a chance to drive out and take pictures myself of the current house, as well as the house right next door to it. This question is really going to be for staff to get a clear understanding, so that we're definitely all on the same page. Due to the current deed restrictions, it says one home per lot. If this were to move forward, this is in essence overriding the deed.

Ms. Cramer said we do not interpret deed restrictions as they're interpreted in a court of law, and the UDO never supersedes deed restrictions.

Ms. Mayfield said so, the UDO does not supersede deed restrictions, but if we were to approve what staff has said that you're okay with, in this rezoning, which is to divide this lot, then that will then change the interpretation, because it will be split in lot from one single lot to two lots.

Ms. Cramer said so, I'll say, you can have a situation where, let's say a rezoning is approved to allow for commercial uses, but a deed restriction is on a lot that says no commercial uses. You just can't build out to those entitlements. You can have a rezoning approved, but if your deed restrictions, though, say that you can't build out to your entitlements, that's just it, you can't build out to those entitlements, but the rezoning may be approved.

Ms. Mayfield said okay, one, that makes absolutely no sense, yet what I'm trying to get to is this conversation that we tend to have about unintended consequences, because I'm trying to really understand. We as a council, this Council and previous Councils, have made major investments throughout the Sugar Creek corridor, throughout the Hidden Valley community. If I drive down Sharon Amity and look at the multiple nice-sized lots all along Providence Road, all along Sharon Amity, the chances of seeing something like this come before me our slim. This is a historic community that we have seen, honestly, just in the last decade or so, true investment and very intentional investment going in. I am really trying to understand how staff is comfortable with a proposal that would split a lot, that unintended consequences could open the door to where we have these nice-sized lots and these single homes on them, to then have multiple homes on these lots.

Mr. Pettine said so, I'll answer a couple different ways on this one. So, this is a conventional request to N-1C. There is no requirement that the petitioner subdivide the lot. There is no commitment that the petitioner will have to subdivide the lot or will subdivide the lot. It gives them an option to subdivide the lot. It doesn't mean that that's going to be the outcome. It very well could be, but there's no requirement, there is no commitment, there is no any real outcome of subdivision of this lot, other than requesting a zoning change from N-1B to N-1C. So, that's not part of really the equation on here. The equation is whether or not the N-1C District is appropriate, which again, when we looked through it on our side, we didn't really have any significant concerns. We have seen areas in and throughout the City, particular in some places along Craig Avenue, that runs down towards Sharon Amity and that area, where we've gone from an N-1A to N-1C. Those are some areas where you've got larger lots in some of those neighborhoods than the typical lot pattern, and folks wanted to come in and split those into two. So, we have started to see larger lots in established neighborhoods start to look to potentially subdivide to get additional lots out of them. As we talked about earlier, we do have some limitations on how far we want to see that potentially go. We don't want to keep jumping two and three zoning districts. So, N-1B to C, we really didn't have a lot of concern with, again, given the frontage on this one. If they chose to subdivide it, again that's an if, then that's up to the petitioner.

So, we didn't really have any significant issues with that request, again, just going from one district to the next, and we had seen it in a couple of other places throughout City. Some of that is to subdivide, some of it's just to get a smaller lot size, because there's a larger lot that sits in the middle of somewhat of an established neighborhood. You might have a 70-foot-wide lot, and the rest are 50, and somebody wants to come in and create two out of those. So, we have seen it start to occur in some of these established neighborhoods that do still have larger corner lots or larger mid-block lots, and we've seen some of those go from B to C or B or D, but this one, again, going from B to C, we didn't really have a lot of concern with. If they did subdivide it, it would not negate any of the deed restrictions. The setbacks that are established on deed restrictions would still apply. The UDO doesn't override those. We don't enforce them as a City. They'd have to be enforced through third-party and private folks that work through that together, but it wouldn't be something that we could step in and say, hey, you can't build to the UDO setbacks, because of the deed restrictions. That's something that's privately enforced through those folks. So, we don't override them. We don't enforce them. They are still intact, but it's not the City's responsibility to check those, enforce them, and go out and say that maybe something's in violation of a deed restriction. We only handle the zoning side of things on our front.

Ms. Mayfield said okay, let's put a pin right there, so that I can make sure that I'm understanding. What you just stated is, although the current deed restrictions that are there state, "One home per lot," if this rezoning were to go through and this were to be subdivided into two lots, you're saying then it is not the responsibility of the City to ensure that whatever is developed on this second lot is upheld to the deed restrictions?

Mr. Pettine said that's the same for any lot in any part of the City, yes.

Ms. Mayfield said so, the answer to my question is yes, that's what you just said. It would not be our responsibility to ensure that it's upheld to the deed?

Mr. Pettine said that's correct, yes.

Ms. Mayfield said so, the challenge that I have in this is, again, this is a community where we have invested quite a bit. We say that our UDO is a living document, and we are making adjustments to it. We also need to take into serious consideration areas where we have made major transportation and infrastructure investment and we, as a Council, have committed to aging in place, staying in place, neighborhood continuity, and safety. Then, our language then opens the door to do something that will be counterproductive to all of those tenements that we said we have supported and that we encourage. My biggest concern, again, is because of the shape of this lot size, we're not talking about accessory dwelling unit that's going on the backside of the lot. We're

not even talking about doing an addition to the current home. We said, hey, I'm going to do another 1,000 feet onto this. We're talking about adding a whole separate individual home on this lot, and the impact that they will have, and we're not demanding any specific driveway accommodations, because this curb is tight, and there really is no parking. For the few cars that were on the street when I drove over there, that could be a challenge. So, you're saying, as far as staff is concerned, go ahead, do a rezoning petition. If the petition gets approved, you can go ahead and do whatever you want, because we're not going to enforce the deed, we're just enforcing our zoning requirements.

Mr. Pettine said yes, we'll enforce the UDO standards, which would include driveway standards. It would include parking standards. It would include all of our setbacks, any kind of screening that would be needed for this. So, we would enforce all of those standards. If there are deed restrictions that are different than those, those are something that are enforced through the third-parties outside of the City through private party, but they would have to meet all the requirements for parking and setbacks, building height and all of that, all the building code stuff they would need to meet, per the UDO, and we would enforce that side of it, yes.

Ms. Mayfield said so, thank you for adding that to the situation, because what I heard earlier was, no additional parking, which you can't not do according to our language. So, our language, you can't just have a house sitting there with not having [inaudible].

Mr. Pettine said yes, they would have to provide parking for it.

Ms. Mayfield said so, that is still something that I think the community needs to be aware of. For me personally, I will have a lot of challenges. Thank you, community, for coming out and sharing. Thank you for coming to present your petition, but I will have a very hard challenge attempting to support something like this. Thank you, Madam Pro Tem.

**Councilmember Johnson** said this is a lot. So, I was the District Rep for Hidden Valley when we developed the UDO, and there are four of us here tonight that were opposed to the UDO. The fifth person is now a judge, shout out to Judge Matt Newton. One of the reasons I was passionate about my opposition to the UDO was for neighborhoods like Hidden Valley. You can check the tape. I'm sure I mentioned it lots of times. So, when we talk about unintended consequences, I have a six-year-old grandson, I talked to his teacher today, and he's not even allowed to say it was an unintended consequence. There are consequences, and this was a foreseeable consequence. So, I'm concerned that this made it to the dais. I know that there are lots of developers who file petitions, and there's like a six-month wait to get in front of Council. So, what I would like to see, and it sounded like Councilwoman Mayfield was asking the same questions, how does this get through staff? How is this recommended? So, I heard you say, Mr. Pettine, that because this was 230 feet, I think, frontage, and it could be considered. One of the speakers said, manipulation of deed restrictions. If an owner had filed this and wanted to split a lot, because the deed restrictions don't specifically say you can't split the lot, would staff have recommended this?

Mr. Pettine said I'm not sure I understand your question.

Ms. Johnson said if this were a smaller lot, would a developer have been able to file this, and it be recommended by staff?

Mr. Pettine said a property owner can file any petition. I mean, somebody could come in and request a commercial use on this property, and we would still have to process it and put it in front of ya'll for consideration. So, it's not a matter of whether or not we put a request out there that's in front of ya'll. That's the property owner's right. Our job is to process and put it in front of everybody for decisionmaking, but for this one, again, going from B to C, we didn't have a lot of concern. It's consistent with policy. It's consistent with what the land use plan for this area calls for, which is a Neighborhood-1 Place Type, which supports everything from N-1A to N-1E, and so going from B to C,

again, was not something we had a lot of pause over on this one. Again, there's not a wait period really. We're done with our backlog, so everything that comes in is going forward in about a three to four-month timeframe to get in front of Council, but yes, every property owner has a right to request whatever zoning district they feel that they want for their property and we have to process that accordingly and make recommendations based off context and policy.

Ms. Johnson said and the reason I ask is because there was a map. I asked about a map, and I don't remember the number, I think it was 33 percent. It was either 33 or 66. I think it's 33 percent of the areas didn't have HOA (Homeowner Association) restrictions to prevent the area from being gentrified or the lots being divided or any of that. We talked about the vulnerability of neighborhoods like Hidden Valley and others that were vulnerable because of the deed restriction. So, we were told as a Council, that the deed restrictions would protect neighborhoods from the duplex and triplexes, and the deed restrictions and the HOA, it was presented that that would protect neighborhoods. So, to see a petition filed that, although, there's a deed restriction, because the deed restriction does not say you can't divide the lot, or the deed restriction didn't say you can't build duplexes and triplexes, because when these neighborhoods were developed, that wasn't foreseeable, that a city would do that, I imagine. So, I'm concerned. We went through this. We addressed this. We talked about the protection of neighborhoods with the deed restrictions. So, now to have a petition that, although, there are the deed restrictions, that they can still file a petition.

Mr. Pettine said I just want to be clear, we cannot prevent a property owner from presenting a rezoning even if it violates deed restrictions. That's not something that the City can do, and if Ms. Gray wants to weigh in on that, that'd be fine, but we can't prevent that from happening, but as a Council, you can look at that, take it into consideration, but those are third-party agreements that fall outside of our purview.

Ms. Johnson said okay. I think, as a Council, I would call on my colleagues, we have to protect residents. It could be expensive to get an attorney and go through all of that, when they have the deed restrictions, and I think we need to be respectful of that. That's just my opinion. So, I would also have a challenge in supporting this, because they do have the deed restriction. If we can look at the presentation by the property owner. I don't know if you're able to pull that back up, but it said that the deed restrictions don't specify that you can't separate the lot. I mean, most neighborhoods wouldn't do that. I mean, I know District 4, there's a training. We've developed training on how to protect neighborhoods, or how to add to the HOA bylaws, to protect neighborhoods against too many rentals or too many investors. So, now, maybe neighborhoods need to go and tweak your bylaws. You need to say the lots can't be subdivided. So, we just as a city, and I say this all the time, we do a great job of leading for the future, but we have to be intentional about managing for our current residents. This is an opportunity that I think, we as Council, have the responsibility to not allow this type of manipulation, if you will, of the interpretation of deed restrictions. Again, unintended does not equal unforeseeable, and this was foreseeable in my opinion. Why not an ADU (Accessory Dwelling Unit)? An ADU wouldn't split the lot. An ADU is something that could be two units. Was an ADU something that you considered?

Ms. Negash said I don't know about the ADU, what it means [inaudible]. What I'm considering is, if you see the deed restriction [inaudible].

Ms. Johnson said I'm sorry, it said what?

Ms. Negash said [inaudible]. The restriction didn't really say for me not to subdivide it. Yes, I mentioned that in the presentation, you're right. What I mean with that, though, if you read it, it was like a little bigger than it is, we didn't have to come here today. I could subdivide it without coming to rezoning and coming here tonight.

Ms. Johnson said if what?

Ms. Negash said if the lot was a little bit bigger, as it is now, I didn't have to come here tonight to subdivide it.

Ms. Johnson said okay. So, an ADU is an Accessory Dwelling Unit.

Ms. Negash said yes, so that means a single-family house, that's what I'm trying to do, like three-bedroom and small, like the same house that I own now will be very similar. When I say there will be no extra parking, it means the same parking with the existing house that I have. It means it's not going to be daycare that require three cars. There's not going to be commercial. I mean something crazy that is not in that neighborhood. That's what I mean when I say there will be no extra parking, but there will be parking very similar with the existing my house. I want everybody to consider my rezoning application and [inaudible].

Mayor Pro Tem Anderson said Ms. Negash, hang on one second. I have the Senior Assistant City Attorney.

**Terrie Hagler-Gray, Senior Assistant City Attorney** said I'd just like to remind the Council that because this is a conventional petition, that the applicant should not be asked nor should she have to get into detail about her exact.

Ms. Johnson said okay, thank you. You're the owner, you file what you want, okay. I think that's all I have, thank you.

**Councilmember Driggs** said so, colleagues, you remember 2.1? So, what we did with the UDO, was we had a very controversial provision that said that the lowest density requirement that the City would impose in its land use determinations, would be an N-1A, and that would permit other types of dwelling. After we did that, we moved ahead with rezonings and it created the Policy Map, and the result was a huge number of current single-family locations became N-1A's. Then, what we were told was, that we didn't have the authority to countermand those agreements among the HOA members. It wasn't even offered in my mind, so much as a protection, as just a statement of fact. You may not set aside the terms of those agreements among the members of a neighborhood, and that applies here as well to the extent that it's not up to us to put ourselves in the middle of a discussion about the HOA agreement. We have to make a land use decision. Now, if the land use decision we make violates the terms of the HOA agreement, frankly it's a legal matter. I realize that's not a comfortable position for the residents, and I'm not expressing an opinion about where we should come out on this. I just think we need to be very clear in our own minds. We need to think about is that a suitable use there, and the driveways, and all the quality points that have been made here. We would get in trouble, frankly, if we made a decision, and it was obvious that we had done so on the basis of a deed restriction, because we are not a party to that agreement, and it's not up to us. I mean, we've heard a lot about it, and Ms. Terrie kind of explained that well, and Dave, pardon the first names, but I'm just concerned. There's a lot to talk about, but I think that we should decide this thing based on community character, we have neighborhood character overlays, we have other remedies that address quality-of-life issues, but we can't take sides in the deed restriction conversation. Thank you.

**Councilmember Ajmera** said first, thank you, Hidden Valley community for coming out. It's really cold outside, so I appreciate you all being here today. Ms. Parker and Ms. Henderson, thank you for reaching out to Council, and I know that you have been working with your District Representative, Ms. Anderson. I encourage you to continue to do the same. There have been more difficult petitions that have come before us, and District Representatives have been at the forefront and have figured out a solution. So, I'm really hoping there is a resolution here. Ms. Negash, thank you for your commitment to the community. I'm taking your word for it. Rezoning processes are quite time-consuming and expensive. It takes anywhere from six to eight months before any rezoning petitions come in front of us. While keeping that in mind, I appreciate that Mr. Driggs has reminded us that this is a land use decision. We have to be very careful about any legal challenge that could be brought against us, because we did not make our decision based on land use, but something else. So, we are trying to make a

decision based on land use, based on the parameters that are given to us. I have more questions, but I'll work with our City Attorney as to what questions are allowed to be asked and what questions are not allowed to be asked, and I will continue to work with our District Representative to see if there is a resolution here, but that's all I have. Thank you.

**Councilmember Brown** said there's been a lot that has been said. I heard from Ajmera and Mr. Driggs, but I want to thank Hidden Valley community for coming out and for standing up. I also would like to thank Ms. Negash for coming out and expressing your concerns about how you want to build. I know that I heard Councilmember Ajmera say that we have to be careful, because she was trying to recap what Mr. Driggs said, but then you said something about legal challenges, that's not what he said.

Ms. Ajmera said because it's a conventional rezoning, so there are certain questions we cannot ask.

Ms. Brown said I know, but the language that you used should not have been used in my opinion.

Ms. Ajmera said well, actually we can. I will let Ms. Hagler-Gray.

Ms. Brown said I'm speaking. I didn't ask Ms. Hagler anything.

Ms. Ajmera said yes, so because it's a conventional rezoning, this is not conditional. So, there are certain questions in terms of what we can ask and what we cannot ask when it's a conventional rezoning.

Ms. Brown said okay, so, I will get with the attorney and I will ask her, if I need to ask her something accordingly, but I just want to run down what I've heard. In my opinion, as one of the sitting Council members here at the dais, the UDO is a mess period, controversial, there's too much going on. When we have neighbors coming in and saying that they want to honor their deed restriction, and you say we can't get in the middle of that. I heard one of my colleagues say if there was something going down in Ardry Kell, SouthPark, anywhere down in there, Ballantyne, Palisades, none of this would be going on. So, I would like to see some type of suitable solution and resolution. I do work with Mayor Pro Tem. I know she cares about Hidden Valley. I know I care about Hidden Valley. So, based off what I heard from Councilmember Mayfield, Dr. Watlington, Councilmember Johnson, I'm going to lean towards them. I'm not even going to go back through what I heard. I'm not going to waste any more time. It doesn't make sense. It's snowing outside and it's sticking, it's cold, and safety is first, and we still have some more agenda to get through. I'm going to go through this. My legal questions, I will save them. I'm glad I didn't know about the UDO before I got here. It seems like it should've been discarded before I got here, because there's still too much controversial that our constituents don't understand, and it's simply not fair to have our constituents come down and then we say to them, well we can't get into that. It don't want to look like we're not fair towards Ms. Negash, because for me, I believe in people living wherever they want to live. I see all the chatter and the headshaking and nodding, I hate that. That is the most disrespectful thing ever, when we Council, are up here speaking and we see staff doing all this. It's just so unprofessional, but I'm going to move forward and move on. In this state, in this condition, legality, whatever you say, I'm not supporting it today. We have got to get with Mayor Pro Tem. She will be the liaison. She will speak. I will not overstep my boundaries. I will honor her, because she is the District Rep, just like I ask my colleagues to honor me when I'm District 3, but as for what I've heard tonight, it is a big no for me tonight. It's a big no.

**Councilmember Molina** said I'll be brief, because we've heard a lot. I think the challenge here is one that we all face, and this won't be the first or the last opportunity to have community members come before us about the character of their existing neighborhoods. I can speak particularly for East Charlotte, because we have large lots on the East Side too, and we have neighbors that have some of the exact same concerns. So, I have also, and very recently, been presented with some of the same

challenges from the neighbors that I represent at this dais, to contend with a policy document that allows for by-right opportunities for people, whether they intend to live there or not, to be able to come in and petition, and in many cases without even coming to the Council.

I'm a homeowner too. I raise a family too. My kids have never lived in another house outside of the one I live in right now, and so, it means a lot to me as it does many of you, and a lot of the residents across our City, to maintain the character of where you call home. I know for sure that a house is one of the greatest investments that we make in our adult lives, and so your concerns are not wasted here. I just want you to understand the challenge that is before us. It's that there was a policy document that was adopted, and all of these technical terms, when we're talking to our communities, sometimes that stuff doesn't make sense. So, I like to talk in terms that the community understands. So, when someone says by-right, that just means we can do it without asking. That's the term that says we can do what we want to, because the policy says we can do it, and we can do that anyway. So, kind of that's what that means, based on what the policy says. This one is unique, because she's actually coming before the Council. In some cases, that's not the case. Some people don't even get that opportunity. Like she said, if that lot was bigger, she probably wouldn't even have to come to the Council to ask for the petition. Do you understand what I'm saying? We are right now about face with some very unique challenges, that even the Council that made these decisions probably could not have anticipated that we're experiencing in real time.

So, I, like many of my colleagues here, you have a capable member of Council who we will communicate with, and Ms. Negash, we thank you for coming here. I realize that as an immigrant, I hear the language challenges, but you're doing great, don't be nervous. I know this is not easy. So, I trust, like I said, that you have a competent leader who will guide you both, the community and you, through this process to something that will make sense for all parties, but again, my primary concern is one that, like I said, we face across this City. Do we set a precedent when we make a decision? Do we open up the door for others to come along and say that we would like to do this exact same thing, and is there a measurable profit in there being a general interest in doing so? So, again, with single-family residents, especially in neighborhoods, and I don't want to speak specifically around anything that can touch legality, I'm just talking as an elected member of this body that represents people who have similar concerns, this is a challenge that we face in all of our districts across the City.

So, we hear you, we understand, I promise you. All of us own homes here too, we understand. In our own neighborhoods, the same thing can happen. Imagine being a Council member and somebody coming. I look at my neighbor's house all the time, and I'll be like, God, I pray she doesn't sell, because who knows what happens. I can't tell her not to sell her house, but if she sells, and someone says I want to come and subdivide, what then? This is something that we all face to some degree. So, like I said, thank you all for coming tonight. I think, and I'm very confident, that we'll have additional conversation among this Council about some of these land use decisions that are before us that are this difficult to attempt to try and navigate. That's all I have, Mayor Pro Tem.

Ms. Brown said just one more quick comment. Ms. Feven, I want you to know that that's a great community that you can live in. It's historic. They care about their community, the quality-of-life there. That organization that's behind you, they're very supportive. They will be engaged, but this is for us, this is on the City of Charlotte, that UDO as I said, it is a mess. I said when I ran, that I think in this world, people should be able to live wherever they want to live, but I don't want it to be marginalized. I don't want it to be just negated to one community where it looks like the communities are flourishing and growing, where we have historic neighborhoods that are no longer standing and historic, just like Revolution Park, some of the similar things that happen down there. That's why I say it's a no for me. We'll look with your Rep, our Mayor Pro Tem, work with her, but UDO is garbage.

Mr. Driggs said I just wanted to mention, there've been some critical remarks made about the UDO. This is a growing city. Growth is hard, it's healthy, but it's hard. It creates crowding and dislocation. The UDO was an attempt to update our policies to accommodate that growth. It's not perfect, but I really want to acknowledge the effort of staff members who are here in creating this document and recognize its many advantages. We're still working to get it exactly right, but this was a step we needed to take. I think we did a good job, and I say that having voted against it, like Ms. Johnson, for my own reasons, but just understand staff members, this is a living document, it's a good document. We just have to deal with situations like this one, where we don't like what it points to. Thank you.

Mayor Pro Tem Anderson said thank you, Mr. Driggs, and thank you to all my colleagues for the thoughtful comments and input here. As you can tell, we have a long way to go. We are nowhere near being bright on this. You see the community of Hidden Valley come out. They're all homeowners, and we've been working and investing in Hidden Valley and the Sugar Creek corridor for the last several years that I've been your representative, and we've made great strides. We want to continue to do that and ensure that we're doing all we can to protect a historical neighborhood in the City of Charlotte. So, we're going to continue to work together, Ms. Negash and Ms. Parker, on this. As we heard, between how the tenets of the deed restrictions would be enforced, we have to make sure, and we'll talk about this later, that you have the legal representation to do that and interpretation, because as you've heard, the City of Charlotte can't get into that, so we've got to make sure that we have the right people at the table to have that discussion. As was mentioned before, this is an expensive process. Homeownership is expensive. Typically, it's the most expensive investment that individuals have in their life, and so we have to make sure that we're protecting that investment. So, we're going to continue to work on this. We're going to continue to have the conversations and work together, and so I just want to let the community know that, we'll continue to work on that, and Ms. Negash will have to continue to work as well. Thank you all for coming out.

Motion was made by Councilmember Mayfield, and seconded by Councilmember Watlington to close the public hearing.
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Mayor Pro Tem Anderson said thank you. Thank you all for coming out. It is snowing outside. So many of you came out. Please be careful going home, and I greatly appreciate the commitment that the Hidden Valley community has. Thank you so much. Thank you, Ms. Negash, as well for coming out.

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

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**ITEM NO. 18: HEARING ON PETITION NO. 2024-014 BY KB HOLDINGS LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.98 ACRES LOCATED ON THE NORTH SIDE OF WEST BOULEVARD, SOUTH SIDE OF NOBLES AVENUE, AND WEST SIDE OF HOLABIRD LANE FROM B-1(CD) (NEIGHBORHOOD BUSINESS, CONDITIONAL) TO N2-B (NEIGHBORHOOD 2-B).**

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

**Holly Cramer, Planning, Design & Development** said this site is just shy of an acre located along the north side of West Boulevard, east of the airport, in an area that's developed with a lot of multi-family projects that has some commercial areas, institutional uses, and a number of vacant parcels. The site is currently zoned Neighborhood Business, Conditional, and they are requesting to go to Neighborhood-2B, a district that is consistent with large swaths of the area, much of which is already zoned Neighborhood-2C or Neighborhood- 2B, as you can see in this image here. This request is consistent with the 2040 Policy Map's recommendation for Neighborhood-2 at this property, as well as a lot of the area along the north side of West Boulevard there.



This is a conventional petition with no associated site plan. Staff recommends approval of this petition. A rezoning to a more moderate residential district will be supported by the areas multi-modal transit options. The site is located along two bus routes, a quarter mile from the park, walking distance to schools, and accessible to multiple other pedestrian and recreational infrastructure. The new rezoning is in alignment with the multi-family uses already existing in the area and would not impede on any sensitive land uses, such as single-family residential areas. I'll take any questions following the petitioner's comments.

**Kenneth Bell, 325 State Street** said yes. I want to thank the Council for allowing me to speak before you guys. This particular parcel has a current B-1 zoning, that's a CD zoning, so it's conditional zoning. So, in order for us to develop it all, it would need to be changed. When the UDO originally changed, there was not a residential component to the B-1 District. There is now, but it's also a conditional zoning. So, we just want to go to an N-2B Zoning by-right. If you go back to the previous slide, adjacent on Cameldale and Arvida, there is also already a multi-family development that's being done right now, it's actually under construction right now. I think it's about 50 or so units that's there. Adjacent to there is a church that sits behind us, and there are more apartments to the northeast. So, we're just looking for a by-right zoning to N-2B, which is consistent with the existing area and with the 2040 Plan as well.

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

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**ITEM NO. 19: HEARING ON PETITION NO. 2024-103 BY ROCKY RIVER ROAD PARTNERS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 24.46 ACRES LOCATED AT THE NORTHWESTERN CORNER OF THE INTERSECTION OF ROCKY RIVER ROAD AND JOHN RUSSELL ROAD FROM N1-A (NEIGHBORHOOD 1-A) AND R-8MF(CD) (MULTIFAMILY RESIDENTIAL, CONDITIONAL) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

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

**Joe Magnum, Planning, Design & Development** said this site is approximately 24.46 acres located on the north side of Rocky River Road, west side of John Russell Road and south of Fernspray Road. It's largely wooded. Currently, there's one single-family home and surrounded mostly by single-family detached residential. Current zoning is R-8MF(CD) for the majority of the site, N-1A for a smaller portion. Proposed zoning is N-2A(CD). The 2040 Policy Map recommends Neighborhood-1 Place Type. The proposal would allow for the development of a community of 127 multi-family attached residential dwellings. Establishes a network of public streets and private alleys, including an access from Rocky River Road and the extension of Gloxinia Road. Would alley-load most of the units, and preserve a significant portion of the rear of the site as open space. Offers a menu of possible open space amenities, including enhanced plantings exceeding ordinance requirements, speciality paving materials, shading elements and seating options. Provides an eight-foot multi-use path connecting through the open space from Lupine Court to an internal alley and Yaupon Road. Provides recess parking in several locations to accommodate visitor parking. Establishes an eight-foot planting strip and 12-foot multi-use path along the sites Rocky River Road and John Russell Road frontages, and an eight-foot planting strip and eight-foot sidewalk on internal public streets. Would limit blank wall expanses to 20-feet on all building levels and further limiting blank wall expanses to 10-feet for all corner end units that face public streets.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation and land use. It is inconsistent with the 2040 Policy Map recommendation for Neighborhood-1 Place Type, but would help to address the need

for new and diverse housing options in this portion of the City. The equitable growth framework of the 2040 Comprehensive Plan has identified housing as the highest priority need in this area. The petition is within a quarter mile of Reedy Creek Nature Preserve and Reedy Creek Greenway. Also, a significant portion of the site is preserved as tree save and common open space with an eight-foot multi-use path, providing connectivity to the neighborhoods to the north and west. The site is within one mile of the Neighborhood Center surrounding the intersection of W.T. Harris Boulevard and Rocky River Road, and also within one mile of J.W. Grier Academy, a CMS (Charlotte Mecklenburg Schools) Elementary School. Existing zoning of the site allows for 75 multi-family attached dwellings, as well as three acres of development under N-1A, and I'll take any questions following the petitioner's presentation.

**Matt Langston, 1230 West Morehead Street, Suite 304** said thank you, Mayor Pro Tem and Council members. Matt Langston with Landworks Design Group, and David Belk is here as well with Rocky River Road Partners. Joe covered the project pretty well. It was rezoned back in 2021 or 2022. We added about three acres of land on the back portion of a church parcel to the project and grew it a little bit. I've worked pretty closely with the HOA of Seven Oaks. We had a good neighborhood meeting. One of the benefits of the prior rezoning is, there are a lot of minutes and reports and things like that. The site plan has a lot of tree save. It had pedestrian connectivity on some of those existing stub streets, so we maintained all that. We've maintained the driveway location where it was before, and the road's sub-connection. We're providing some good and important pedestrian connections to connect to the frontage of Seven Oaks neighborhood with our sidewalk offsite and then off across the church frontage going up John Russell. So, I think we're really improving the pedestrian connectivity, and we're here to answer any question you may have.

**Councilmember Johnson** said thank you. I was looking at this petition. I was trying to remember, you said it was approved in 2021?

Mr. Langston said I believe so, yes.

Ms. Johnson said I thought I knew the petition number off the top of my head, I was just looking it up, but I remember that petition. So, the neighbors are very, very engaged in this petition. That petition, that almost cost me this seat. They were very engaged. So, I don't know, have we spoken?

Mr. Langston said you said talk to the HOA first, which I did, and we've communicated with the HOA board, with Eric, and that was very helpful. Then, we had our neighborhood meeting. We had about three people show up, and was mostly information, people asking questions. Like I said, we dipped into the meeting minutes and the report from before, rather than starting from scratch, and worked to incorporate as many of the things the neighbors were concerned about previously. A big part of it, I think, the last time it was going to be for rent apartments. These townhomes are for sale.

Ms. Johnson said okay, well, that's good to know. I know we have legal restrictions of what we can ask, but as a Council representative, it's my responsibility to listen to the residents. So, that's who I'm here to represent.

Mr. Langston said it was a neighbor concern at the prior rezoning, yes ma'am.

Ms. Johnson said okay. So, I have not heard from the residents, which is a good thing, but I will reach out to you and also to Seven Oaks, make sure we do have support of the residents. The last petition actually was adjacent to the neighborhood. Is this the same location?

Mr. Langston said yes. So, if you look at this screen, it's kind of turned sideways, so you've got this sort of long rectangle shape, there's John Russell frontage. So, what we did is, we've got that same piece here, we've just added three acres that we have under

contract from behind the church. So, the church keeps the front half, and we're buying the back half and providing additional connectivity, growing our project a little bit.

Ms. Johnson said we spoke a while ago about this.  
Mr. Langston said it's been a while, yes ma'am.

Ms. Johnson said yes, it's been a while. Okay, we can talk offline. I don't have any more questions.

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

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**ITEM NO. 20: HEARING ON PETITION NO 2024-111 BY THE PRESBYTERIAN HOME AT CHARLOTTE, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 27.27 ACRES LOCATED ALONG THE WEST SIDE OF SHARON ROAD, SOUTH OF HAZELTON DRIVE, AND EAST OF SUNNYBROOK DRIVE FROM R-3(CD) (SINGLE-FAMILY, CONDITIONAL), MUDD-O (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL), AND INST(CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT) TO R-3(CD) SPA (SINGLE-FAMILY, CONDITIONAL, SITE PLAN AMENDMENT), MUDD-O SPA (MIXED-USE DEVELOPMENT DISTRICT, OPTIONAL, SITE PLAN AMENDMENT), AND INST(CD) SPA (INSTITUTIONAL, CONDITIONAL, SITE PLAN AMENDMENT)**

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

**Maxx Oliver, Planning, Design & Development** said 2024-111 is located along the west side of Sharon Road, South of Hazelton Drive, east of Sunnybrook Drive. The site's approximately 27.27 acres and it's currently developed as an Independent and Assisted Living Campus. The site is currently zoned Institutional (CD), MUDD-O, and R-3(CD). The proposed zoning is a Site Plan Amendment to all three of those districts, the Institutional (CD), MUDD-O(CD), and R-3(CD). The 2040 Policy Map recommends the Campus Place Type. The proposed Site Plan Amendment is consistent with the Campus Place Type.

A little background. In 2001, a 23.8-acre portion of the site was rezoned to Institutional CD to allow the development of 52 additional residential units. In 2013, a 24.8-acre portion of the site was rezoned to Institutional CD to allow for the expansion of the Senior Independent and Assisted Living Facility consisting of 336 independent units, three single-family independent units, and 40 assisted living units, and 96 skilled nursing beds. In 2018, the most recent rezoning, an 8.025-acre portion of the site was rezoned to Institutional CD, MUDD-O, and R-3(CD), to allow for the development of an additional 130 age-restricted dwelling units, 60,000 square feet of nonresidential uses associated with the institution, and an open space amenity.

The proposed Site Plan Amendment divides the site into three development areas. Area A zoned Institutional CD, area B zoned MUDD-O, area C zoned R-3(CD). Development area A proposes to allow an additional monument sign to be erected near the intersection of Eastburn Road and Sharon Road. Development area B proposes to increase the overall footprint of the MUDD-O portion of the site. The combination of two buildings shown on the [INAUDIBLE] rezoning plan into one larger structure. Increase the maximum permitted height of the northern elevation of building in area B by five feet to 83 feet, and update the architectural elevations for that proposed building. Development area C does not propose any changes and will remain an open space amenity. Overall, the Site Plan Amendment would not increase the number of dwelling units or the nonresidential square footage or make changes to the permitted or prohibited uses under the 2013 and 2018 conditional plans.

Staff recommends approval of the petition upon resolution of outstanding issues related to transportation and environment, as the Site Plan Amendment aligns with the Policy Map recommendation for Campus. The site is within a quarter mile of Mixed-Use commercial develop to transit, and the proposed route SouthPark loop. Happy to take any questions following Ms. Grant's presentation.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore & Van Allen. Pleased to be here this evening with Angela Rigsbee with The Sharon. Staff did a phenomenal job on this. As they mentioned, this rezoning is a Site Plan Amendment, under the old ordinance to make some changes that are very technical in nature. The Sharon has a long-standing relationship with the surrounding residential communities, and we'll continue to work with them as we finalize this in the weeks ahead. In light of the weather and all the pictures I'm sure everyone is getting at this point, I'm happy to answer any questions.

Motion was made by Councilmember Bokhari, seconded by Councilmember Ajmera, and carried unanimously to close the public hearing.
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**ITEM NO. 21: HEARING ON PETITION NO. 2024-117 BY STEELFAB, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 29.80 ACRES LOCATED ALONG THE NORTH AND SOUTH SIDE OF DENVER AVENUE, EAST OF MULBERRY CHURCH ROAD, AND NORTH OF WILKINSON BOULEVARD FROM ML-1(ANDO) (MANUFACTURING AND LOGISTICS-1, AIRPORT NOISE DISCLOSURE OVERLAY) AND N2-B (ANDO) (NEIGHBORHOOD 2-B, AIRPORT NOISE DISCLOSURE OVERLAY) TO OG (GENERAL OFFICE).**

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

**Joe Magnum, Planning, Design & Development** said this is approximately 29.8 acres located along the north and south side of Denver Avenue, east of Mulberry Church Road, and north of Wilkinson Boulevard. We are just northeast of Charlotte Douglas International Airport. The site currently is partially developed with an office building, a significant portion that is undeveloped as of this time. The current zoning is ML-1 and a small sliver of N-2B within the Airport Noise Disclosure Overlay. The proposed zoning is OG with the airport overlay carrying forward. The 2040 Policy Map recommends Manufacturing and Logistics Place Type. This is a conventional petition. Staff recommends approval. It is inconsistent with the Policy Map recommendation for Manufacturing and Logistics Place Type. However, the site is already partially developed with an office use. The shift to the General Office Zoning District is consistent with adjacent developments, including business parks to the east, as well as light industrial and commercial uses. The site's location near the airport supports office uses contributing to economic activity and employment opportunities, and I will take any questions following the petitioner's presentation.

Mayor Pro Tem Anderson said thank you. Before the petitioner begins, just as a point of clarification, I thought we had done this before, because the language on the cover page for 20 and 21 are the same. So, that's the error. If you flip it over on the second page, the information is correct for Agenda Item No. 21. So, if you look on the second page, that is the correct information. It's just that the header page has duplication from 20. So, Ms. Brown, just look at the second page there, as well as it is correct online. So, anyone viewing this meeting and looking at our agenda online, the information on the agenda online is correct. There's just a discrepancy in the printed copy. Thank you. You both now have three minutes.

**Adam Webb, 6801 Carnegie Boulevard, Suite 400** said thank you. Good evening. My name is Adam Webb, along with John Sechrist with Culp, Elliot & Carpenter, and we

represent the petitioner, Steelfab, Inc. First, I'd like to thank the Zoning staff for your presentation. Your time and effort are greatly appreciated. Steelfab is a proud and integral part of Charlotte's business community. They were founded here in 1955 and have been family owned and operated for over seven decades. Over that time, Steelfab has specialized in steel fabrication services, and has grown consistently to become an industry leader. In 2017, Steelfab reaffirmed its commitment to Charlotte, North Carolina, when they developed their headquarters and corporate office space here, and then in 2022, they purchased additional property from the City of Charlotte to provide for future growth and expansion.

As staff mentioned, the site is approximately 30 acres located along Denver Avenue and Westport Road in the growing airport and Wilkinson corridor. When Steelfab purchased the property back in 2022, the site was zoned I-1 or Industrial, which allowed for 100 percent office use. When the UDO was enacted, it changed the zoning district to ML-1, which limits office use of any building to no more than 40 percent of its square footage. So, no more than 40 percent of a building's square footage can be used for office space. Therefore, Steelfab's existing use office space is currently nonconforming, and so we are requesting a rezoning to OG, General Office, to align with the current use, and also to allow for future growth and expansion in the future.

There are several key reasons why this rezoning is appropriate. First, Steelfab has been a valued member of Charlotte's business community for over 70 years. Allowing this rezoning will allow Steelfab to remain in Charlotte and continue its presence in West Charlotte, specifically. Without the approval of this rezoning, future employment opportunities are going to have to be relocated elsewhere. Second, the proposed office use aligns with the surrounding areas mix of office, commercial and light industrial developments. This rezoning ensures that the site contributes positively to the neighborhood's development and economic health. Third, this rezoning request will preserve and create diverse job opportunities for the Charlotte community. So, in summary, approving this rezoning will promote economic growth, enhance employment opportunities, and strengthen the vitality in the surrounding area for years to come. Thank you for your consideration of this petition, and I'm happy to answer any questions you may have.

**Councilmember Ajmera** said just thank you for creating jobs and opportunities in our Queen City, and for continuing to choose Queen City over and over again for 70 years. Thank you, that's all I have.

Motion was made by Councilmember Ajmera, seconded by Councilmember Brown, and carried unanimously to close the public hearing.
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**ITEM NO. 22: HEARING ON PETITION NO. 2024-118 BY WEEKLEY HOMES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.40 ACRES LOCATED SOUTH OF LAKEVIEW ROAD, EAST OF REAMES ROAD, AND NORTH OF HICKORY LANE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

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

**Maxx Oliver, Planning, Design & Development** said 2024-118 is located south of Lakeview Road, east of Reames Road, and north of Hickory Lane. The site's approximately 9.4 acres and is currently undeveloped. Current zoning is N-1A, Neighborhood-1. Proposed zoning is N-2A(CD), Neighborhood-2, conditional. The 2040 Policy Map recommends the Neighborhood-1 Place Type. The N-2A District is inconsistent with the N-1 Place Type. Approval of this petition would revise the Policy Map to the Neighborhood-2 Place Type. Proposal calls for the development of up to 132

multi-family attached dwelling units, including duplex, triplex and quadraplex units. All buildings will be limited to a maximum of six units.

The following streetscape and landscaping improvements are proposed. All residential entrances shall have sidewalk connections to the street. A 10-foot Class C buffer yard will be provided where abutting Neighborhood-1 Place Type and along the I-77 right-of-way. A 12-foot multi-use path and eight-foot sidewalk will be provided along the site's frontage with Lakeview Road, and an eight-foot sidewalk and eight-foot planting strip along Hickory Lane. Setback along Hickory Lane will match the 27-foot requirement of the N-1A district. The following architectural requirements are proposed. All units will have garages, units fronting on public streets. Network required private streets for common open space will have rear-loaded garages. Front facades will include stone or masonry water tables. Facades abutting public and network required private streets will have blank wall limitations and minimum transparency. Solid waste areas, meter banks, HVAC (Heating, Ventilation, and Air Conditioning) and mechanical equipment will be screened from view. The following transportation improvements are proposed. Vehicular access will be via a new public street intersecting Lakeview Road and Hickory Lane. A left turn lane will be provided along Lakeview Road into the development.

Staff recommends approval of this petition upon resolution of outstanding issues related to transportation, environment, site and building design, as the proposed development would fill a need for housing in an area that has been identified as lacking access to housing opportunity, by the 2040 Comprehensive Plan, and it's within a quarter mile of transit. Happy to take any questions following Ms. Grant's representation.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. Bridget Grant, Land Use Consultant with Moore & Van Allen. Pleased to be here tonight with my colleague, John Floyd, who you guys will continue to see a lot of in the months to come. Pleased to be representing David Weekley Homes. Peggy Hey and Joe Dancy are here, as well as their Landscape Architect, Mark Kime, with CEC (Civil & Environmental Consultants). We are pleased to be here tonight with staff support, able to address all the outstanding issues, and with no opposition. With that, I'm happy to answer any questions.

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

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**ITEM NO. 23: HEARING ON PETITION NO. 2024-122 BY MINTWORTH COMMONS HOLDINGS, LLC C/O APG ADVISORS FOR A CHANGE IN ZONING FOR APPROXIMATELY .330 ACRES LOCATED ALONG THE NORTH SIDE OF MARGARET WALLACE ROAD, SOUTH OF IDLEWILD ROAD, AND NORTHEAST OF MINTWORTH AVENUE FROM NS (NEIGHBORHOOD SERVICES) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL).**

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

**Holly Cramer, Planning, Design & Development** said this site is a third of an acre located along the border of Matthews city limits, along Margaret Wallace Road, south of Idlewild. The property is an area with some commercial uses along Idlewild, as well as Margaret Wallace Road, but the land is primarily made up of single-family residential neighborhoods along the periphery of those commercial uses. The site is currently zoned Neighborhood Services from an old 2003 conditional rezoning for a larger area. The request is to rezone the area to General Commercial, conditional. This requested zoning district would be consistent with the 2040 Policy Map's recommendation for commercial on the property, as well as on the surrounding lots along the northwest side of Margaret Wallace Road.

The proposal itself does not have a site plan. It just includes some development standards that limits the uses that would allow for all CG uses with the following prohibited uses. So, adult electronic gaming establishment, car wash, drive thru establishment, employment labor service agency, fueling facility, and accessory drive thrus. The existing commercial uses and entitlements on the site support a rezoning, which would allow for similar uses that were entitled previously, but limit more car intensive uses such as a drive-thru or fueling facilities. Margaret Wallace Road is a state-maintained major arterial road intended to accommodate high volume. The rezoning would allow for commercial uses on an undeveloped lot without expanding on the intended commercial footprint as laid out on the 2040 Policy Map. So, that would help insulate the adjacent residential areas. I'll take any questions following Bridget's presentation.

**Bridget Grant, 100 North Tryon Street, Suite 4700** said good evening. Pleased to be here tonight on behalf of APG and Don [inaudible]. Holly did a great job describing the limits of the rezoning. As she mentioned, this is just a minor modification that will put us more in line with the uses permitted under the UDO with specific limitations on some of the more intense uses. We appreciate that we have no outstanding issues, and no one is here to speak in opposition, and we're happy to answer any questions.

Motion was made by Councilmember Ajmera, and seconded by Councilmember Brown to close the public hearing.
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**Councilmember Molina** said so the neighborhood meeting, there was no one, it looks like. You haven't heard anything from the residents at all?

Ms. Grant said that is my understanding, correct, we have not heard anything.

Ms. Molina said okay, well, we'll follow up, because it's bad outside. Yes, I'll talk to you offline.

Ms. Grant said okay, thank you.

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

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**ITEM NO. 24: HEARING ON PETITION NO. 2024-123 BY QCRE INVESTMENTS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.30 ACRES LOCATED ALONG THE EAST SIDE OF TAPPAN PLACE, NORTH OF HERRIN AVENUE, AND SOUTH OF ANDERSON STREET FROM OFC (OFFICE FLEX CAMPUS) TO N1-D (NEIGHBORHOOD 1-D).**

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

**Holly Cramer, Planning, Design & Development** said this rezoning area is less than half an acre. It's made up of two parcels that are connected along their rear property lines, but they are bisected in the middle along the Tappan Place frontage by a property that fronts Tappan Place. The site is generally located within a single-family neighborhood that borders Commercial Activity along The Plaza. Site is currently zoned Office Flex Campus, and the request is to go to Neighborhood-1D. This proposal is consistent with the 2040 Policy Map's recommendation for the Neighborhood-1 Place Type in this area and surrounding parcels. This is a conventional petition, so there is no associated site plan.

Staff does recommend approval of this petition. Development under the current entitlements of Office Flex Campus would not align with the surrounding existing uses, as well as the zoning, which are residential in nature. So, this would shift it to something that is much more appropriate for this site, considering that it's located within a

residential block. Residents in this area would be able to readily access goods and services along The Plaza, so we believe this is an appropriate location for residential zoning district, and I'll take any questions following the petitioner's comments.

**Michael Barnes, 1909 J.N. Pease Place, Suite 202** said thank you, Mayor Pro Tem. Michael Barnes, here representing QCRE Investments, LLC. Good evening to Council, Mayor Pro Tem, Zoning Committee and City staff. I particularly want to thank Holly Cramer for her help from staff. Mayor Pro Tem and I have spoken about this petition. It is in many respects a corrective rezoning. Most of the area around it is N-1. It's currently zoned Office. The petitioner wants to make it N-1. I'll take any questions, respect your time.

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

**Councilmember Driggs** said I just wanted to point out that Mr. Barnes is a former member of this body. Must know what he's talking about, and Mayor Pro Tem.

Mr. Barnes said Happy New Year. Thank ya'll, I appreciate it.

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

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**ITEM NO. 27: HEARING ON PETITION NO. 2024-128 BY PENMITH HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.24 ACRES ON THE NORTHWEST CORNER OF MALLARD CREEK ROAD AND HUBBARD ROAD, AND TO THE EAST OF GARRISON DRIVE FROM INST(CD) (INSTITUTIONAL, CONDITIONAL) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).**

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

**Maxx Oliver, Planning, Design & Development** said 2024-128 is located at the corner of Mallard Creek Road and Hubbard Road. It's 5.24 acres. Current zoning is Institutional (CD). Proposed zoning is N-2A(CD), Neighborhood-2, Conditional. The 2040 Policy Map recommends the Neighborhood-1 Place Type. N-2A is inconsistent with the N-1 Place Type, and would revise the Policy Map to the N-2 Place Type.

A little background. The site was previously rezoned in 2021 for a Residential Independent Living Facility with up to 107 units located in one building. Proposal calls for the development of up to 64 multi-family attached dwelling units. Buildings along Bisaner Road will be limited to duplexes and triplexes. The petitioner will install a 12-foot multi-use path and eight-foot planting strip along Mallard Creek Road, eight-foot sidewalk and eight-foot planting strip along Hubbard and Bisaner. Direct pedestrian connections will be provided from residential units to public street. A 10-foot Class C landscape yard will be provided along the western boundary abutting Neighborhood-1 Place Type. Street trees will be provided along alleyways. The maximum building height is 48 feet and limited to two stories. Buildings shall contain no more than five units each. Buildings shall present their front facades to the street. A variety of building materials shall be utilized. Vinyl is a prohibited primary building material. Pitched roofs, if provided, will be 5/12 minimum. HVAC installed and waste areas will be screened from view. The following transportation improvements are proposed. Vehicular access to the site will be via a private alley network off Hubbard Road. Bisaner Road will be improved to Charlotte Land Development Standards Manuals along the site's frontage. Existing bus stop along Mallard Creek Road will be updated to be ADA (Americans with Disabilities Act) compliant.

Staff recommends approval of the petition upon resolution of outstanding issues related to transportation, environment, and site and building design. The site is adjacent to



recently developed multi-family attached project on the south side of Mallard Creek Road, that's the N-2 Place Type. It's within a mile of a node of Neighborhood Center at Derita and West Sugar Creek. The 2040 Comprehensive Plan has identified this area as lacking access to housing, and the site is served by transit. Happy to take any questions following Mr. Groce's presentation.

**Nolan Groce, 1213 West Morehead Street, Suite 450** said good evening, Mayor Pro Tem, members of City Council and Zoning Committee. Nolan Groce with Urban Design Partners representing Penmith Holdings on Rezoning Petition 2024-128. Maxx was very thorough in this report, and in the interest of time with the weather, jump right ahead. So, the site is currently entitled Institutional, conditional from 2021, up to 107 independent living units. This is a four-story up to 60-foot-tall building. Jumping ahead to our proposed rezoning site plan. Proposing up to 64 multi-family attached townhome units. These are two-story units, each with a two-car garage and two-car driveway. They are for sale townhome units. We'll also be providing 16 additional guest or visitor parking spaces. As Maxx mentioned, a myriad of improvements along the frontages, a 12-foot multi-use path along Mallard Creek Road, an eight-foot sidewalk along Hubbard Road, and we'll be improving Bisaner Street to the Local Residential Wide Typical Section. I do want to point out, we did not have any attendees at our community meeting. However, we did meet with the Derita Matters Neighborhood Coalition on January 2, 2025. There were about 18 or 20 community members on that meeting, and it was a very productive conversation. Happy to answer any questions you might have.

**Councilmember Brown** said you said there was no community members, but you had about 18 to 20, what meeting was that at?

Mr. Groce said our required community meeting, no one attended, no one registered. However, after the fact, we reached out to all of the members who attended the 2021 community meeting, and we got feedback. We were invited by Theresa McDonald to speak to the Derita Matters community.

Ms. Brown said okay, what kind of feedback did you get, positive feedback?

Mr. Groce said it was positive, yes ma'am.

Ms. Brown said okay.

**Councilmember Ajmera** said thank you. Ms. McDonald serves on our Zoning Committee, and appreciate the work she does to really gather neighbor's feedback on [inaudible] rezoning petitions, including UDO. So, I don't have anything else. If there are not other questions.

Motion was made by Councilmember Ajmera, and seconded by Councilmember Brown to close the public hearing.
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**Councilmember Driggs** said just briefly for staff. You've got outstanding issues related to transportation, environment, and site and building design. That sounds like a lot. Is this premature? Are we going to be able to get to an actionable, accepted petition in a normal timeframe?

Mr. Oliver said yes. There are nine outstanding issues, as you mentioned, but all of them are fairly minor, and we feel like can be addressed between now and Zoning Committee when they submit revised plans.

Mr. Driggs said that's fine, thanks.

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

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**ITEM NO. 28: HEARING ON PETITION NO. 2024-130 BY ABACUS ACQUISITIONS LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.44 ACRES LOCATED ON THE WEST SIDE OF WEST TREMONT AVENUE, EAST OF I-77, AND SOUTH OF WEST BOULEVARD FROM ML-1 (MANUFACTURING AND LOGISTICS-1) TO IMU(CD) (INNOVATION MIXED USE, CONDITIONAL).**

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

**David Pettine, Planning, Design & Development** said 2024-130, it's about an acre and a half off of Tremont Avenue. It is currently zoned ML-1, and they're requesting for an IMU, conditional. You can see we already have some IMU zoning in that area off Toomey Avenue. Some of those have been adaptive reuse projects. So, overall, this area is starting to transition out of that industrial-type use to more adaptive reuse, and seeing some residential infill. We've got some MUDD petitions that have been approved over the last few years across Toomey Avenue. So, starting to see this get to a little bit more of a Mixed-Use and transitional area. This petition would further that. The Policy Map does recommend it as Manufacturing and Logistics, based on the existing zoning, but you can see, again, we've got some IMU Place Type that's already been established in that area. This would just continue that transition to support either Light Craft Industrial or residential Mixed-Use outcomes. The proposal is for up to 28 multi-family attached townhomes. It does have some prohibitions on uses, things like hotel/motel, storage facilities, those have been written out of this proposal, so they would not be permitted. It does provide some pedestrian improvements along West Tremont, and then does limit buildings to a maximum of five per building, and provides some additional screening, particularly along that area along I-77. Architectural standards have been committed to and also does commit to coordinate with Mecklenburg County Park and Rec on a potential bicycle/ped path to Abbott Park, which is just to the north of this project.

Overall, again, staff does recommend approval of this petition. Do have some outstanding items to work through, but should be able to get those resolved prior to Zoning Committee. As mentioned, it's inconsistent with the Policy Map recommendation, but it is consistent with the overall trend and development pattern that we're seeing in this area. So, again, staff does recommend approval, and we'll take any questions following Ms. Lins presentation. Thank you.

**Brittany Lins, 1420 East 7<sup>th</sup> Street, Suite 100** said thanks, everyone. Brittany Lins with the Law Firm of Alexander Ricks. I do not want to be the last thing standing between you and defrosting your cars. So, happy to have staff's support, no community opposition, and I'm here to answer any questions.

**Councilmember Brown** said Brittany, you said no community opposition?

Ms. Lins said correct. We had our community meeting. We had one attendee and a couple others in the community that are on the commercial side of the property. Most of what's around us is commercial, and they had no concerns.

Ms. Brown said I'll reach out to you, Brittany.

Ms. Lins said no problem.

Motion was made by Councilmember Brown, and seconded by Councilmember Ajmera, to close the public hearing.
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Mayor Pro Tem Anderson said okay. Before we close, I just wanted to say, Ms. Lins, Ms. Brown and I are very familiar with this area, because we grew up here, but this is an interesting proposal to add to this parcel here. I'd like to hear more about how this will

come to life and fit in with the characteristics of that area. So, I'll work with Ms. Brown on finding that out, but this is interesting for that area.

Ms. Brown said it is very interesting for the area. This is near Marie G. Davis, Toomey, on the other side?

Ms. Lins said yes, Toomey's on the other side.

Ms. Brown said I-77 is on the other side, and then there used to be the dog kennel? Trying to get a visual.

Ms. Lins said so, this is up, and I can pull up my presentation and show you some more visuals if you'd like.

Ms. Brown said I see the park, that's [inaudible].

Ms. Lins said so, it's south of Abbott Park. There's no connection between that and Abbott Park. So, part of this proposal is, you have the N-1 Zoning, and then you have the Manufacturing and Logistics Zoning smack dab next to each other. This provides a little bit of a buffer and transition between those two uses. So, that's where this petition fits. Then, Abacus Acquisitions, I didn't even bother introducing them, but they're very active in that area and have a couple other developments and are used to the adaptive reuse of the IMU District as well. So, happy to continue those discussion.

Ms. Brown said no problem. I'll reach out to you contingent, based on the weather and safety being number one. Not that we're rushing through it. You and I have worked together before, so I'll reach out to you.

Ms. Lins said yes, we can keep talking about this one, for sure.

Ms. Brown said yes, we can communicate. I'll reach out to you, as well, Mayor Pro Tem.

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

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### ADJOURNMENT

Motion was made by Councilmember Driggs, seconded by Councilmember Ajmera and carried unanimously to adjourn the meeting.
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The meeting was adjourned at 8:04 p.m.

  
Billie Tynes, Deputy City Clerk

Length of Meeting: 2 Hours, 54 Minutes  
Minutes completed: March 12, 2025