

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Tuesday, January 20, 2025, at 5:04 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Councilmember Ed Driggs presiding. Council members present were Danté Anderson, J.D. Mazuera Arias, Renee Johnson, Lawana Mayfield, Joi Mayo, James Mitchell, Kimberly Owens, and Victoria Watlington.

ABSENT: Mayor Vi Lyles, Councilmember Malcolm Graham

ABSENT UNTIL NOTED: Councilmember Dimple Ajmera

* * * * *

Councilmember Driggs said good evening, everybody, welcome. I would like to call this January 20, 2026, Zoning Meeting of the Charlotte City Council to order. My name is Ed Driggs. I am the District Seven Council member, and also Chair of the Transportation, Planning, and Development Committee, in which capacity I'm sitting here tonight. We'll begin with introductions.

* * * * *

INVOCATION

Councilmember Owens gave the Invocation.

Councilmember Ajmera arrived at 5:06 p.m.

* * * * *

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance to the Flag was recited by everyone in attendance.

* * * * *

Councilmember Driggs said before we go on to the explanation of the Zoning process, Planning Director, Monica Holmes, has asked to speak to Council.

Monica Holmes, Interim Planning Director said hi, yes, thank you. I just want to make sure, we just handed out and gave you all copies of flyers for our upcoming Community Area Plan workshops. You have key details, dates, locations, how to RSVP on these flyers. You'll receive on Thursday in your packets, both a digital version that you can distribute, including social media posts that you can promote to your constituents about those dates. We please ask you to share that, so that we can have great engagement. That will also include a Spanish translation flyer, so that you can promote that to our diverse community, and it'll have email verbiage, so that you can send it out to your LISTSERV. So, I appreciate for you giving me a couple minutes in the Zoning meeting to make sure you're all aware of that, and I have a few extra copies if everybody would like a couple more, or reach out if you have a specific event you want them for. Thank you.

Mr. Driggs said Ms. Holmes, thank you for that and for your work on the Area Plans.

* * * * *

EXPLANATION OF THE ZONING MEETING PROCESS

Councilmember Driggs explained the Zoning Meeting rules and procedures.

* * * * *

INTRODUCTION OF THE ZONING COMMITTEE

Douglas Welton, Chairman of the Zoning Committee said thank you very much, Councilmember Driggs, and thank you to the members of Council. My name is Douglas A. Welton, and I am the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce my fellow committee members, they are Melissa Gaston, Erin Shaw, Theresa McDonald, Robin Stuart, Carolyn Millen, and Michael Caprioli. The Zoning Committee will meet on Tuesday, February 3, 2026, at 5:30 p.m. At that meeting, the Zoning Committee will meet to discuss and make recommendations on the petitions that have a public hearing here tonight. The public is welcome to that meeting, but please note it is not a continuation of the public hearing that is being held here. Prior to that meeting, you are welcome to contact us and provide us with your input. You can find contact information for each petition on the City's website at charlotteplanning.org, and that's all I have, back to you, Mr. Driggs.

* * * * *

DEFERRALS / WITHDRAWALS

Motion was made by Councilmember Mitchell, seconded by Councilmember Watlington and carried unanimously to defer: a decision on Item No. 8, Petition No. 2025-021 by Harold Jordan to February 16, 2026; a decision on Item No. 9, Petition No. 2025-027 by Mission City Church and Freedom Communities to February 16, 2026; a decision on Item No. 11, Petition No. 2025-025 by Angelo Tillman to February 16, 2026; a decision on Item No. 12, Petition No. 2025-039 by Christopher Martin to February 16, 2026; a decision on Item No. 14, Petition No. 2025-076 by Kevin Nguyen, LLC to February 16, 2026; a hearing on Item No. 17, Petition No. 2025-089 by American Asset Corporation to February 16, 2026; a hearing on Item No. 18, Petition No. 2025-118 by Charlotte Planning, Design, & Development Department – Text Amendment to February 16, 2026; and, a hearing on Item No. 23, Petition No. 2025-063 by Northwood Ravin to February 16, 2026.

Councilmember Driggs said at this point, we're going to move on to our decisions, and before we get into those, I would like to ask Ms. Cramer to talk a little bit about the new staff analysis that we have heard about. We're making changes, because of the introduction of the Area Plans, and we've had prior explanations of how that will affect the staff analysis. Ms. Cramer, would you like to talk to us about that?

Holly Cramer, Planning, Design & Development said thank you. So, this month for our public hearing petitions, you'll see a rollout of our new staff analysis, which has more expanded context and site background, as well as explanation of existing Zoning District, proposed Zoning District, existing Place Type, proposed Place Type, if it were to change, and an expanded policy section, particularly for the petitions that have an adopted Area Plan. We're hoping that with this new staff analysis, you're given more information as decisionmakers, and our community members are also given more information as neighbors to understand what's happening around them, and the particulars of the development that's occurring, not only within the rezoning boundary itself, but also around the rezoning boundary with the inclusion of our new by-right infrastructure map, for example, as well as the expansion of our rezoning history map and the information that it details.

Now, I'll talk a little bit about how the consistency statements are changing. So, with the adoption of seven out of 14 of our Community Area Plans, we've been transitioning the policy language that you'll see and hear tonight. Seven Community Area Plans were adopted on November 24, 2025. For Rezoning Petitions within an adopted Area Plan that have held their public hearing after November 24, 2025, or will hold it tonight or in the future, following their Area Plan adoption on November 24, 2025, those petitions will have a consistency statement referencing how the petition is or is not consistent with the goals and policies of their applicable Area Plan, rather than a consistency statement

that references the 2040 Policy Map's Place Type recommendation for the site. Now, for Rezoning Petitions that are within an adopted Community Area Plan boundary up for decision tonight that held their public hearing prior to an Area Plan adoption on November 24, 2025, they have a consistency statement that only references consistency with the 2040 Policy Map's Place Type recommendation for the site, rather than a consistency statement that references the applicable Area Plan, and that situation is few and far between, but just wanted to clarify why we're in this time of transition, and what is impacting, and which petitions are affected.

Mr. Driggs said so just to like to highlight then, we have petitions in areas without an adopted Plan, we have petitions in areas with an adopted Plan that, however, had their hearing before the adoption of the Plan, and then we have petitions in areas with an adopted Plan where the hearing was after the adoption of the Plan. Those are the three situations, and they result in differences in the way the staff analysis is presented.

Councilmember Johnson said one of the reasons that some of us pushed for the delay in the adoption of the Area Plans was so that we could receive more community input. As of the last January 2026 committee meeting, we were still waiting on an update to the website, so that individuals could find what Area Plan that they live in. Can you give us an update, Mr. Jones? Has that been updated yet?

Alyson Craig, Assistant City Manager said I think that would be a good question for Monica or Holly, but my understanding is that it has been, but you can give more details as to when and how.

Monica Holmes, Interim Planning Director said on the website, if you go on cltfuture2040.com, the very top of the page, you can do a search. We've added that as a link on other pages as well that you may navigate to, and the QR codes that are on the flyers also navigate to that page, so you can find both the Area Plan that you are in, as well as register for the upcoming engagements.

Ms. Johnson said okay, thank you.

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.

Councilmember Driggs said so, we will now move to the decisions portion of our meeting, and the first item there is the consent agenda. Please note that these petitions meet the following criteria. They had no public opposition to the petition at hearing, the staff recommends approval, Zoning Committee recommends approval, and there were no changes after the Zoning Committee's recommendation. So, now I'd like to ask, are there any consent agenda items Council would like to pull for question or comment or a separate vote?

Councilmember Johnson said 2025-107 which is Item No. 5.

Mr. Driggs said five, alright.

Councilmember Mazuera Arias said agenda Item No. 6.

Mr. Driggs said six. Those are the only ones, alright.

Motion was made by Councilmember Mitchell, seconded by Councilmember Ajmera, and carried unanimously to approve the Consent agenda as presented with the exception of Item No. 5, and Item No. 6 which were pulled for a separate vote.

The following items were approved:

Item No. 3: Ordinance No. 1075-Z, Petition No. 2025-100 by Roland Development Group, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.16 acres located west of Marsh Road, south of Auburn Avenue, and east of Hartford Avenue from R-12MF(CD) (Multi-Family Residential, Conditional) to N2-A(CD) (Neighborhood 2-A, Conditional).

The Zoning Committee voted 6-0 (motion by Millen, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the goals and policies of the South Inner Area Plan based on the information from the final staff analysis: Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The existing Marsh Road corridor is characterized by a mix of single-family homes and low-rise, moderate multi-family residential buildings, creating a walkable environment with pockets of institutional and recreational uses. Mature trees line the street frontages, and a consistent streetside character is established by the large setbacks between the street and the existing structures. The front of the property currently features a landscape berm with trees that provide a partial screen for the existing development. The revised site plan, has an updated design preserving the landscape berm and existing character of Marsh Rd. Public open spaces, like small parks, greenways, and natural open spaces, such as tree preservation areas, are important elements for serving the community and meeting the intent of a Neighborhood 2 Place Type and surrounding Neighborhood 1 Place Type. The revised site layout maintains the characteristically large setbacks— serving as open space. For multi-family residential developments on smaller sites, meaningful open space can often be achieved by activating common open space areas with substantive minimum dimensions and commitments to enhanced amenities. There are multiple recreational uses in the surrounding areas to serve the smaller multi-family residential development on the uniquely shaped site. The petition includes thirty-seven (37) townhome units, which contributes to housing diversity in the area and is compatible with adjacent multi-family developments. The proposal commits to providing a landscape yard with a higher planting standard than required by the ordinance where the site is adjacent to single-family uses, demonstrating a commitment to buffering adjacent properties. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 168-169.

Item No. 4: Ordinance No. 1076-Z, Petition No. 2025-104 by DR Horton amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 14.9 acres located west of Nations Ford Road, northeast of West Hebron Street, and south of West Arrowood Road from B-D(CD) (Distributive Business, Conditional), IC-1 (Institutional Campus), OFC (Office Flex Campus) to N2-A(CD) (Neighborhood 2-A, Conditional).

The Zoning Committee voted 6-0 (motion by Stuart, seconded by Shaw) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the goals and policies of the South Middle Community Area Plan (2025) based on the information from the final staff analysis: 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 meets minor map amendment criteria for a place type change to Neighborhood 2 based on the site's acreage, preferred adjacencies, and locational criteria. The proposed multi-family attached dwellings would diversify housing options in an area primarily developed with single family detached dwellings and multi-family stacked dwellings. The petition site is adjacent to a commercial node and Neighborhood Center Place Type, providing access to goods and services. The site is served by CATS bus route 56 along both Hebron Street and Nations Ford, with service to the Arrowood Blue Line Station and Charlotte Premium Outlets. The site is located across West Hebron Street from Central Piedmont Community College's Harper Campus. The public street network for the area would be

extended and expanded as a condition of this petition. 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 the Campus and Manufacturing & Logistics Place Types to the Neighborhood 2 Place Type for the site.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 170-171.

Item No. 7: Ordinance No. 1079-Z, Petition No. 2025-110 by Graham-Overlook LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.58 acres located east of North Graham Street, south of Plymouth Avenue, and north of Armour Drive from ML-2 (Manufacturing and Logistics-2) to NC (Neighborhood Center).

The Zoning Committee voted 6-0 (motion by Gaston, 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) recommends the Neighborhood Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The North Graham Street/North Tryon Street (NGNT) is one of six identified corridors in the Corridors of Opportunity (COO) program which aims to revitalize areas with a mix of uses that provide critical resources and businesses to its neighbors, creating more prosperous and safe communities. This rezoning would allow the site's entitlements to be shifted away from industrial uses to a more balanced mix of uses that could better align with the goals of the NGNT corridor. The site is located within a half-mile walk of Camp North End, a large and growing mixed-use development containing office, restaurant, retail, residential, and cultural uses. The site is served by the number 21, 22, and 26 CATS local bus providing service to the Charlotte Transportation Center and to the Rosa Parks Community Transportation Center. This rezoning would create a buffer and transition between the adjacent residential area and the Manufacturing and Logistics zoning. Several parcels near the site and along the North Tryon Street corridor have recently been rezoned or are in the process of requesting a rezoning. This represents an ongoing shift in this area to a more urban and mixed-use development pattern. The petition brings the site's entitlements into alignment with the recommended Place Type for the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 176-177.

ITEM NO. 5: ORDINANCE NO. 1077-Z, PETITION NO. 2025-107 BY MORRIS HOLDINGS, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.72 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF MALLARD CREEK ROAD, NORTH OF MORRIS ESTATE DRIVE, AND WEST OF FARON WAY FROM N1-A (NEIGHBORHOOD 1-A) AND RE-3 (RESEARCH-3) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Gaston, 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 post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: While the site is designated as a Neighborhood 1 Place Type by the 2040 Policy Map, this petition is consistent with the growing Neighborhood 2 development along Mallard Creek Road and would be well served by the Neighborhood Center to the southwest

along Derita Avenue and the commercial node to the northeast along W. T. Harris Boulevard, containing goods and services for residents. The petition establishes a vehicular and pedestrian connection to Hyrule Drive to support local connectivity and access. The petition meets preferred variables for changing to a Neighborhood 2 Place Type given its adjacency to the Neighborhood 1 and 2 Place Types, its location within half a mile of major transportation corridor, its acreage, and its frontage along an arterial street. The petition proposes to add to the number of housing units in the area, potentially increasing the variety of housing options available. The site is served by public transit via CATS Route 22, which provides local bus service between the JW Clay Park and Ride at the LYNX Blue Line and the Charlotte Transportation Center (CTC). 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.

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 for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: While the site is designated as a Neighborhood 1 Place Type by the 2040 Policy Map, this petition is consistent with the growing Neighborhood 2 development along Mallard Creek Road and would be well served by the Neighborhood Center to the southwest along Derita Avenue and the commercial node to the northeast along W. T. Harris Boulevard, containing goods and services for residents. The petition establishes a vehicular and pedestrian connection to Hyrule Drive to support local connectivity and access. The petition meets preferred variables for changing to a Neighborhood 2 Place Type given its adjacency to the Neighborhood 1 and 2 Place Types, its location within half a mile of major transportation corridor, its acreage, and its frontage along an arterial street. The petition proposes to add to the number of housing units in the area, potentially increasing the variety of housing options available. The site is served by public transit via CATS Route 22, which provides local bus service between the JW Clay Park and Ride at the LYNX Blue Line and the Charlotte Transportation Center (CTC). 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.

Councilmember Johnson said last month and month before, you all have heard me express concern regarding all the development along Mallard Creek. This is along Mallard Creek, but this is in a part of Mallard Creek that we don't have that density, the roads are wider, so the roads have been improved. We also have support from the Derita Community Association, so I will be supporting it. Thank you.

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

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 172-173.

ITEM NO. 6: ORDINANCE NO. 1078-Z, PETITION NO. 2025-109 BY RAVIN PARTNERS AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.46 ACRES LOCATED EAST OF EAST INDEPENDENCE BOULEVARD, NORTH OF HAYDEN WAY, AND WEST OF LAKEVIEW CIRCLE FROM CG(CD) (GENERAL

COMMERCIAL, CONDITIONAL) TO N2-B(CD) SPA (NEIGHBORHOOD 2-A, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 6-0 (motion by Millen, seconded by Gaston) 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 petition is inconsistent with the 2040 Policy Map recommendation for the Commercial 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: Petition 2023-069 rezoned approximately 80 acres to allow for a range of single family, multi-family, and non-residential uses. This site plan amendment proposes a minor change to 1.46 acres of the 80 acre site so that a portion of the area proposed for CG(CD) may be developed with uses allowed in N2-B(CD). This change does not meaningfully change the intent of the existing entitlements, and non-residential uses would still be permitted on the site where CG(CD) remains zoned to the south. Buildings in the area typically consist of townhomes and multi-family stacked buildings and are usually not more than five stories. Civic and institutional buildings vary in size based on their context and accessibility. Much of the existing residential development along the east side of Independence Boulevard is already comprised of multi-family stacked and attached building forms. The requested N2-B zoning is appropriate at this location because it is compatible with these existing building forms and urban context. The requested N2-B (Neighborhood 2-B) zoning supports higher density, which is appropriate for this site's location along a major transportation corridor. Future residents may access a range of goods and services along Independence Boulevard. The petition commits to dedicating a permanent greenway easement to facilitate the extension of the Irvins Creek Greenway. This dedication provides community infrastructure that offering a recreational amenity and improved connectivity for residents of the proposed development and the broader surrounding community. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Commercial place type to Neighborhood 2 place type for the site.

Motion was made by Councilmember Mazuera Arias, and seconded by Councilmember Ajmera 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 petition is inconsistent with the 2040 Policy Map recommendation for the Commercial 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: Petition 2023-069 rezoned approximately 80 acres to allow for a range of single family, multi-family, and non-residential uses. This site plan amendment proposes a minor change to 1.46 acres of the 80 acre site so that a portion of the area proposed for CG(CD) may be developed with uses allowed in N2-B(CD). This change does not meaningfully change the intent of the existing entitlements, and non-residential uses would still be permitted on the site where CG(CD) remains zoned to the south. Buildings in the area typically consist of townhomes and multi-family stacked buildings and are usually not more than five stories. Civic and institutional buildings vary in size based on their context and accessibility. Much of the existing residential development along the east side of Independence Boulevard is already comprised of multi-family stacked and attached building forms. The requested N2-B zoning is appropriate at this location because it is compatible with these existing building forms and urban context. The requested N2-B (Neighborhood 2-B) zoning supports higher density, which is appropriate for this site's location along a major transportation corridor. Future residents may access a range of goods and services along Independence Boulevard. The petition commits to dedicating a permanent greenway easement to facilitate the extension of the Irvins Creek Greenway. This dedication provides community infrastructure that offering a recreational amenity and improved connectivity for residents of the proposed development and the broader surrounding community. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods. The approval

of this petition will revise the recommended place type as specified by the 2040 Policy Map (2022) from Commercial place type to Neighborhood 2 place type for the site.

Councilmember Mazuera Arias said I just wanted to raise some concerns that the community first had, and a broader understanding of this specific rezoning. It is an amendment to a rezoning that was already approved, correct?

Holly Cramer, Planning, Design & Development said correct.

Mr. Mazuera Arias said and it will be adding more residential, rather than commercial. The concerns and the questions I would just like to submit to the public record are, what traffic improvements, transit improvements are being made with this rezoning, considering the expansion of 74, transit infrastructure, etc.?

Ms. Cramer said right. So, I'll allow C-DOT (Charlotte Department of Transportation) to come and speak on that, but I'll just note that, as you've already said, this is a Site Plan Amendment. It's very small in the scope of what was a much larger project and all the transportation commitments previously identified with the Rezoning Petition 2023-069 are being carried forward. There's an associated Strategic Transportation Improvement program with this site, given the frontage that it's on, but I'll let C-DOT speak to more particulars about what's happening in this area.

Travis Miller, C-DOT said good evening, Council, Travis Miller with C-DOT. So, previously, this rezoning was approved, and we reached out to CATS (Charlotte Area Transit System) to see exactly what transit was requested or required, and from our understanding they requested a bus stop on the previous rezoning. It's not associated with this one, but it's a part of the original approval of that rezoning. For this one, in particular, it's actually less trips than the original rezoning due to this Site Plan Amendment, and they have committed to coordinating with NC-DOT (North Carolina Department of Transportation). She mentioned the STIP (State Transportation Improvement Program) project. That project will include signals, reduce a grade change intersection, as well as sidewalk, SUP (Shared-Use Path) in the area.

Mr. Mazuera Arias said alright, thank you. No further questions.

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

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 174-175.

DECISIONS

ITEM NO. 10: ORDINANCE NO. 1080-Z, PETITION NO. 2024-090 BY CHARTER PROPERTIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 65.27 ACRES LOCATED ALONG THE NORTH SIDE OF WEST MALLARD CREEK CHURCH ROAD AND THE SOUTH SIDE OF GALLOWAY ROAD, WEST OF I-85 FROM MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL) AND R-12MF(CD) (MULTI-FAMILY, CONDITIONAL) TO CG(CD) (GENERAL COMMERCIAL, CONDITIONAL) AND N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Millen) 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 (2022) recommends the Commercial and Neighborhood 2 Place Types for this site. It is inconsistent for a small portion of the site where the zoning designation indicates CG (General Commercial), but the map shows N2 (Neighborhood 2). 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 designated as both the Neighborhood 2 and Commercial Place Types by the 2040 Policy Map. The petition proposes 30,000 square feet of specified commercial uses that would expand access to essential services, amenities, and services for the surrounding community and the included residential development. The petition proposes a diversity of housing options by providing a mix of housing types such as quadraplexes, multi-family attached, multi-family stacked and age restricted units. The petition proposes to include a maximum of 80 residential units in a multi-family stacked style that will be age restricted and income-restricted at 80% AMI for no less than 15 years. The petition provides a large 75-foot Class B landscape yard along portions of the site's western and northern boundary lines next to single family residential lots. The site is located on CATS bus route 59. The petition provides provisions for an existing cemetery on the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Commercial Place Type to the Neighborhood 2 Place Type for a portion of 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. If petitioner is unable to obtain low-income tax credits or other required funding after one (1) year, then the age-restricted requirement will not be required, provided that the Petitioner submits to the Planning staff proof of Petitioner, or its designee having filed with the City of Charlotte a proposal for affording housing development through the City's Housing Trust fund during said one (1) year period.
2. Prior to the issuance of a Certificate of Occupancy for the first building to be constructed on the Site and subject to the agreement of CDOT to accept the funds, Petitioner shall donate the sum of \$10,000 to CDOT for the installation of traffic calming measures on Galloway Road by CDOT. CDOT will determine the type or types of traffic calming measures to be installed on Galloway Road.

Holly Cramer, Planning, Design & Development said previously, the conditional notes presented in the public hearing just noted that they would have good faith efforts. So, now they've provided a bit more clarity about what those good faith efforts are, and how long they would apply for HTF (Housing Trust Fund) funding, and what proof they would supply to Planning that they actually did apply for said funding. So, that was positive and spoke to Zoning Committee's concerns on the item.

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

Councilmember Mayfield said question for staff. You note that they say they will try for one year. What is the affordability commitment if they were to be approved for Housing Trust Fund dollars?

Ms. Cramer said it's 100 units at 80 percent AMI (Area Median Income) for no less than 20 years, and it's for senior housing.

Ms. Mayfield said so, minimum of 20 years if they were to, but it is a competitive process. So, what they're committing to is two, one-year attempts to qualify for funding?

Ms. Cramer said attempts within a one-year period, yes, which allows for, as you know, two cycles.

Ms. Mayfield said thank you.

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

Motion was made by Councilmember Johnson, and seconded by Councilmember Ajmera recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent and inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Commercial and Neighborhood 2 Place Types for this site. It is inconsistent for a small portion of the site where the zoning designation indicates CG (General Commercial), but the map shows N2 (Neighborhood 2). 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 designated as both the Neighborhood 2 and Commercial Place Types by the 2040 Policy Map. The petition proposes 30,000 square feet of specified commercial uses that would expand access to essential services, amenities, and services for the surrounding community and the included residential development. The petition proposes a diversity of housing options by providing a mix of housing types such as quadrplexes, multi-family attached, multi-family stacked and age restricted units. The petition proposes to include a maximum of 80 residential units in a multi-family stacked style that will be age restricted and income-restricted at 80% AMI for no less than 15 years. The petition provides a large 75-foot Class B landscape yard along portions of the site's western and northern boundary lines next to single family residential lots. The site is located on CATS bus route 59. The petition provides provisions for an existing cemetery on the site. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Commercial Place Type to the Neighborhood 2 Place Type for a portion of the site, as modified.

Councilmember Johnson said so last month this was another one that you all might remember when we heard this. I talked to John Carmichael and John Porter, and said, I'm going to have to eat those words, so let's make them really sweet today. I am planning to support this. Again, I've talked about Mallard Creek. I have a map for everyone with the density on Mallard Creek, and how we really need to look at the cumulative impact, but this is on Mallard Creek Church Road for one. This is also the responsible development that I push for. There is retail. As you heard, there's 100 units for seniors that are proposed to be attainable. There are traffic improvements. This was one I actually reached out to my predecessor, Greg Phipps, because this was proposed to be developed years ago, before my time, by Topgolf. Some of you might remember that, and because of that, there is a historic African American slave cemetery on the site. So, there's been a lot of work around that cemetery prior to this site, there's commitments. I also referred the developer, John Porter, to I think, Dr. Jennifer Robinson Moore, is that the right name?

Unknown said Julia.

Ms. Johnson said Julia Robinson Moore, I'm sorry, and she was able to speak with him. She has an organization where they do this type of work, look at the historical data, and try to identify the individual's graves. So, Mr. Porter has worked with that organization, or talked with that organization. She also mentioned that the \$10,000 commitment for that cemetery may not be enough, and Mr. Porter has spoken to her about that as well. So, this is a very thoughtful approach. I'm trying to get into my phone. I wanted to actually tell you all the work that Mr. Porter's done regarding that cemetery, because I know it was very controversial maybe 10 years ago. Is it okay if Mr. Porter comes up and just gives us some information?

Terrie Hagler-Gray, Senior Assistant City Attorney said yes, you can ask him specifically to do that, yes.

Ms. Johnson said okay, thank you. If John Porter can come down, please, with Charter Properties.

John Porter, Charter Properties, 2825 South Boulevard, said yes, ma'am?

Ms. Johnson said thank you. Again, this was a very controversial petition years ago regarding that African American cemetery. Can you give us the information on the work that's been done?

Mr. Porter said I can, thank you. I'll try to be brief. So, it was identified through our relationship with the church and the neighbors in the area. We hired Dr. Dan Morrill to do the physical work there to determine what in fact was there. You all probably remember Dan, and then he produced a 30-page report, including a ground-penetrating radar survey. The neighbors and the residents also walked it with us at that time. Then we needed to also do an archeological reconnaissance survey, who we hired Dr. Alan May from UNCC (University of North Carolina Charlotte) to do. That was about a 40-page doc at the time. He completed that, and then we hired a licensed surveyor to survey the existing limits of that burial area, and put them on the plan that's in front of you tonight for approval, so it is fully surveyed, and then committed to what would be the next and last part, if you will, memorializing that and then maintaining it. Julia Moore, as Renee referred to, has an organization that can do those things. We're not competent for those, and probably even appropriate. So, we're going to convene a meeting between them and the church with funds we'll provide, and obviously secure the site for them, so that they can do it while we're working on it at some point.

Ms. Johnson said thank you so much, thank you. So, as you can see, they've taken the approach to preserve that land, that was a community concern. Again, 80 townhomes on Galloway that are going to be for sale, so there's this transition. This is retail. There's going to be a restaurant in District Four, and a proposed hotel, and it's right near 85. So, this is the type of development, balanced development, and responsive development that we seek, and so I'll be supporting it today. Thank you.

Councilmember Driggs said Ms. Johnson, speaking as your colleague, I appreciate all the work you've done on this. This was a big one.

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

YEAS: Councilmembers Ajmera, Anderson, Mazuera Arias, Driggs, Johnson, Mayfield, Mayo, Owens, and Watlington

ABSTAINED: Councilmember Mitchell

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 178-179.

* * * * *

ITEM NO. 13: PETITION NO. 2025-070 BY PROSPERITY ALLIANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 30.37 ACRES LOCATED WEST OF BEATTIES FORD ROAD, EAST OF PATRIC ALAN COURT, AND NORTH OF MCINTYRE AVENUE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Stuart) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Campus Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This site is designated as the Campus Place Type by the 2040 Policy Map. The proposed zoning of N2-B(CD)

(Neighborhood 2-B, conditional) is inconsistent with the Policy Map recommendation. However, the site consists of an undeveloped portion of a parcel developed as a religious institution. The 2040 Comprehensive Plan calls for residential development in Campus Place Type that supports the mission of the associated institution. The proposed development will provide housing at an attainable price point, committing to all residential dwelling units being affordable to households earning between 60% and 120% of Area Median Income (AMI). The plan proposes a mix of building forms including age restricted multi-family stacked, multi-family attached, and single family detached dwelling units which are compatible with the Campus Place Type. The petitioner commits to landscape yards greater than ordinance requirements adjacent to abutting Neighborhood 1 Place Types. As well as open spaces standards that exceed ordinance requirements. The proposed development gains primary access to Beatties Ford Road via an extension of Banner Ridge Boulevard. Additional access is provided from Lukes Drive, University Church Drive, and a stub street to future development south of the site. The site is abutting a regional public park and located one mile north of a designated Neighborhood Activity Center at the intersection of Sunset Road and Beatties Ford Road, developed with a shopping center containing a grocery store. The Petition proposes to dedicate a greenway easement to Mecklenburg County Park and Recreation. The site is located along the route of the number 7 CATS local bus providing service between Northlake Mall, Rosa Parks Community Transportation Center, and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map, from the Campus Place Type to the Neighborhood 2 Place Type for the site.

Councilmember Owens said so moved. I guess I'm standing in for Malcolm today.

Councilmember Ajmera said we have not heard from Mr. Graham specifically on this Rezoning Petition, so if there is no urgency, I'd like us to defer until we get feedback from the District Rep.

Councilmember Watlington said I was just noting that we didn't have a second on that particular motion.

Terrie Hagler-Gray, Senior Assistant City Attorney said Mr. Driggs, yes, I don't think that there was a second on the motion, so if you'd like to make a motion to defer, it would be appropriate at this time. There was no second on the motion to approve.

Councilmember Driggs said right, so that motion wasn't made yet, we don't have to vote on it, and therefore, is there a motion to defer then?

Motion was made by Councilmember Ajmera, and seconded by Councilmember Johnson to defer Item No. 13, Petition No. 2025-070 by Prosperity Alliance for approximately 30.37 acres located west of Beatties Ford Road, east of Patric Alan Court, and north of McIntyre Avenue from N1-A (Neighborhood 1-A) to N2-B(CD) (Neighborhood 2-B, Conditional).

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

YEAS: Councilmembers Ajmera, Anderson, Mazuera Arias, Driggs, Johnson, Mayfield, Mayo, Owens, and Watlington

ABSTAINED: Councilmember Mitchell

ITEM NO. 15: ORDINANCE NO. 1082-Z, PETITION NO. 2025-098 BY HIGH STREET DISTRICT DEVELOPMENT, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY

7.09 ACRES LOCATED ON THE SOUTH SIDE OF PINEVILLE-MATTHEWS ROAD, EAST OF CARMEL COMMONS BOULEVARD, AND WEST OF BANNINGTON ROAD FROM OFC (OFFICE FLEX CAMPUS) TO CAC-1(CD) (COMMUNITY ACTIVITY CENTER-1, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Millen, seconded by McDonald) 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 recommends the Community Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for the Community Activity Center (CAC) Place Type. The CAC Place Type promotes a variety of uses such as retail, restaurant, office, and multi-family residential in a walkable and transit-friendly environment. In an Activity Center characterized by segregated uses, the petition would combine multi-family stacked dwellings with 4,500 square feet of non-residential uses on one parcel. The petition would replace an automobile-centric office building and parking lot with multi-family stacked dwellings and non-residential uses in buildings fronting public streets. The site is served by CATS Bus Route 51, providing transit access between Carolina Place Mall, Arboretum Shopping Center, and the Matthews-Independence Park and Ride. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods.

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

1. The petitioner addressed a comment to provide cross access to adjacent properties by adding a note stating that cross access easements would be provided by ordinance.

Holly Cramer, Planning, Design & Development said yes, there was one change after Zoning Committee's recommendation, which is really just cleaning up a request that we had, so it's fairly minor in nature.

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

Motion was made by Councilmember Driggs, and seconded by Councilmember Mayfield, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The Policy Map recommends the Community Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the 2040 Policy Map recommendation for the Community Activity Center (CAC) Place Type. The CAC Place Type promotes a variety of uses such as retail, restaurant, office, and multi-family residential in a walkable and transit-friendly environment. In an Activity Center characterized by segregated uses, the petition would combine multi-family stacked dwellings with 4,500 square feet of non-residential uses on one parcel. The petition would replace an automobile-centric office building and parking lot with multi-family stacked dwellings and non-residential uses in buildings fronting public streets. The site is served by CATS Bus Route 51, providing transit access between Carolina Place Mall, Arboretum Shopping Center, and the Matthews-Independence Park and Ride. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, as modified.

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

pti:pk

YEAS: Councilmembers Ajmera, Anderson, Mazuera Arias, Driggs, Johnson, Mayfield, Mayo, Owens, and Watlington

ABSTAINED: Councilmember Mitchell

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 182-183.

* * * * *

ITEM NO. 16: ORDINANCE NO. 1083-Z, PETITION NO. 2025-108 BY CRD DEVELOPMENT LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 1.14 ACRES LOCATED NORTH OF CLEVELAND AVENUE, WEST OF EAST WORTHINGTON AVENUE, AND EAST OF SOUTH BOULEVARD FROM TOD-NC(CD) (TRANSIT ORIENTED DEVELOPMENT - NEIGHBORHOOD CENTER, CONDITIONAL) AND TOD-UC(CD) (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER, CONDITIONAL) TO RAC(EX) (REGIONAL ACTIVITY CENTER, EXCEPTION) AND TOD-UC(CD) (TRANSIT ORIENTED DEVELOPMENT - URBAN CENTER, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Shaw, seconded by Gaston) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: Based on the goals and policies of the South Inner Area Plan and the 2040 Policy Map recommends the Regional Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This 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 underutilized and contains an abandoned warehouse structure and is used as a surface parking lot. An Exception (EX) conditional rezoning is a request to modify quantitative zoning standards, in exchange the petitioner agrees to provide at least two public benefits from two of the following three categories: sustainability, city improvement, and public amenities. The primary driver of this rezoning request is the request for an Exception (EX) provision to increase the allowable building height within 200 feet of the designated Neighborhood 1 Place Type. The site is located adjacent to the southeast corner of Cleveland Avenue and East Worthington Avenue, which is designated as Neighborhood 1 Place Type by the 2040 Policy Map. However, this Place Type is applied to former single family homes, now zoned CG (General Commercial), that have been repurposed for nonresidential uses such as office and retail. The site is in a rapidly developing area with new high-rise residential and office buildings as well as a broad mix of uses such as former warehouses converted to office and retail space, mid-rise apartments, single-use commercial buildings, and single family homes. The proposed Regional Activity Center Zoning District better aligns with the 2040 Comprehensive Plan's vision for the area, as well as with the surrounding Transit Oriented Development (TOD) zoning districts. Additionally, the proposed building height is lower than what is permitted in the RAC (Regional Activity Center) district under the standards of the UDO (Unified Development Ordinance). The site is located within a quarter-mile of the LYNX Blue Line East/West Station. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, 7: Integrated Natural & Built Environments.

Motion was made by Councilmember Anderson, and seconded by Councilmember Ajmera, to approve this petition and adopt the following statement of consistency: This petition is found to be consistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: Based on the goals and policies of the South Inner Area Plan and the 2040 Policy Map recommends the Regional Activity Center Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This 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 underutilized and contains an abandoned warehouse structure and is used as a surface parking lot. An Exception (EX) conditional rezoning is a request to modify quantitative zoning standards, in exchange the petitioner agrees to provide at least two public benefits from two of the following three categories: sustainability, city improvement, and public amenities. The primary driver of this rezoning request is the request for an Exception (EX) provision to increase the allowable building height within 200 feet of the designated Neighborhood 1 Place Type. The site is located adjacent to the southeast corner of Cleveland Avenue and East Worthington Avenue, which is designated as Neighborhood 1 Place Type by the 2040 Policy Map. However, this Place Type is applied to former single-family homes, now zoned CG (General Commercial), that have been repurposed for nonresidential uses such as office and retail. The site is in a rapidly developing area with new high-rise residential and office buildings as well as a broad mix of uses such as former warehouses converted to office and retail space, mid-rise apartments, single-use commercial buildings, and single-family homes. The proposed Regional Activity Center Zoning District better aligns with the 2040 Comprehensive Plan's vision for the area, as well as with the surrounding Transit Oriented Development (TOD) zoning districts. Additionally, the proposed building height is lower than what is permitted in the RAC (Regional Activity Center) district under the standards of the UDO (Unified Development Ordinance). The site is located within a quarter-mile of the LYNX Blue Line East/West Station. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 4: Trail & Transit Oriented Development, 7: Integrated Natural & Built Environments.

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

YEAS: Councilmembers Ajmera, Anderson, Mazuera Arias, Driggs, Johnson, Mayfield, Mayo, Owens, and Watlington

ABSTAINED: Councilmember Mitchell

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 184-185.

* * * * *

HEARINGS

ITEM NO. 19: HEARING ON PETITION NO. 2025-126 BY CROSLAND SOUTHEAST FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.60 ACRES LOCATED NORTH OF WILORA LAKE ROAD, EAST OF NORTH SHARON AMITY ROAD, AND WEST OF MAYBERRY LANE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just over 6.5 acres, located along North Sharon Amity Road and Wilora Lake Road, just north of the Central Avenue corridor, and in an area where we have single-family uses, as well as multi-family uses located directly west of the site, and commercial uses just a little over half a

mile south of the site. The rezoning is on a parcel that contains a place of worship, though, the rezoning boundary would not include that structure itself.

The site is currently zoned Neighborhood-1A. They are proposing to go to Neighborhood-2B, Conditional. The Policy Map currently recommends the Campus Place Type, so the Neighborhood-2B request is considered out of alignment with that Campus Place Type recommendation for the site. The proposal itself is for up to 164 total units. There are two different unit types that we see on the site. On the frontage here, you see the multi-family building envelopes, multi-family stacked. This is for the senior housing. These would be 144 senior multi-family stacked units, and then more toward the rear of the site you have townhome-style units. A hundred percent of the multi-family stacked units, which are all for senior housing, would be income restricted for households earning no more than 80 percent AMI, and this would be income restricted for no less than 20 years. They do have a note that if HTF funding is not approved after two cycles or within 18 months of rezoning approval, the site may instead be developed with market rate units. They establish a 25-foot Class B landscape yard along property boundaries adjacent to single-family neighborhoods, going a bit above and beyond what the ordinance requires. In terms of transportation and streetscape improvements identified here, we have a 12-foot multi-use path along North Sharon Amity Road, eight-foot sidewalks with planting strips along Wilora Lake Road and Mayberry Lane, and access to the site would be via North Sharon Amity Road, Wilora Lake Road and Mayberry Lane.

Staff recommends approval of this petition upon resolution of the outstanding issues listed in the staff analysis. The proposal would provide critical affordable housing for seniors, and a design that maintains sensitivity to the adjacent single-family uses. Although the Policy Map currently calls for Campus Place Type on the property, the project meets a number of the variables we would look for with a Neighborhood-2 Place Type application, including being located on an arterial, size of the proposal being over three to five acres, its proximity to goods and services, and its access to transit options. I'll take any questions following petitioner's comments.

Bridget Grant, 100 North Tryon Street, Suite 4700 said good evening, Councilmember Driggs, Mayor Pro Tem, members of Council. My name is Bridget Grant. I'm a Land Use Consultant with Moore & Van Allen. I'm pleased to be here tonight on behalf of Crosland Southeast with Tim Sittema, as I think many of you know and have had the opportunity to work with over the years.

I really appreciate staff's new staff analysis, and the level of detail that they've gone into to go over this highlight, so I'll try not to duplicate their points. As they mentioned, this is a 6.5-acre site, located on the corner of Sharon Amity and Wilora Lake. It's essentially a portion of the Calvary Church. So, while we're looking to rezone a portion of the site, the church is set to remain on the campus. We're requesting a transition to N-2B. As you can see when you look at the Place Type Map, it's not completely out of character, N-2 is the orange color on the map, for us to have this sort of fabric in a mix of single-family residential, the N-1A, the N-2B, and others in this area, because of our proximity to the Activity Center. These are the types of areas where we want to create additional housing types, and while the Community Area Plan hasn't been adopted yet, providing a diversity of housing types and access to goods and services is a draft priority for this corridor.

Whenever I'm working on projects with an affordable component, it helps me to take a step back and look at the 2025 AMI projections. So, when I look at these numbers, you start to look at what's expected for an individual to have as their housing expense on a site like this. If you're at 70 percent AMI, and you're a single-person household, that assumes that you make \$55,000 annually, and you would be expected to have a household expense of no more than \$1,375 a month. I just think this is a good way for us to remember the type and the price points and the diversity of populations that we're serving with affordable housing.

We are still making some changes to our site. We want to call attention that we have no more than 125 multi-family stacked that are senior housing and income restricted, and 14 multi-family attached that are towns. So, the current unit counts have been reduced from our initial submittal by a reduction of 25 units, and again, the church will retain a balance of the acreage. You can see we worked pretty hard to push the tree save to the periphery of the site, closest proximity to the single-family residential, and we pulled our buildings away from the street frontage. In no instance is a building any closer than 100 feet to the adjacent N-1 Place Types. I think many of you are familiar with the buildings that Crosland Southeast has built to meet this need in the community, so I just wanted to share these buildings as precedent images, and a reminder for the quality that you can anticipate on the site.

We had a fairly engaged community meeting. We have agreed to have another in-person meeting in this coming week to address community concerns in person. I just wanted to highlight a few of the things that were brought up during our meeting and some of our direct communication. There's been some comments that there's an oversaturation of affordable housing on the East Side, and with some recent conversations with Warren Wooten, we just want to emphasize that the Housing Trust Fund and LIHTC (Low-Income Housing Tax Credit) deals have a lower concentration in the East Side than other areas of Charlotte, and so this is an opportunity for us to lock in with some long-term commitments for affordability in this area. The Charlotte market is at an overall deficit, and these efforts help us plan for the future. There was also an expressed concern about the proximity of multi-family stacked, the apartments, and multi-family attached in proximity to N-1 Place Types. So, it's considered, as staff mentioned, an appropriate transition between higher-density corridors, like Sharon Amity. Regarding the four-story height, one of the things that the UDO has done well is create better transitions between single-family and higher-intensity uses, and set much more restrictive transitions between height, so we are adhering to those height transitions. The Place Type Map reflects that this is a relationship that's common in this area and is part of the existing overall community fabric.

The last thing I'll highlight on, and I've had the opportunity to speak with a Council member about this, is that this is a high-injury network and we recognize that and appreciate Charlotte City Vision Plan Zero, and that the high-injury network helps us identify where we need to make improvements along these corridors. The previously adopted Eastland Yards has a number of transportation improvements that have yet to be implemented. I've got that summary on the next slide if you'd like to dig into any of those. There was a signal installed in 2022 at the intersection of Sharon Amity and Wilora Lake, and our development will improve sidewalk conditions along all frontages. So, I'll save you from reading all of these improvements, and just want to share, there's been an investment and improvement in the area. It also is worth noting that when you're looking at opportunities for affordable housing, it's good to look at the infrastructure that's available and in place, and so we do have proximity to bus, shuttle, and future transit opportunities.

So, in summary, we're bringing forward a deal that offers deed restrictions on affordable housing, a mix of product types that include a multi-family stacked and multi-family attached. We are going to put a deed restriction to limit the number of rentals on the for-sale component. We're pleased to say we align with the draft community plan. Our site has two vehicular access points, one on Sharon Amity and one on Wilora Lake. I neglected to mention we have eliminated the one on Mayberry, and the closest single-family home is more than 150 feet from the proposed multi-family. We truly appreciate the amount of time that staff put into the staff analysis to demonstrate why we believe it makes sense in this location, and I'm going to share the rest of my time with Mr. Sittema.

Tim Sittema, 801 East Boulevard said my name is Tim Sittema. I'm with Crosland Southeast. It's always an honor and privilege to be here before you tonight. Thanks, Bridget, and to the staff for their hard work going into this. I just wanted to emphasize a few extra points. We all know housing affordability is a critical issue facing our community, not just Charlotte, but throughout the Country. A stat or two to capture that.

The median home price obviously has risen a lot in the last decade. In 2005, in order to afford a median priced home, a family needed to have an income of \$55,000; in 2005, \$55,000. That number increased to \$79,000 of income by the year 2020. So, 15 years, it went from \$55,000 to \$79,000. In the last five years, it's gone from \$79,000 to \$146,000. The number has almost doubled the income from 2020 to 2025 to afford a median-priced home here. Now, we're talking rentals here. There's a bigger demand for rentals, because so many more people are priced out of housing affordability. I fully support homeownership as a path to wealth creation, but it isn't only homeownership, it has to be all of the above, and this is one of those solutions. It's getting more difficult, not less, more difficult to do affordable housing, because of hyperinflation, because of interest rates, because of land prices and everything else. It's getting more and more difficult.

We are really excited about this opportunity in East Charlotte. We started working on it a number of years ago, four or five years ago. We obviously are redeveloping the Eastland Yards project. The first vertical component we did there was the Evoke Living at Eastland Yards. It is an age-restricted senior housing affordable development. It's 100 percent leased. It's been 100 percent leased. It will stay 100 percent leased. We learned clearly from that pay study that there is an unmet demand for age-restricted units, affordable housing units, in East Charlotte. Our price points, we have studios, ones, and two bedrooms. A thirty percent studio unit is going to rent for just a little over \$500 a month. That is unbelievable in this day and age, and the most expensive, the 70 percent income, 2 bedroom, will be just a little over \$1,600 a month. Most of our units will be at or about \$1,000, \$1,200, but they're as low as \$500 and \$600. It's not formally part of the Faith In Housing effort, but it is our attempt to do Faith In Housing. I want to thank Pastor Bremer here from Calvary Church, who is behind this. Thank you for being here tonight. We have forged a really good working relationship and mutual respect with many of the folks in East Charlotte. That was hard earned over many years with Eastland. We have good relationships with them. That doesn't mean we agree on every point, and there are a few folks that have some concerns about this. We've listened to them, we're hearing them, we scheduled another in-person meeting next week, and we're going to listen again to them next week.

Lastly, I'll just say that Crosland Southeast is from Charlotte. We live here. We're invested here. We care deeply about what we do. Quality is hugely important to us. We're not going to minimize quality, even though this is an affordable housing development. I think we've got plenty of examples to demonstrate that in Charlotte. This community will help meet the need. Councilmember Owens, I love your quote, "The times is always right to do what is right," from MLK (Martin Luther King), I love that quote. In our view, this will be what's right at this time in this particular location. Thank you for hearing us.

Maureen Mahood, 6300 Thelo Drive said hi, I'm Maureen Mahood. I am a 25-year East Charlotte resident. I live in the Venedale neighborhood, and I thought I was going to have two minutes, so I'm super excited I have 10. So, I am here to ask you to vote no on this petition, and I have a few reasons why. The petition will override the intent of what we have as the UDO that was put into place for a four-story development inside established residential neighborhoods with one- and two-story family homes, and this is a foreman scale issue. The houses that are there are traditional ranch houses or they're two-level houses, and this building does not belong there. Rezoning is discretionary, and once it's approved it can't be undone, and I understand that we don't have the most housing money in our area, but if you look at the crescent of Charlotte, East Charlotte and West Charlotte certainly does.

So, this is also a public safety issue. The City's own traffic data shows that Sharon Amity, Wilora Lake, Central Avenue are all part of the high-injury network, where people have been seriously injured and killed. Just last week, as we talked about today, Lance was killed on the Plaza, and he was only 25 years old, and it was after a driver that ran a red light, and that's a reminder that traffic safety is not theoretical, it is real, and it's happening right now. Wilora Lake and Mayberry Lane are narrow neighborhood roads with little sidewalks and minimal striping. There is only about 20 feet of center striping

down Wilora Lake, Mayberry Road has none. So, it is a very narrow road. They were never designed to handle this increased traffic or turning movements. During the meeting with the applicant, we were told that these roads cannot be widened, and turn lanes cannot be added, meaning there is no fix later.

At the same time, this area is absorbing major change. Eastland Yards is moving forward, and there are 90 townhomes that are under construction on Sharon Amity with a right turn only access. So, what that means is, the people coming out of those townhomes will be forced to do U-turns at Wilora Lake and Sharon Amity, increasing the traffic by at least 180 cars there, and then another increase with this development of probably over 200 cars. So, what I want to be clear is, we are not against affordable housing. I work in real estate, and I believe everyone deserves a home, but this proposal is age restricted, rental only housing, not homeownership for working families earning 80 percent AML. So, it doesn't take into consideration our teachers, our police, our firefighters, and the people who work at the City that actually need single-family homes. I've spoken with many of our neighbors, and this message is clear. This proposal does not fit the neighborhood and presents serious safety conditions. So, I am asking for a vote no on this petition. Thank you.

David Barron, 5828 Wilora Lake Road said good evening, Council. My name is David Barron, and I live on Wilora Lake Road, just down the street from the property. I've worked in architecture for 22 years now, and I do support affordable housing. I'm 50 years old and understand the need for affordable housing. After many years of renting a small apartment in Cotswold and working long hours, my spouse and I were finally able to purchase our first home here on Wilora Lake Road. We feel fortunate to own a single-family home at all. This home represents our investment in ourselves, our neighborhood, and the City. I am concerned that this investment, and my neighbors' investments, are at risk under the current rezoning proposal.

I also strongly support neighborhood diversity and inclusion. One of the reasons we love living in the Eastland and Wilora area, is the diversity of our community. My neighbors represent many cultures and backgrounds, and that mix is a real strength. However, I do not support this Rezoning Petition as it is currently requested and designed. What is most troubling is the feeling that this decision is already made. I understand there is a high-level support for this project as a precedent for future affordable housing. I respectfully ask that you still hear the voices of the people who live here and will be most directly impacted.

I want to focus on three concerns. First, density and scale. The property has only about 25 feet of frontage on North Sharon Amity Road, yet most of the development has proposed more than 600-feet back off the road, in the middle of the single-family homes. Four-story buildings along Wilora Lake Road and Mayberry Lane are out of scale. Density of this magnitude belongs directly on the corridor or in Eastland Yards, not embedded within established single-family homes. If this project moves forward, the lower-scale, for-sale townhomes should face Wilora and Mayberry with taller buildings pushed inward toward the corridor. This would restore human scale and allow residents to connect with the neighborhood.

Second, safety and infrastructure. I've lived in high-density housing for over a decade. During that time, I called 911 more times than I ever expected. Density, regardless of intent, increases opportunity for crime and strain on the public services. The neighborhood values safety, stability, and improving existing infrastructures.

Third, green space. This area has a beautiful natural landscape, hardwoods, wildlife, and mature tree canopy that is increasingly rare in Charlotte. I have watched other neighborhoods lose this entirely. I urge Council to require meaningful preservation of natural green space on this site and hold the developers accountable.

Eastland deserves thoughtful human scale growth, and I ask the Council to help ensure this project responds to our concerns, and delivers quality, not just quantity. For these

reasons, I respectfully ask Council not to approve this rezoning as currently proposed. Thank you for your time and consideration.

Ms. Grant said I think I'll leave the traffic safety, and even the perception of crime with multi-family to staff to address. I will say that one of the things, again, that we appreciate about the new UDO, is the ability to transition. We saw multiple developments happen over the years where multi-family and four-story buildings were put within 10 feet, in some cases 15 feet, of established single-family buildings. In this instance, we're pushing more than 150 feet away from the closest home, but I really want to give the rest of my time to Mr. Sittema.

Mr. Sittema said and Mr. Stipicevic works with me, he's up there, but I appreciate your attempt to say his name. A couple of comments with regard to traffic. It's not a mistake that we're planning a senior age-restricted property here. Age-restricted communities have a lighter traffic footprint and lighter footprint overall to community services, so point one. Point two is, as far as the comment about density of LIHTC (Low-Income Housing Tax Credit) deals in East Charlotte and West Charlotte, it's true, there's more affordable housing developments in West Charlotte and in East Charlotte than there are in South Charlotte, for example. We're developing a South Charlotte deal in Ballantyne. I wish I could do 20 of them there. The State enforcing federal laws has a whole methodology about site selection and placement. I've had discussions with many of you about Qualified Census Tracts. The LIHTC process encourages development in Qualified Census Tracts, and those by definition are census tracts that have a high concentration of poverty. I can't change that, you guys can't change that. That's a policy issue that needs to be changed at the federal level. That's what makes it harder to do affordable housing developments in places like South Charlotte. So, thank you for your time tonight.

Mr. Driggs said thank you. So, before I throw it open for Council debate, I just wanted to say, Mr. Barron, it's not a done deal. I mean, that's a common narrative. This thing is precooked and this is all just a process. We are in the middle of a process. We're listening to what you said. The Council will take all of these factors into account. I have no idea what turns out. I'm just telling you, I do want to push back against the dark suggestion that this thing is hardwired from the outset.

Councilmember Mayo said is it possible to receive the comments that they made for the clerk for us to review, if they have a copy?

Mr. Driggs said if you have those in writing, you can give them to the clerk and we'll get them circulated.

Councilmember Owens said I am very sensitive to your commentary about affordable housing and about senior housing, not necessarily driving quite the same car usage. Can you speak a bit, because I have had questions from constituents around having senior pedestrians at busy intersections. Can you speak at all about some of the planning that you've done to account for safety of these senior pedestrians along this thoroughfare?

Ms. Grant said the first thing I can say is that we're required to upgrade the sidewalk conditions, and that typically includes upgrading ramps that are at the intersections on both of the streets where we have frontage, and that's primarily one of the things that helps create better sidewalks that aren't necessarily at the back of curb any more, offer higher visibility at the intersections, and then we look at where ped improvements need to be made. When we go through every rezoning, C-DOT has the chance to look at the existing conditions out there and reevaluate any changes that need to be made that would make the situations better.

Ms. Owens said thank you.

Councilmember Mazuera Arias said I would like to talk about the deed restriction on the townhomes. Can we go to the slide where you mentioned that, or is there a way we can pull that up?

Ms. Grant said I can tell you, while they're pulling that up, do you want to go ahead?

Mr. Mazuera Arias said well, there was some wording there that the for-sale townhome units had a deed restriction to limit rental units. Is there an appetite to talk about restricting it to zero rental units, because I think the concerns that I've been hearing from residents is the possibility, or the risk, of corporations buying those townhomes and renting them for the market rate?

Terrie Hagler-Gray, Senior Assistant City Attorney said Councilmember Arias, are you talking about a condition on the plan, or are you talking about deed restrictions that apply to this neighborhood?

Ms. Grant said we are offering a deed restriction on the townhomes that no more than 20 percent of the units shall be available for rent at any given time. We typically also include a provision when we're exploring to say that no entity or person can own more than a certain number of units to prevent what you're discussing. One of the reasons why we typically don't do zero, in my experience and we're happy to look at it, is because some lenders don't want to see that you have no ability to rent your house in case of life circumstances that change your ability to stay where you are, but we're happy to explore that further.

Mr. Mazuera Arias said thank you.

Ms. Hagler-Gray said does that answer your question?

Mr. Mazuera Arias said yes, it does answer my question. It was regarding the specific writing that was on there, yes, thank you.

Councilmember Ajmera said so is this deal contingent upon HTF funding?

Mr. Sittema said yes, it is. We're filing the tax credit application this month, per the deadline the State enforces, and the HTF application. We met with Housing and Neighborhood Services about that as well. Now, this is a four percent deal, not a nine percent deal, so you know the differences, yes, it's less competitive, and so we expect to get the tax credits, we hope to get the Housing Trust Fund. With both, we believe we have a deal that we can move forward with.

One other thing I did want to say is, staff had made the comment that the deed restriction on the rental units is 20 years. It's at least 50 years, and we're considering even going longer than that, so it'll be much longer than 20 years.

Ms. Ajmera said so, to follow up on that, Mr. Sittema, I understand that this will be contingent upon LIHTC's approval at the State level, as well as HTF approval at the City level. In the case if you do not get either or, or both, what happens?

Mr. Sittema said the church gets to keep their property.

Ms. Ajmera said so, do you not proceed with the market rate?

Mr. Sittema said we do not perceive an opportunity to do market rate here.

Ms. Ajmera said okay, so is that the condition highlighted in the rezoning? That question is for staff. Is that something that can be a conditional approval?

Ms. Cramer said the conditions read, and they can also state it, that if financing is not approved then the site may be developed with all uses permitted in the N-2B Zoning District standards. If they wish to further restrict themselves with the conditions that

they're describing, because it is their full intent to do affordable housing, then they can do so. It would essentially require it to go back through rezoning if they're not able to secure the funding necessary. On the 20 years, I will say we note 20 years, because that's what the conditional notes state, is that the units would be affordable for 20 years. So, if they, again, wish to prescribe the more restrictive standard that they are intending to do, they can write that into the conditional notes.

Ms. Ajmera said so, Mr. Sittema, to follow up on that, would that be something you'd be willing to add to as one of the conditions?

Mr. Sittema said there were two, I believe. I need to give some thought to the first one. It is our intent to do an affordable housing development here, our, Crosland Southeast intent. If we aren't able to get tax credits and/or Housing Trust Fund, it's not likely that Crosland Southeast will want to move forward, but we certainly would want to help the church in any way that we can, and there may be other folks that have other types of development that might work here, and so we'll look into that.

With regard to the second issue. It is my intent to do a 50-year or longer deed restriction on the affordability issue, and we will be making that change in the submittal. We will be making that statement in the Housing Trust Fund application as well.

Ms. Ajmera said thank you. I look forward to additional response on number one. Also, I had a conversation, Mr. Sittema, with a couple of neighbors, and especially Bobbi Almond, who is one of the neighborhood leaders who lives right adjacent to this site, and they had asked for this intersection to be improved. If I may ask Ms. Almond to come down and tell us about specific intersection and specific improvement that you were looking for to be improved.

Bobbi Almond said thank you. Well, at this point, we're asking for any kind of improvement, because it is terrible there. Between Central Avenue and Shamrock Drive, there is no U-turn available at a light, except for Wilora and Sharon Amity. So, everything, the new build that's built down from the QT and this building, will have to go out Wilora at the light to go left as they're going to go south. All the traffic from Granville Apartments, those new apartments, and this, if you're going to go, there's only one turnaround and that's at that light. The road is very narrow. There's a crest of a hill there.

Ms. Hagler-Gray said ma'am, excuse me, I'm sorry. Councilmember Ajmera, I'm not sure.

Ms. Ajmera said thank you. She answered my question. So, Ms. Almond.

Ms. Hagler-Gray said wait, I'm sorry. I'm not sure that she was a speaker that was signed up.

Ms. Almond said no, I wasn't.

Ms. Ajmera said okay. I think she might have written to us, that's why, okay.

Mr. Driggs said I missed that. We have to have people who were signed up.

Ms. Ajmera said so, I think I'm good. Mr. Sittema, if you could come to the podium. So, specific intersection that I remember is Wilora and Sharon Amity. I know you had a long list of improvements. Was Wilora and Sharon Amity, was that part of the improvement as part of the list that you presented?

Mr. Sittema said no, Wilora and Sharon Amity did get a traffic signal. Ms. Grant had mentioned that got a traffic signal in 2022. To my knowledge, there are no further intersection improvements planned there. We did look, however, at that intersection, and Shaun Tooley from LandDesign, our engineer, is in the room here. I don't know if he's needed for additional clarity, but we did look to see can we add turn lanes, can we

do something there? There's a lot of underground utilities and overhead power lines, all kinds of things that would make it literally impossible, not impossible, but unrealistic from a pricing standpoint to relocate all of that stuff, bury overhead power lines, and everything else, it's just cost prohibitive.

Ms. Ajmera said got it. So, I know this might be something not feasible for the developers. I know we have a representative from C-DOT. If we can take a look at this specific intersection, Sharon Amity and Wilora, if you could include that in the followup report that would be great, and if there are any improvements planned in the future. That's all I have. Thank you.

Mr. Mazuera Arias said I had a question for staff. There have been some questions about UDO inconsistencies, since this proposal introduces multi-family use internal to a single-family neighborhood, and not along an arterial road, which might not be aligned. Can you please look into that and let me know what does the ordinance say in terms of its ability to build multi-family internally, and not on a main corridor?

Ms. Cramer said it does have frontage, though, on an arterial.

Mr. Mazuera Arias said can you explain that a little bit more, please [INAUDIBLE].

Ms. Cramer said yes, so the rezoning boundary does front along North Sharon Amity. As you can see here, it has frontage there to the south, and this is an arterial. So, it's not as if we're creating, for example, a flag lot situation where you have an itty-bitty portion of the site, just enough to create a driveway and then the property expands out. When you have a Neighborhood-2 request, you're not subdividing out the lot for every single unit that you're putting on the site. So, this is one property that is being considered, and the one property does have frontage along that arterial. So, you're allowed to develop multi-family in this context and as they've laid out in this situation.

Mr. Mazuera Arias said okay, thank you, and my last comment is, I would be remiss in saying this, but I think the concerns the community is saying is not to stop housing or affordability. I think we just want to ensure growth is responsible and safe and consistent. In that light, I also want to thank the constituents who came and spoke and who have been emailing me and all of Council. Additionally, thanking Pastor John, Bridget, and Tim for the ongoing conversations, because I know this is a very sensitive proposal, and I'm sure we'll continue those conversations next week, Thursday, January 29, 2026, when the developer has an in-person meeting at the church at 6:00 p.m.

The following persons submitted written comments regarding this item pursuant to S.L. 2020-3, SB 704. To review comments in their entirety, contact the City Clerk's office.

Maureen Mahood, 6300 Thelo Drive

David Barron, 5828 Wilora Lake Road

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

Councilmember Driggs said okay, so earlier in this meeting the Council voted to defer Petition 2025-070 by Prosperity Alliance, which was 30.37 acres, located west of Beatties Ford Road, east of Patric Alan Court, and north of McIntyre Avenue, because Mr. Graham wasn't here and we weren't clear. We received word that he is in fact in favor. So, what happens in this situation is, we may, in the same meeting in which a vote was taken, by a motion of somebody who voted in favor of that, we may decide to revisit that question.

Motion was made by Councilmember Ajmera, and seconded by Councilmember Mayfield to reconsider the deferral for Item No. 13, Petition No. 2025-070 by Prosperity Alliance.

Councilmember Ajmera said yes, I also want to go on record saying that this deferral, because we wanted more feedback from the District Council member, Mr. Graham. He had a family emergency, so he's out of town, but he does support this, and he encouraged the Council to support this and approve this tonight.

Mr. Driggs said that's good to know.

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

ITEM NO. 13: ORDINANCE NO. 1081-Z, PETITION NO. 2025-070 BY PROSPERITY ALLIANCE AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 30.37 ACRES LOCATED WEST OF BEATTIES FORD ROAD, EAST OF PATRIC ALAN COURT, AND NORTH OF MCINTYRE AVENUE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-B(CD) (NEIGHBORHOOD 2-B, CONDITIONAL).

The Zoning Committee voted 6-0 (motion by Gaston, seconded by Stuart) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent from staff analysis based on the information from the post-hearing staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Campus Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: This site is designated as the Campus Place Type by the 2040 Policy Map. The proposed zoning of N2-B(CD) (Neighborhood 2-B, conditional) is inconsistent with the Policy Map recommendation. However, the site consists of an undeveloped portion of a parcel developed as a religious institution. The 2040 Comprehensive Plan calls for residential development in Campus Place Type that supports the mission of the associated institution. The proposed development will provide housing at an attainable price point, committing to all residential dwelling units being affordable to households earning between 60% and 120% of Area Median Income (AMI). The plan proposes a mix of building forms including age restricted multi-family stacked, multi-family attached, and single family detached dwelling units which are compatible with the Campus Place Type. The petitioner commits to landscape yards greater than ordinance requirements adjacent to abutting Neighborhood 1 Place Types. As well as open spaces standards that exceed ordinance requirements. The proposed development gains primary access to Beatties Ford Road via an extension of Banner Ridge Boulevard. Additional access is provided from Lukes Drive, University Church Drive, and a stub street to future development south of the site. The site is abutting a regional public park and located 1-mile north of a designated Neighborhood Activity Center at the intersection of Sunset Road and Beatties Ford Road, developed with a shopping center containing a grocery store. The Petition proposes to dedicate a greenway easement to Mecklenburg County Park and Recreation. The site is located along the route of the number 7 CATS local bus providing service between Northlake Mall, Rosa Parks Community Transportation Center, and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map, from the Campus Place Type to the Neighborhood 2 Place Type for the site.

Motion was made by Councilmember Ajmera, seconded by Councilmember Mitchell, and carried unanimously to approve this petition and adopt the following statement of consistency: This petition is found to be inconsistent from staff analysis based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends the Campus Place Type. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This site is designated as the Campus Place Type by the 2040 Policy Map. The proposed zoning of N2-B(CD) (Neighborhood 2-B, conditional) is inconsistent with the Policy Map recommendation. However, the site consists of an undeveloped portion of a parcel developed as a religious institution. The 2040 Comprehensive Plan calls for residential development in Campus Place Type that supports the mission of the associated institution. The proposed development will provide housing at an attainable price point, committing to all residential dwelling units being affordable to households earning between 60% and 120% of Area Median Income (AMI). The plan proposes a mix of building forms including age restricted multi-family stacked, multi-family attached, and single family detached dwelling units which are compatible with the Campus Place Type. The petitioner commits to landscape yards greater than ordinance requirements adjacent to abutting Neighborhood 1 Place Types. As well as open spaces standards that exceed ordinance requirements. The proposed development gains primary access to Beatties Ford Road via an extension of Banner Ridge Boulevard. Additional access is provided from Lukes Drive, University Church Drive, and a stub street to future development south of the site. The site is abutting a regional public park and located 1-mile north of a designated Neighborhood Activity Center at the intersection of Sunset Road and Beatties Ford Road, developed with a shopping center containing a grocery store. The Petition proposes to dedicate a greenway easement to Mecklenburg County Park and Recreation. The site is located along the route of the number 7 CATS local bus providing service between Northlake Mall, Rosa Parks Community Transportation Center, and the Charlotte Transportation Center. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10-Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 3: Housing Access for All. The approval of this petition will revise the recommended Place Type as specified by the 2040 Policy Map, from the Campus Place Type to the Neighborhood 2 Place Type for the site.

Mr. Driggs said God speed Mr. Graham.

The ordinance is recorded in full in Ordinance Book 69, at Page(s) 180-181.

ITEM NO. 20: HEARING ON PETITION NO. 2025-094 BY ATAPCO PROPERTIES, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 19.54 ACRES LOCATED EAST OF MALLARD CREEK ROAD, ON THE NORTH AND SOUTH SIDE OF ALEXANDER ROAD, AND ALONG THE WEST SIDE OF COLLEGE VIEW LANE FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is a little under 20 acres, east of Mallard Creek Road, in an area where we have townhome developments abutting the site, as well as single-family, campus, and commercial uses in the vicinity. The site is currently zoned Neighborhood-1A. They are requesting a Neighborhood-2A, Conditional Zoning District. The Policy Map calls for the Neighborhood-1 Place Type, so this proposal is considered out of alignment with that Policy Map recommendation, and if approved it would change the Place Type to Neighborhood-2 for this site.

The proposal itself is for up to 195 multi-family attached townhome-style units. A minimum of 50 percent of those buildings would contain four or fewer dwelling units, no more than 25 percent of those buildings would have six units, and a minimum of a 10-foot-wide Class C landscape yard would be provided along property boundaries. Provides some transportation streetscape improvements, establishes a public street network to connect to Alexander Road, College View Lane, Ashemore Square Road, Jillian Place Road, and Treble Court. These are subdivision required connections. It also provides eight-foot sidewalk and planting strip along required internal network streets. Provides sidewalk extension from Alexander Road to Mallard Creek Road, and street trees would be provided along alleys. In areas where no planting strips are feasible, there would be minimum standards for street tree plantings.

Staff recommends approval of this petition upon resolution of outstanding issues. This petition proposes the product type that is consistent and compatible with the development adjacent to the site that has multi-family entitlements already on the ground and has begun to develop those townhome units as you see to the east of the site. This property is located within a half mile of Campus and Commercial Place Types to the north and the east that offer goods and services within those areas that help support multi-family entitlements being established here. The petition would create additional housing adjacent to the University City Research Park, which is a major employment hub for residents, and the street network in the area would be extended with this proposal, and the rezoning is also located along a bus route, and within a half mile of greenway access point, which helps to provide multi-modal transportation options. I'll help answer any questions following petitioner and community comments.

John Floyd, 100 North Tryon Street, Suite 4700 said thank you, Councilmember Driggs, Mayor Pro Tem, members of Council. I'm John Floyd with Moore & Van Allen, here tonight on behalf of the petitioner Atapco Properties. I'm also joined this evening by Michael Carter, who is Atapco's Director of Acquisitions, and Shaun Tooley is a landscape architect with LandDesign.

Atapco is proposing a new townhome community on a multi-parcel site, located between Mallard Creek Road and David Taylor Drive, in Councilmember Johnson's District. Total parcel size is roughly 19.5 acres. The site is currently zoned N-1A, and we're seeking to rezone to N-2A, Conditional. The uses surrounding this site include an office park, a townhome community that is completed, a townhome community here that is currently under development, and a multi-family development that is currently under development. Given the surrounding uses, we think that the N-2A Zoning designation for a townhome community makes a lot of sense in this location. The site is currently designated as a Neighborhood-1 Place Type, but again, if you look at what is surrounding the site, you Campus District to the east, Neighborhood-2 to the west, and what will become Neighborhood-2 for a multi-family development here to the southwest of the parcel.

This particular site has a lot of the key attributes that you look for when assessing the change from Neighborhood-1 to Neighborhood-2. The site is adjacent to Campus and Neighborhood-2 Place Types. It's within close proximity to Campus District, an Activity Center and arterial streets. You've got public transportation available on Mallard Creek Road and greenway access in the vicinity. So, again, we think this is a prime candidate to transition from Neighborhood-1 to Neighborhood-2. This slide shows the currently proposed site plan for 195 townhome units on 19-plus acres.

There's two things that I want to briefly touch on, and will come back to later. First, there's a pretty significant infrastructure improvement that's required for this site. Here on the southern end, there's a stream crossing that has to be made to provide the connectivity that we're going to talk about. Current estimates on that put the price in the \$2 million to \$3 million range. That's a pretty significant infrastructure project that is a factor here. The second thing is, we've tried to put open space in areas throughout the property, so that regardless of where you live you have something nearby where you can get some outdoor activity, rather than just one central location. This slide just, again, highlights the neighboring development, and again, you have a lot of

Neighborhood-2 Place Type in the vicinity, a townhome community here, multi-family here, and an existing townhome community here.

One of the biggest benefits that we think comes with this development for the community is the connectivity that it will provide that'll hopefully help alleviate some of the traffic congestion in this area. As I mentioned before, again, we've got a pretty significant connection that's going to be made here, and then there is a connection to Treble Court, which is a stub street that is right there. Making those connections creates an alternative route that people can use to get between Mallard Creek, David Taylor and Mallard Creek Church Road. We think that's helpful. One of the concerns that we've heard raised through the rezoning process is the impact that the connection is going to have on Treble Court, which is part of the Aria at the Park townhome community located here, and I suspect that some of the people that are signed up to speak will be residents of Aria. Under the UDO, the petitioner is required to make that connection to Treble Court, and if you look at the schematic plan that was approved for the rezoning of Aria back in 2018 or 2019, it clearly shows that Treble Court was intended to provide connectivity over to College View. You see Treble Court here, it indicates it's a 56-foot public right-of-way. You also have notes here indicating a future stub street here, and a future stub street here.

One thing that we heard during our community meeting with the Aria residents was concerns about the maintenance of their roads, and they were under the impression that their roads were private. We confirmed that most of the roads in Aria are public, and have been dedicated, but not accepted by the City. Now, I believe that they have been accepted, so the cost of maintenance for most of roads within Aria will not be the responsibility of the Aria residents. There's one exception, and that is Unison Drive, which is this street here that connects all the way up into the office park. Unison is subject to a public access easement, but due to location of utilities around that street, it's not something that can be handed over to the public. To try and address that, and the maintenance impact that that would have, the additional use on Unison that'll occur with opening up that connection, the petitioner has committed to a \$100,000 payment to the Aria HOA (Homeowner Association) to help cover maintenance and other expenses that they might incur.

This is just a sample elevation showing what the product here might look like. This is a three-story product. This is a potential two-story product. Regardless of the product type, the petitioner here is looking at something in the approximately 2,000 square foot range, three-bedroom, two-bath. Their goal is to put a product in place that can be both functional and attainable for families in the working class and middle income economic demographic, and with that goal in mind, Atapco has agreed to make this a for-sale community by putting limits on the percentage of units that can be rented and the number of units that can be owned by any individual or entity, similar to what Ms. Grant was referencing in her presentation earlier.

As I mentioned before, the project was designed so that regardless of where you live you've got convenient access to open space. Currently, we have three main areas located here, here, and down here. Each one of those is going to have seating and a field or play area. The area in the far south also is planned to have a gazebo and a nature overlook area. Again, you've got that stream crossing coming through here, so if people want to get out and enjoy a little bit of nature, they'll be an area there for them to do that. These are just some precedent images showing what that outdoor space could look like. One of the other concerns that we heard about amenities during our community meeting and post discussions, some people think that there needs to be a pool and a clubhouse, but that's just not in line with Atapco's goal for this development. Adding costly amenities to a for-sale development makes things more expensive and eliminates prospective buyers, because you have to increase HOA fees to cover the maintenance of a pool and a clubhouse, which reduces affordability. For Atapco, the goal of amenities and open space, is to provide an area for families to congregate and for kids to play, which is based on Atapco's market research what people are looking for, and that's what's being designed.

So, we think there's a lot of positives about this development, and its worthwhile trade for the increased density that the developer is seeking here. The development helps to open up connectivity in the area, which should help alleviate some traffic congestion, and again, that added connectivity requires a pretty expensive stream crossing and a connection to Treble Court. The petitioner is willing to commit to a for-sale development with limits on the number of rental units, as well as the number of units that can be sold to an individual or entity. Trying to address the concerns of the Aria neighborhood, the petitioner is proposing to make a one-time \$100,000 capital infusion to the Aria HOA, so they can use those funds on road maintenance, potentially adding speed bumps if they like, or any additional security that they think is necessary on their private street and their amenities. The petitioner will agree to upgrade architectural standards, open space and amenities to create a high-quality development. So, we think this is a quality project that provides significant benefits to the community. We understand that there is some criticism about the connectivity issue here, and I understand it, people don't want traffic diverted onto their streets, but one of the policy decisions that the City has made is to promote that type of connectivity and the petitioner is required to do that here, and has proposed a development that meets that requirements. So, happy to answer any questions. We certainly think this is a project that is worthwhile, and we hope that you'll support it. Thank you.

Jessica Carranza, 10100 Lampkin Way said alright, good evening, Council, and thank you for your time. My name is Jessica Carranza, and I am a two-year resident of the Colvard Park neighborhood, and a member of the Homeowners Association. We are located next to Mallard Creek Elementary School, and directly in front of the proposed neighborhood. We are right there, Colvard Park Way. A newly proposed community would add a significant amount of traffic to an already overly saturated Mallard Creek Road, and the new Ashmore Square Road extension entry point would direct traffic directly to the only entry and exit of Colvard Park Way. Between the hours of 9:00 a.m. and 10:00 a.m., and 4:00 p.m. and 5:00 p.m., we see lines of traffic accumulating next to Mallard Creek Elementary School for drop off and pick up, and adding 195 units and over 1,300 trips per day, we're looking at a terrible scenario for existing and new residents of the area. Fellow neighborhoods in the area also only have one exit and entry point that all bleed into Mallard Creek Road, making the situation that much more challenging. Many residents in the area avoid exiting our neighborhood during these times, as visibility is limited, and with the 45 mile per hour speed limit in the area, we have small room for error. Making a left hand turn out of our neighborhood during these times is a gamble with our safety each and every day. When the options are staying home or possibly T-boning a vehicle with the right-of-way, the choice is not difficult.

While I understand that with growth in the Charlotte area, there is a need for more housing, my opposition is not to the housing petition, it's against the zoning that does not take into consideration the existing communities. For the safety of all parties, we would suggest the introduction of a streetlight at the entrance of Colvard Park Way and Mallard Creek Road, or directing traffic to another entry and exit point away from Mallard Creek. While I understand that a crosswalk is proposed on Alexander Road, this does not suffice in easing traffic conditions in the area. There needs to be halfway point where we can all leave the table with what we want, and at this point the proposal as stands does not meet the needs of local communities and residents. We ask that the Council not approve the rezoning as it is presented. Thank you for your time.

Alexandra Tiscione, 3208 Treble Court said hi, my name is Alexandra Tiscione, and I am a resident of Aria at the Park. We are mainly concerned with the connection point between the three proposed communities of which is what we're talking about now is one of them, and Treble Court, which is a cul-de-sac at the moment and has a right-of-way to College View. The proposed development is in stark contrast with the existing Aria at the Park community in terms of design, character, density and amenities. Aria was approved with lower density, greater open space, and shared amenities, such as a pool. The new development at 195 units on 19.5 acres is about 10 dwelling units per acre, which is more than double what Aria was approved for before the new 2040 initiative, and includes no comparable amenities. This creates a jarring transition scale between the two communities. The density proposed under the updated zoning

ordinance with a new development is significant and places unexpected strain on our community. Routing the new development in the other townhome development and the apartment building complex through Treble Court will negatively impact residential streets. This development projects about 1,325 daily trips, in addition to the already approved townhome development, 955 trips, and I don't have the data for the apartment complex, which is about 295 units also. So, we could expect, worst case scenario, up to 3,000 possible trips routed through Treble Court as a cut-through to David Taylor.

We are requesting serious reconsideration for an alternative access point, such as the previously intended right-of-way dedication that would provide more direct access to David Taylor Drive, and reduce cut-through traffic in residential areas, which is between College View and Unison Drive. If Treble is connected, the association would take on a large financial burden. We do appreciate the \$100,000, one-time contribution, towards our maintenance on our private road, but this funding is not sufficient given the accelerated wear and tear and increased traffic from multiple developments. The cost of ongoing maintenance, resurfacing, and eventual reconstruction will fall on Aria homeowners, and we do not believe that this contribution will cover even the first resurfacing cycle. Ashmore has a lack of amenities, mostly the pool, which raises concerns about trespassing and overuse of Aria's shared spaces, which is the pool.

So, in closing, in its current form, the size, density and access point will be a detriment to existing homeowners within Aria at the Park, and has negative effects on our established character of our community. So, we respectfully ask that the developer work with residents to find a more appropriate solution. Thank you.

Garland Greene, 7117 Broadford Court said my name is Garland Greene. I think you all are familiar with me. I was here for the open forum last week. I talked about my concerns about traffic congestion, specifically relative to apartment build-out in overly congested areas. I sent, over the weekend, all of ya'll five different things that I was concerned about, five different petitions. This meeting is kind of where the rubber meets the road. You're hearing both sides. I haven't been to this meeting for a while, but when I come to it, I always have one thought and I'm going to share that with you. On this side over here, you have slick-talking lawyers that have very deep pocket support. On this side over here, you have the little guy, and the little guy goes to a community meeting and voices their opinion, and that's it. Look at the petitions that've been passed last year. Probably 98 percent of the zoning petitions were passed last year. What does that tell you? The big guy's winning. Alright, so what am I here today about? Ed Driggs is my representative, and he tells me that the number one concern that he hears from everybody is traffic congestion, and we need to do something about that. You're in a position to do something about that. You need to look at each one of these petitions, and I've pointed out five to you, and ask yourself, if there's 500 apartments being built, I've got a rule of thumb.

Mr. Driggs said Mr. Greene, do you have comments related to this petition. You're making very general remarks. This is a Zoning meeting, alright, so please address this petition.

Mr. Greene said yes, I'll address this petition. In this particular petition, there are 195 units being built out. It's adding 1,325 trips, and it's in a very congested area, which is University area, and I think that's a problem. My rule of thumb typically is, for each apartment complex, for each unit, there's either 1½, 2 cars, and if you've got a 500-unit apartment complex, you're adding anywhere between 750 and 1,000 cars in congested areas, and this area congested, adding a lot of cars. I just ask you to take that under consideration. You're in a position to do something going forward, I hope you'll do it. Thank you.

Mr. Floyd said I'll try to be brief. On the comments made by the resident of Colvard Park, certainly we understand that Mallard Creek has traffic congestion issues, and our position is that the connectivity that is going to be provided by this development should actually help alleviate those issues. Again, providing that connection to Treble Court allows people multiple ways to traverse from Mallard Creek over to David Taylor over to

Mallard Creek Church Road, which we think will be helpful. She mentioned a traffic light. As I believe Councilmember Johnson is aware, that is something that is in preliminary discussions. We were contacted by C-DOT about that on Friday. That's something we're looking at, it hasn't been vetted, but that's under consideration, and certainly before there's a vote on this, we'll have some position on that.

As to the connectivity with Treble Court, again, that is something that is required under the ordinance. That is something that was required pursuant to the rezoning of the Aria development. Again, we understand on Unison Drive, there will be maintenance that is the responsibility for Aria. Everything else is a public road and is not their responsibility. That is something that we corrected once we got involved in this case. I think that's it. Happy to answer any questions.

Councilmember Johnson said okay, so many questions. First of all, thank the residents from District Four from Aria at the Park and Colvard Park for coming out. I've been on the phone with them over the last, I guess, few weeks or before, so thank you. I have a question for the petitioner, Mr. Floyd.

Mr. Floyd said yes, ma'am.

Ms. Johnson said Mr. Floyd, you mentioned a \$2.5 million infrastructure improvement. Can you tell us exactly what improvement that is, and how does that benefit residents?

Mr. Floyd said sure. If you're looking at this slide, there is a multi-family development that has been approved here that has stubbed out to this location here. There is a stream crossing that has to be installed to provide connectivity to extend College View all the way down, all the way out to Mallard Creek. So, it is that stream connection there that we are providing that, again, provides this additional connectivity through these streets.

Ms. Johnson said okay, so it's required for engineering? So, you're building an extra street or extending College View, exactly, is that what you're saying?

Mr. Floyd said we're extending College View all the way down to Mallard Creek and crossing a stream is part of that, and then also including this connection here to Treble Court, which is also required. So, I guess I would say, at some point this property gets developed and those things get done. That connection to Treble occurs regardless of whether this rezoning is approved or not. At some point, somebody develops that and that connection happens.

Ms. Johnson said right. So, College View is going to be extended, and I'm going to have questions for C-DOT also. My concern about this petition is micro and macro. From a micro issue, the residents in Aria, they were asking if that connection from Treble Court could be waived per the subdivision ordinance, so I want to ask C-DOT about that. From a macro issue, and I go back to this, but those of us who were against the UDO, it was for this reason. We've pulled the rug out from underneath these homeowners. They pay \$12,000 a year, \$1,000 a month premium, to be in the location that they are in. They were not expecting this level of multi-family to surround them. So, they're asking for the Treble Court not to be opened. There is another connection, I think, through College View, and so they're asking for this requirement to be waived. Is that a possibility that we do not open Treble Court?

Jake Carpenter, C-DOT said Jake Carpenter with C-DOT. The requirement for the extension of stub streets is controlled by the subdivision ordinance, and the subdivision administrator falls on the Planning Department. C-DOT actually doesn't control those requirements, but in discussing with the subdivision administrator, the requirement to extend Treble Court is a requirement. All stub streets are to be extended on their nature projection for a subdivision development, and there are no applicable exceptions based on discussions with the staff.

Ms. Johnson said so, from a policy perspective, Mr. Jones and Council, I don't know what exception could be made. I know we've talked about in the past looking at the UDO and the requirements, as it impacts existing neighborhoods, but this is one of those situations that if there was any way to not open up this street. There is connectivity, and I know I talk about traffic, but this is directing traffic through this neighborhood. That's not safe for children. If there's any way that we can take a look at that. That's the micro issue for the Park at Aria. The macro issue is, I've given each of you this map numerous times, and I've asked City staff if you can post this above, so that everyone knows what we're talking about. I sent this to the residents. It's a map of all of the developments in District Four, and you'll look at Mallard Creek. I would like for us as a Council to pretend we're in the Back to the Future movie, and think about us 10 years out, and what all of this development is going to look like.

We know that we're looking at petitions one at a time, and as he's pulling that up, I do also have a question for Zoning staff, if I can. This petition, 2025-094, if you look at the school impact, Mallard Creek Elementary is currently at 78 percent utilization, this would increase it to 80 percent. Ridge Road Middle is currently at 88 percent utilization. Mallard Creek High is currently at 108 percent utilization. Earlier tonight, we looked at 2024-090, and the numbers were, Mallard Creek Elementary would increase to 85 percent, Ridge Road 92 percent, and Mallard Creek High would increase to 110 percent. So, that was petition 2024-090. Now, we're at 094, and the numbers are different. I took a look at a petition from last April 2025 for the same schools, and it was Mallard Creek is at 85 percent, Ridge Road is at 96 percent, and Mallard Creek High is at 112 percent. So, I'm asking you, and I know there's a formula for schools, but how are we as Council members supposed to calculate this responsibly and smart if we're not getting the current information to really take a look at the impact? I've talked about cumulative impact for years. So, now I'm going to say, comprehensive, coordinated and cumulative impact. We need to really take a triple C approach, let's start using that. So, I'm asking you, and you all can look at the school numbers, we're not really taking a look at the schools. If you look at the map, can we pull up the map, please?

Holly Cramer, Planning, Design & Development said the projector has turned off. We're trying to get back on. We're working with troubleshooting that right now, I so apologize.

Ms. Johnson said my Council colleagues have the map. I know that the residents have shared this map with someone from The Observer this week, and I'll put it here. I really, really, really want us to consider Mallard Creek. I also asked C-DOT for the number of accidents along this stretch of road, and I was told that there were 21 accidents in 0.6 miles in the last two years. That seems like a lot to me, but there's no alarm, I guess, because it's not high injury or no one was seriously hurt or killed. We have in the news this week a pedestrian was killed. Ms. Owens talked about last week, 81 fatalities along Providence Road. I asked today during the Zoning meeting, where are we comparing this? What's the jurisdiction to know if we have an A, B, C, D rating? I think that's done at a local level. I'd like to know, Mr. Jones, in comparison. Twenty-one accidents in 0.6 miles in two years, on a national level where are ranking? What's our goal? Where are we comparing ourselves to, because that seems unreasonable to me. I asked for an infrastructure meeting years ago. We really need to take a look at this. I understand the petition, but I just don't believe, at this time, without really calculating the impact on schools, as we can see in black and white, and all of these petitions that are pending we don't have a true traffic impact of what it's going to look like, I don't see myself supporting this petition unless we have commitment for true traffic improvements. We know that we need a traffic light. Can I ask C-DOT what the status of the traffic light is for this area?

Mr. Carpenter said thank you. So, C-DOT ran some preliminary evaluation of the potential traffic signal, assuming all these developments were constructed. Initial review indicates that there may be some traffic warrants met in the future for the signal. In addition, this is a good location in our evaluation for a pedestrian crossing with the school location, and so C-DOT is in support of a signal at this location. We have had preliminary discussions with the North Carolina Department of Transportation. They

maintain Mallard Creek Road. They're open to evaluating the traffic signal. So, for full approval, it takes some time for full signal warrant studies, and other information, there's full data collection and things like that, but we've begun the process of evaluating and moving towards NC-DOT approval for a traffic signal at that location.

Ms. Johnson said can you also give me a safety update? Do you have that information? I asked someone in C-DOT earlier. I've been asking for some improvements, such as potentially the speed limit being lowered on Mallard Creek.

Mr. Carpenter said the C-DOT staff that works on the traffic safety piece has committed to a speed evaluation for this corridor, so that will be ongoing. An additional point to note is, there were some concerns mentioned about the school traffic and the queuing that occurs on Mallard Creek at this area, and so as part of this initiative, we've also begun an evaluation in direct coordination with the school to see if there are alternatives for improving the circulation and avoiding some of the issues that we see on the public roadway network, so that's ongoing as well.

Ms. Johnson said okay, and I believe you were the one that gave me the information about the number of accidents in that 0.6 mile area, but they're not considered serious accidents, is that correct? Do you know the types of accidents those were?

Mr. Carpenter said so, over 70 percent of those crashes were what we would consider minor fender benders or property damage collision. So, those types of collisions make up the largest number of crashes on our roadway network in general, and in this case you're correct that there was no serious injury or fatality crashes in the area that you requested the data collection for.

Ms. Johnson said thank God they weren't what's considered serious, but I just want you all to know, there's no traffic light anywhere in this corridor, so these accidents had to be while cars were moving. Most of them were probably left turns with individuals coming out, I imagine, because there's no traffic light and there's no point of natural conflict. So, I just want you to keep that in mind. Again, take a look at this map. We need traffic improvements. I mean, we just have to say it, there are some areas that are high traffic, we don't have the infrastructure, that we just may need to pump the brakes on development in some areas, and I would say Mallard Creek is certainly one of them. You can look at this map, the pending, the by-right. I mean, it's just unbelievable, and the residents feel it. The resident spoke earlier, there have been about 3,000 trips. How many traffic studies? None of them triggered a traffic study. So, until we're really ready to take a look at how we're growing and grow responsibly. You see the sign, we're getting emails about red light cameras, a young man has died this week. I'm sorry about your friend, I'm sorry to the family, but this is happening every day, and we can't continue to just build by any means necessary. So, that's all I have. Thank you.

Councilmember Owens said yes, I had a quick question, and yes, we are back up. This is a question for Mr. Floyd. I don't want to take anything away from Councilmember Johnson's great questions. I just was going to take this just in a little bit different direction, because I wasn't certain that I followed what you were saying. With respect to the amount that would go to the Aria neighborhood, can you help me appreciate what that \$100,000, could you show where on the map what would be their responsibility versus what is now C-DOT?

Mr. Floyd said sorry, I'm not sure I can get back to my presentation.

Ms. Owens said I was just hearing her say that it was perceived by the neighborhood that wouldn't even be enough to cover one repaving, and I'm just trying to get the concept in my mind of what we're talking about.

Mr. Floyd said yes, sorry. So, I'll try to answer it, and if it pops up, I'll use it. So, I mean, obviously there's a road network within Aria. Treble Court is the street that we're primarily talking about. There we go. So, this road here is Unison Drive that is a private street, everything else in Aria is public. So, what the developer has proposed is

\$100,000 capital infusion to help cover maintenance on this particular road. There's been discussions about putting in speed bumps. We've said you can use that money for speed bumps. Someone made a comment about security issues at the pool, you could use the money for security issues at the pool, but they were under the impression that they were responsible for all the maintenance of all this, and we dealt with that. Unfortunately, this road here is a private road with a public access easement, and we can't do anything about that.

Ms. Owens said okay, thank you for clarifying that.

Councilmember Ajmera said Ms. Johnson, thank you for that cumulative map that you helped put together. That is certainly very helpful for us to see the overall impact versus a petition by petition. I think that shows totality of the fact these developments would have. I just wanted to follow up. So, this question is for C-DOT. Would that be considered an orphan road, because I know under the PAVE (Projects for Advancing Vehicle-Infrastructure Enhancements) Act, there is funding for orphan roads? So, if you could just touch on that?

Mr. Carpenter said traditionally, the orphan roads would be found out in the ETJ (Extraterritorial Jurisdiction), where there is no agency available to maintain due to when and how they were constructed. So, this typically wouldn't fall under that same designation, because it's within the City limits, and is just a private road built as part of the subdivision that was not a network-required street. It's a secondary street as part of the development.

Ms. Ajmera said alright.

Mr. Driggs said Ms. Ajmera, can I point out, in the course of working with the County to move the legislation forward, we entered into an agreement to work with them and commit \$60 million to orphan roads. So, the question would be, does this qualify for that? I'm not sure whether we could predict that right now.

Ms. Ajmera said well, I think he made that pretty clear that it wouldn't, because it's within the City limits. I think the funds that would go towards orphan roads are outside of the City limits, specifically in ETJ. I know that Commissioner Griffin, I have had several conversations with him about orphan roads, and majority of it is close to Steele Creek area. I wanted to make sure that, and this question is for C-DOT again, in this case if this development does not go through, would the residents be responsible for maintaining that private street or private road?

Mr. Carpenter said so, the one north/south road, which is Unison, is the only road that is not a C-DOT-maintained facility, so the rest are C-DOT maintained. So, the streets that connect into the proposed rezoning directly are C-DOT maintained, those were accepted during 2025, but the one street would remain not maintained by C-DOT, but maintained by the HOA.

Ms. Ajmera said and so, these additional two questions that I have, it could part of the follow-up report. One, on subdivision ordinance. If you could just give us a memo on what is pre-UDO language versus post-UDO on subordination, and how would that apply in this case? Councilmember Johnson mentioned about additional money that the speakers, she had mentioned, that the residents were paying for. Could you elaborate on that, because I didn't follow that?

Ms. Johnson said he may not be aware. This is part of like their deed requirements. They pay, it's a \$12,000 premium per year. You can come back up if you want to elaborate it. It's the University City Partners.

Ms. Ajmera said oh, okay, so there in the special district.

Ms. Johnson said right.

Ms. Ajmera said okay, I'm good. Thank you so much. That's all I have. Thank you.

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

* * * * *

ITEM NO. 21: HEARING ON PETITION NO. 2025-085 BY HK CEDARVALE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.89 ACRES LOCATED NORTH OF PERFORMANCE ROAD, WEST OF CEDARVALE DRIVE, AND SOUTH OF DEVONWOOD LANE FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO ML-2(CD) (MANUFACTURING AND LOGISTICS 2, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Joe Magnum, Planning, Design & Development said good evening, here we go. This site is just under 10 acres, located on the west side of Cedarvale Road, north of Performance Road, and south of Devonwood Lane. The site is vacant. Currently zoned I-2(CD), with the proposed zoning of ML-2(CD). The 2040 Policy Map recommends the Manufacturing and Logistics Place Type. Just to pause a moment before we get into the proposal. So, the site is currently entitled for I-1 uses, so light industrial uses, with the addition of a contractor office with outdoor storage. The proposal would allow for a contractor office with outdoor storage, office industrial light, and industrial general for the sole purpose of indoor precast concrete production. So, that's the difference between the entitled uses, and the proposed use is the indoor precast concrete production. In the 2019 rezoning plan, it would maintain or enhance buffers from the previously approved rezoning, that is an 85-foot to 100-foot Class A landscape yard along the northern property boundary next to residential, as well as a 50-foot Class A landscape yard along Cedarvale Road, and a 25,000 square foot building envelope with a parking and outdoor storage envelope in the rear of the site. They're committing to installing and maintaining signage prohibiting left turn movements from the driveway to Cedarvale Road, also limiting freestanding lighting to 30-feet in height, and specifies that the lighting cannot be installed within 100-feet of residentially zoned properties.

Staff does not recommend approval of this petition. It is consistent with the Policy Map recommendation for the Manufacturing and Logistics Place Type, however, the petitioner requests to expand industrial uses on a property that abuts residential uses. The site is currently entitled for I-1, or light industrial uses, and solely a contractor office with outdoor storage, as is permitted in the I-2 District. Staff does not support increasing the number or intensity of industrial uses, and specifically concrete production adjacent to residential uses. Petition would maintain or enhance buffers from the previously-approved plan in the form of an 85-foot to 100-foot Class A landscape yard along the northern property boundary, and a 50-foot Class A landscape yard along the Cedarvale Road frontage. I will turn it over to the petitioner's team and be happy to answer your questions.

Frances Fennell, 1213 West Morehead Street, Suite 450 said okay, thank you, yes, I'm Frances Fennell. I'm with Urban Design Partners. I'm representing the petitioner, HK Cedarvale, LLC. Michael Hicks is the petitioner. He's here in case there's any specific questions regarding use, and then Brian Smith is here representing Urban Design Partners as well. So, this is as Joe mentioned, Rezoning Petition 2025-085. This request is to change the zoning from I-2(CD) to the ML-2(CD) Zoning District. So, the property is located at 2424 Cedarvale Road in Charlotte. So, the site map as you can see, the site is located to the north of I-85, just to the north of Performance Road. It has frontage on Cedarvale Road, and is located to the east of Moores Chapel Road. It is directly south of an existing residential development, but abuts industrial uses surrounding.

Okay, so I wanted to zoom into the site map just for a second just to point out that this corner parcel, the petitioner owns as well and is currently operating a contractor office

and storage out of that facility. So, the parcels connect with an existing driveway, and that'll be important as I go through my presentation. So, the current zoning, as I mentioned, you can see, it was previous Rezoning Petition 2019-033. It was I-2(CD). Surrounding the site, there are numerous Industrial and Manufacturing and Logistics zonings, as well as some residential zoning to the north, and then south of I-85. So, the 2040 Policy Map has this site noted as Manufacturing and Logistics, so this petition would be compliant with that future Policy Map.

So, I wanted to take a second to speak to the previous Rezoning Petition. So, as Joe mentioned, this allowed all uses in I-1 and some specific uses in I-2, such as a contractor's office and storage yard. We have kind of been in correspondence with the zoning administrator trying to figure out what is allowed based on this previous rezoning, and the use of an indoor concrete precast facility is allowed under this existing rezoning entitlement. The caveat is, is that there are certain prescribed conditions associated with that use. So, were the petitioner to not get this rezoning request and decide to move forward with this facility, he would just have to operate, have his access come from Performance Road. So, essentially the driveway connection on Cedarvale Road would not be allowed.

So, the proposed rezoning plan, you can see, it's basically the same thing. It's actually a little bit of a smaller footprint than what was previously proposed. So, the original building was 40,000 square feet, this proposed building is 25,000 square feet. We've also enhanced the buffer, in the top right-hand corner of the site plan. It was an existing 50-foot buffer, and the petitioner is now expanding that to an 85-foot buffer. As far as site improvements, they'll be a six-foot sidewalk and eight-foot planting strip on both Cedarvale Road, as well as along Devonwood, which is the residential street adjacent to us. Then, I wanted to mention too, the specific kind of request with this rezoning is, like I said, an access request. So, what we're looking to do is we're looking to have a driveway connection onto Cedarvale Road. So, that driveway connection would be limited, would only allow right turns out, and that's specific, so that you don't have traffic from this development going towards that existing residential use.

So, as you can see here, this is the proposed site plan. It will still kind of function at some of the similar uses that were allowed previously, but this specifically allows for the use of an indoor concrete precast facility. As I mentioned, the buildings were footages decreasing and the landscape yards are increasing at the rear of the property.

So, I wanted to pull up this exhibit, because I know when there's industrial uses, a lot of times the biggest question is noise and what are the impacts to the surrounding area? So, specifically, the proposed user, Infinity Precast, they specialize in the production and installation of precast light pole bases. So, as part of their operations on this site, they intend to operate an indoor batch plant to manufacture their precasts products. So, the batch plant would approximately produce 70 decibels during operation and would be fully enclosed within the building, so there'll be no industrial uses outside the building. As far as like what 70 decibels is? That translates the sound of like a shower or a vacuum, and so that, we kind of offset the building three feet, and that's the amount of noise you would hear right around the building. As you expand out, and you get further and further out when you start to hit the residential properties around 384 feet away, the sounds equates to around 28 decibels, which is equivalent to the rustling of leaves. So, we don't think sound will be an issue for the existing neighbors. As far as kind of the operation itself, they plan to produce 15 to 30 yards per day, and they'll probably only be in operation a maximum of two hours per day. With that, that's all I have, so I can take any questions.

Mr. Driggs said I have a couple. The other concerns about something like this would include any pollution that emanates from the factory, and also what kind of vehicular traffic would be expected? Can you talk about those?

Ms. Fennell said yes. I can't speak directly to the pollution, but I could ask if the petitioner has any answers to that. He can come forward and speak to that. As far as I know, everything's fully enclosed in the building, so I don't think they anticipate any

pollution, but we can address that. As far as traffic, my understanding is it would be a maximum of like six trucks coming in and out of this per day.

Mr. Driggs said tractor-trailers, what kind of trucks?

Ms. Fennell said I would have to ask the petitioner that.

Councilmember Mazuera Arias said could you please describe how close this is to the existing manufacturing units, the homes?

Ms. Fennell said oh, the existing homes, yes. So, if I go to my map here, so the existing homes are right over here, sorry, it's kind of hard to see, but I think we're at least, what is it, 100 feet. So, this green right here is a 100-foot buffer from the building to the existing property.

Mr. Mazuera Arias said got it, thank you, and a question for City staff. Can you please high level main three, four points as to why staff isn't recommending this?

Mr. Mangum said so, we feel that the 2019 rezoning that entitled the site for I-1 uses, as well as a contractor office and outdoor storage, that we kind of struck the balance of manufacturing and logistics uses in proximity to residential uses, and we didn't think it was in the public interest to introduce additional, potentially more impactful, industrial uses adjacent to residential.

Mr. Mazuera Arias said alright, thank you.

Councilmember Mayo said yes. I've spoken extensively with our Planning Department about this and would love an opportunity to speak with the petitioner about it as well, but the additional use, particularly when it comes to the precast concrete production, is something I'm very worried about, particularly with air quality for the existing residences that are still so close. So, I'd love to talk more with ya'll about that, because I am concerned, and the fact that staff also does not support this, makes me a little hesitant as well.

Mr. Driggs said I will just note that I think staff are doing their job, and finding that this is not consistent. I'd like to know more before I reach my own conclusion about whether it's something. I don't notice any local opposition to it, so we have really what sounds like a conceptual argument about the appropriateness of a use like that, rather than concerns about the noise and so on, the impact on the neighbors. So, look forward to learning more about it.

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

ITEM NO. 22: HEARING ON PETITION NO. 2025-004 BY THE CHARLOTTE-MECKLENBURG HOSPITAL AUTHORITY FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.14 ACRES LOCATED WEST OF EAST MOREHEAD STREET, NORTH OF MYRTLE AVENUE, AND SOUTH OF SOUTH TRYON STREET FROM NC (NEIGHBORHOOD CENTER) TO CAC-2(CD) (COMMUNITY ACTIVITY CENTER-2, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just over three acres, located along East Morehead, Lexington Avenue, Myrtle Avenue and Euclid Avenue frontages, in an area where we have dense Activity Center uses to the north, east and west, and development intensity transitions down as you go south with single-family

uses in a Neighborhood-1 context located directly across Lexington Avenue adjacent to the site. The property is currently zoned Neighborhood Center. The proposal request is for Community Activity Center-2, Conditional. The Policy Map calls for the Neighborhood Center Place Type, which is representative of the Neighborhood Center Zoning that's currently on the ground there, and I'll get into the proposal request here. It is for up to 390 multi-family units, up to 20 percent of those multi-family units, which equates to about 78, if all 390 are built out, would be maintained at 80 percent or less AMI, for no less than 30 years. At the ground floor level of the site, you would have 10,000 square feet of commercial uses. It notes what commercial uses may occur there. It establishes building height across three different transition zones across the site, and that's trying to note the sensitivity adjacent to Lexington Avenue, where I pointed out you have that more single-family context.

So, I've identified here the different envelopes. In area C, you have the most intense portion of the development, which limits height to 120 feet, or it could go up to 129 feet with bonus menu options as stipulated in the ordinance where they have to provide certain benefits. Area B would limit building height to 65 feet. Then Area C, where you are closest to that Neighborhood-1 area, you're stepping down feet to 35 feet, and that's also additionally shielded with a 20-foot community buffer directly adjacent to that Area A, that's outlined in orange here. Transportation and streetscape improvements include a 12-foot multi-use path and planting strip along East Morehead Street. We have improved sidewalks and planting strips also along Myrtle Avenue, Euclid and Lexington Avenues, and again, that community buffer zone surrounding Area A that wraps mostly along Lexington Avenue there.

Now, the exciting part of this petition is that it is within an adopted Area Plan. So, in the staff analysis, you might have noted that the consistency statement looks a little bit different, and the policy section looks a lot longer. So, the consistency statement notes how it is speaking to the adopted South Inner Community Area Plan. It is considered in our analysis consistent with the goals and policies of the South Inner Community Area Plan, although, it is not in alignment with that 2040 Policy Map recommendation for the Neighborhood Center Place Type, as I pointed out here on the ground, and again, that misalignment is because they're asking for Community Activity Center Zoning District, and the Place Type on the ground is Neighborhood Center. In terms of what the Community Area Plan is calling for, one of the priority goals that it outlines in the Area Plan, is housing access for all, which is goal three, and this petition is facilitating that or could facilitate that, because it is providing 20 percent of its multi-family units to be affordable at 80 percent or less AMI, for no fewer than 30 years. One other additional goal that is being facilitated by this petition, although it's not a priority goal of the Area Plan, is the 10-minute neighborhoods goal. We found that it could facilitate this goal, because they are providing nonresidential, commercial space on the ground floor, really speaking to the activity center intent, and mixed-use goals of the Community Activity Center, and activating that frontage, and that helps create a 10-minute neighborhood in an area where we have prominent neighborhood centers as well as regional and community activity centers.

Now, because this proposal is considered out of alignment with the Policy Map, we did work it through our minor map amendment criteria, and this criteria can be found in our program guide as part of all adopted Community Area Plans. The minor map amendment criteria really helps us determine the compatibility with the vision and goals of the 2040 Comprehensive Plan for every Community Area Plan. This table that you see below, that you will also see in your staff analysis as well as a corresponding long-range memo for every petition, summarizes the criteria for a request that would change a Place Type of the site to Community Activity Center. So, every time a petition is out of alignment with its Adopted Place Type, we would work it through this Minor Map Amendment Criteria Assessment, and this one is being told through the Community Activity Center lens, because that is what the Place Type would be changed to if approved. For example, if you had a Neighborhood-2 request in front of you, we would be utilizing the Neighborhood-2 minor map amendment criteria. So, as you can see in this criteria table, we've outlined the actual criteria items, provided a description, and then on the right-hand side you have site information. So, the preferred minimum

acreage for the establishment of a Community Activity Center is 20 acres. This site is 3.14 acres, so it's not meeting that 20 acres, but I will say it's located catty-corner from an existing Community Activity Center, it's just not directly abutting it. Now, the preferred Place Type adjacencies, these are being met, because it is located directly adjacent to a Regional Activity Center, which is the preferred Place Type, as well as Neighborhood-2 and Community Activity Center, which are all preferred Place Type adjacencies for a Community Activity Center designation. Now, it is also located adjacent to a Neighborhood-1 Place Type alongside Lexington Avenue. This is not a preferred Place Type adjacency, but I will note, as we've established in the proposal description, this plan establishes conditions to sensitively transition alongside that Neighborhood-1 Place Type. So, they are recognizing, yes, this is not a preferred Place Type adjacency, we've built in additional conditions into the plan to thoughtfully transition to that. In terms of the locational criteria, there are two items to consider. You want the Community Activity Center to not be located within Uptown, and you want it to be within a half-mile walkshed of a high-capacity transit station. They are meeting both of those items, since this is located just south of Uptown, and it is also located within two major transportation corridors, being South Boulevard and Morehead Street. So, that's the Minor Map Amendment Criteria Assessment that we worked it through, and based off this guidance, we would say it's meeting minor map amendment criteria to establish Community Activity Center on this site.

Staff recommends approval of this petition upon resolution of a minor outstanding issue. The proposal may help facilitate the Area Plans identified priority goal of housing access for all by providing a significant number of affordable housing units in a vibrant area where residents may easily access employment opportunities, goods and services, transit options, and recreative spaces. The petition thoughtfully transitions to that adjacent Neighborhood-1 Place Type by capping building heights in three different phases, the last of which goes down to 35 feet, which is more restrictive than any of the Neighborhood-1 Districts permit. Additionally, the site includes that 20-foot community buffer along Lexington Avenue that's between the sidewalk and the potential building envelope. The inclusion of the ground floor commercial square footage helps ensure that the intent of a robust Community Activity Center can be carried out on the site with that true mix of uses, and that's in an area that has already that diverse commercial, office, campus, and residential options located nearby. I'll take any questions following petitioner comments.

John Carmichael, 600 South Tryon Street, Suite 2300 said Mr. Mayor Pro Tem, members of City Council and the Zoning Committee, I'm John Carmichael, representing the petitioner. With me tonight are Bennett Thompson of the petitioner; Mo McRae of Horizon Development Properties, INLIVIAN; and Ryan Lewis with Kimley-Horn. The site's about 3.14 acres, located on the west side of East Morehead Street between Euclid and Myrtle and Lexington Avenue. Lexington Avenue is to the west, Myrtle to the south, Euclid to the north. This is an aerial of the site. It's got a high-rise, multi-family building across Morehead Street, and then a high-rise retirement community across Morehead Street as well. The current zoning is Neighborhood Center. The petitioner is requesting the zoning of the site to the CAC-2(CD) Zoning District to accommodate a mixed-use building that would contain up to 390 multi-family dwelling units and up to 10,000 square feet of commercial uses. There's an affordable commitment, a minimum of 20 percent of the units constructed on the site would be income restricted to households earning between 30 percent and 80 percent of the Area Median Income for a period of not less than 30 years. This is a new part here, a minimum of 25 percent of these income restricted units would be income restricted to households earning 30 percent of the Area Median Income.

This is the site plan. Holly did a good job going through it, but you've got Morehead Street to the top, Lexington to the bottom, Myrtle to the right, and Euclid to the left. The height transitions from Morehead Street down to Lexington, so it's 129 maximum here closest to Morehead, then it transitions to 65 here, and then it's 35 along the southern portion of the building, and then you've got that 20-foot open space area here along Lexington and Myrtle, to pull that building further away from those streets.

We worked, we think, pretty diligently with the DCDA (Downtown Community Development Authority) Land Use Committee, we had two larger neighborhood meetings, and I've been in pretty constant contact with the DCDA leadership, and as a result of those conversations, there've been several conditions or revisions to the plan that were agreed to by the petitioner. They include reducing the maximum building height from 150 to 129 feet up on Morehead Street, or near the Morehead Street frontage of the site, reducing the maximum building height 50 to 35 on the southern portion of the building, reducing the number of units from 525 to 390; reducing the commercial from 15,000 to 10,000 square feet. I've mentioned the open space along Lexington and Myrtle, and then there are construction access and construction traffic commitments. Then, these renderings are part of the proposal to ensure, as best we can, that the building's compatible with existing residential on Lexington and Myrtle. Happy to answer any questions that you may have.

Mr. Driggs said so we're in a situation now where this is consistent with the Area Plan; however, it's not with the Policy Map, and therefore what you described were criteria that we would use to see whether that kind of an adjustment to the map can be supported, and if your finding is that that can be, then the map is modified and the Policy Map is changed to reflect the outcome of this decision, would that be right?

Ms. Cramer said just as is the case currently, if the rezoning is approved and the Policy Map is out of alignment with the proposed request, then the Policy Map gets updated to that new Place Type.

Mr. Driggs said right, and what if your minor map amendment criteria aren't met?

Ms. Cramer said if it's not being met, then it's likely a petition that staff couldn't support, because that's helping determine appropriateness of that request. If it's not being met, then there are probably some fatal flaws, essentially, with the context of that petition and where it's sitting. For example, let's say it's proposing a multi-family in an area that is very far from goods and services, is not close to transit options, does not meet the minimum acreage, is not along an arterial, those are really critical components for establishing multi-family. So, if it's not meeting those, then it's contextually inappropriate on the offset.

Mr. Driggs said right, so you think it's not that likely that you would have plan consistency and not be able to meet the minor map amendment criteria?

Ms. Cramer said and the minor map criteria, yes, is helping create that consistency statement, and when we are saying it's consistent with the goals and policies, it's because that minor map criteria is a policy of the Community Area Plan, it's part of the program guide within it.

Mr. Driggs said part of that finding, okay. Thank you everybody.

Councilmember Ajmera said thank you, Mr. Driggs, for bringing that up, because this is a nuance. So, do you anticipate where there will be consistency with the goals and policies, but then Policy Map, there might be inconsistency where it will come through rezoning? Do you anticipate more of that?

Ms. Cramer said more of these situations here? It's possible, yes, that we will continue to see sites where the Policy Map is potentially reflecting status quo, but a site is maybe transitioning quickly, and let's say the Policy Map was reflecting that it currently has M&L entitlements, but we know the area is moving more towards an innovation mixed-use type of character. The Policy Map was not made on a parcel-by-parcel basis, and we know that. It was not granular, and it could not be made in that level of detail, and because of that, that's why we have the minor map amendment criteria to help aid us in that assessment tool, because the Policy Map was unable to be determined on a parcel-by-parcel basis.

Ms. Ajmera said yes, I get that, but this just feels like we just adopted the Policy Map and here we are. So, there hasn't been even much time between the adoption, and now we are making a change. So, we'll discuss that more, I'm sure, with Monica and others, but I anticipate having less of this. I mean, that was the whole point of adopting the Policy Map, to not have to go through rezoning, because rezoning means more time for the petitioner, but we will discuss the policy at a later time.

Ms. Cramer said if I could just clarify, the Policy Map would've never necessarily prevented rezonings, because it doesn't change entitlements inherently. That would require, let's say, the alignment rezoning process, which is envisioned to align parcels to what the Policy Map is prescribing. The Policy Map would've never prevented rezonings, but I hear you maybe that the goal was a Policy Map preventing misalignments, but the Policy Map was not made on a parcel-by-parcel basis.

Ms. Ajmera said and well, I have a lot to say, but I'll save everyone's time.

Mr. Driggs said so the Policy Map was the reference that we were using as to consistency. So, for a while after we adopted the Policy Map, we looked at that and we said, is it okay with that, and now we're still looking at that, but we're deciding whether, according to these criteria from minor map amendments, an adjustment to that is indicated. This was always going to be part of the implementation of the UDO. We started high level, and then we came down, and a bunch of us had difficulty with this, because it was very wholesale at first, now it's getting kind of detailed.

Ms. Ajmera said but I remember our goal was to minimize this, because we don't want to see more of this, because when they have to go through rezoning, that means more time and more resources. I mean, it takes six months to a year. So, even though it was wholesale, our goal was to have less rezonings and less situation-by-situation, because we wanted to get it right from the get go, and hence, deferral-by-deferral, but we'll discuss that at a later time.

Mr. Driggs said we're going to keep encountering that. I think the idea is still intact that the UDO intended to create a sort of a framework that made it a little simpler for people to understand what our intentions were, but we're going to have to find out on a case-to-case basis how it works.

Councilmember Anderson said first, I'm just excited that we do have an example of a particular Community Area Plan that's in action and flight here with the South Inner, one in particular, that I have two very good detailed neighborhood leaders, both in Dilworth and in Cherry, did impact the final outcome of the South Inner map, so happy to see that. Mr. Carmichael, I think you were going to share something about the urban forestry. Was there a point that you wanted to share?

Mr. Carmichael said other than, we agreed with the community that the street trees would be larger than what's required under the ordinance, four inches in caliper, at the time of installation, there are a couple other things that we agreed to with the DCDA, such as the lighting along Morehead, the construction commitments, that sort of thing.

Ms. Anderson said yes, that's what I wanted you to share, because this is a great example of a community working very hard to ensure that they're embracing new housing, also affordable housing. Dilworth has a strong commitment to affordable housing, and this particular area is very dynamic given that it sits right by The Pearl. The Charlotte-Mecklenburg Hospital Authority, otherwise known as Atrium, is the one who is working in tandem with INLIVIAN, and so they've been in conversation and planning with the community about setbacks, about architectural materials, about things as specific as the height of certain trees to maintain the treescape in a historic neighborhood like Dilworth. So, it's been a really good conversation. I can tell you that the Dilworth Neighborhood Association did reach out to me, and they said that Atrium's team has been a good partner, in particular with trying to make sure that we can get access to more housing, and I think it fits in very well with the updated modernist of this corridor along Morehead, while still protecting the aesthetic and charm of this single-

family neighborhood in the back, as you go further into Dilworth from Lexington, and so forth. So, they're happy with the negotiations and where we're at, and I just wanted to share with my colleagues.

Mr. Carmichael said thank you.

Councilmember Mazuera Arias said could you repeat about the tree?

Mr. Carmichael said yes, the commitment was, I believe the ordinance requires two inches, Council member, of the caliper of the tree and insulation, and so the agreement was to double that and go to four inches in caliper of the street trees that would be planted.

Mr. Mazuera Arias said I just wanted to make sure I got that right. Then, for City staff, now regarding the petition real quick. We need to really work on the consistencies about the UDO, the 2040 Plan, the Community Area Plans, because like there's different benchmarks, if you like, for different areas of our City on what you guys consider might be suitable for that neighborhood versus this neighborhood. So, I would just like to have further conversations about what benchmarks are we really looking at, are we really consistent, and do they apply to all neighborhoods? I know not all size fits one, but there are other neighborhoods that possibly might want developments like this, or other neighborhoods that might not, and just really want to better understand this benchmark analysis, but that's it. Thank you.

Ms. Cramer said happy to follow up with you.

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

ITEM NO. 24: HEARING ON PETITION NO. 2025-088 BY NORTHWAY HOMES LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.51 ACRES LOCATED SOUTH OF KENTBERRY DRIVE, WEST OF BELLHAVEN BOULEVARD, AND NORTH OF GUM BRANCH ROAD FROM R-8MF(CD) (MULTI-FAMILY, CONDITIONAL) TO N1-D(CD) (NEIGHBORHOOD 1-D, CONDITIONAL) AND N1-A (NEIGHBORHOOD 1-A).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said good evening. Petition 2025-088 is located at the intersection of Kentberry Drive and Bellhaven Boulevard. The site's approximately 3.5 acres. It's currently vacant. The current zoning is R-8MF(CD), Multi-Family, Conditional, and the proposed zoning is N-1D(CD), Neighborhood-1, and N-1A, Conventional. The 2040 Policy Map recommends the Neighborhood-1 Place Type for the site, and the proposed zoning districts are consistent with the Policy Map. I'll just note that this is not in an approved CAP (Community Area Plan), so we'll stick to just the Policy Map for these.

A little background. The site was rezoned R-8MF(CD) back in 2005 and is entitled for up to 28 multi-family units. The proposal limits the development of single-family detached dwellings in the 2.62-acre, N-1D(CD) portion of the site, located along Kentberry Drive. In the N-1A portion of the site, it's approximately 0.9 acres and that would allow any use allowed in the N-1A District.

Staff recommends approval of this petition, as proposed zoning is consistent with the Policy Map. The site's currently entitled for multi-family housing units, so this would be a drop in intensity. The site's adjacent to the Coulwood Shopping Center designated as a

Neighborhood Center Place Type, and the site's directly served by transit. I'm happy to take any questions following Mr. Murray's presentation.

David Murray, 5950 Fairview Road, Suite 710 said thank you, Council members, Mayor Pro Tem. David Murray here for the petitioner, Northway Homes. So, Mr. Oliver did a good job here with the outline of what we're seeking here. It's two parcels right now, but it's 3.5 acres. The street to the north is Kentberry Drive, and then Bellhaven Boulevard is to the side, and Valleydale is that kind of stub that you see on the right side there. This is an aerial showing the Coulwood Shopping Center to the right side, the Hillcrest Baptist Church is to the north, the Coulwood Oaks townhomes are kind of to the northwest, and then single-family N-1A is kind of to the south and west along Kentberry here. Zoomed out a little bit gives you a better view of the area, again, Coulwood Shopping Center and commercial to the east, church to the north, townhomes across the street N-1A to this area, and then the Coulwood STEM (Science, Technology, Engineering, and Mathematics) Academy Middle School is at the end of Kentberry.

So, this property is vacant, it's been vacant for a while. The owners that we're under contract with and seeking this rezoning, they had originally had this site rezoned back in 2005. The purpose of that zoning was that they wanted to have a 28-unit townhome development, and so that was approved, it was age restricted. At least from what we can gather, and the family's been out there a long time, but from the time that this was approved, the market crashed and nothing ever happened, and so the family has been sitting on this property now for 20 years, and nothing has been developed since then. So, when we first looked at this site, because it's entitled under a multi-family plan for 28 units, we originally looked at this site for townhomes, and so that's what this petition originally was.

On your screen now is actually the original plan that was adopted by City Council. It was adopted over a protest petition at the time, so it was a unanimous City Council approval. As you can see, there were three pods with 28 units, a lot going on on this site as was originally entitled. When we filed this, we filed it as a 26-townhome unit site, and then we had our community meeting, and we had a lot of participation from the Coulwood Hills Community Association. The pushback was on townhomes, and so at that time we scaled that back to 16 townhomes, but the neighborhood did not want townhomes, and so after the large attendance at the community meeting, we started looking at what other potential uses would make sense here, because a lot of the feedback was, we want to see single-family detached on this site. So, there's a lot of issues with getting a lot of lots on these sites, and I'll get into that here in a second, but after talking a lot with the neighborhood and listening to their comments and concerns, we dialed this back to an N-1D, and the purpose of the N-1D is to put a single-family detached home development on this site.

So, in your staff review analysis, they talk about that there's potential for 20 units, but that's not possible, because there's a lot of site constraints on this site. First of all, I'm going to go back to the aerial and show ya'll what I'm talking about. One of the biggest issues is, there's two sewer easements, two City of Charlotte sewer easements, running through this property. On top of that, at the split between the N-1D area and the N-1A area, the topography's bad, and there's a kind of a creek bed ditch in between those two areas, and so it really limits, because the buffers, it limits what can be done on these sites. So, to look at the aerial here, the N-1D area would be the area that's this rectangle up on the front that fronts Kentberry. The N-1A area would be this little section down here at the bottom that is accessible from Valleydale. This N-1A area, the little arm that comes out at the bottom down here, that's the N-1A portion of this rezoning. There are buffers almost completely over that site. So, at most, we could get two lots; however, the site constraints themselves really limit what can be done in that area, which is why it's only an N-1A Conventional, just to basically put it back to what it was back before all the rezonings. This front area, which is the rectangular area, this is the N-1D area that we're seeking with the condition that it be single-family detached only, no duplexes, no triplexes. The purpose of that is, where original townhomes, the neighborhood wants to see detached, we're not going to go with the convention N-1D,

where you could potentially put lots and put a bunch of triplexes, and do the exact same thing that you said that we weren't going to do in the townhomes. So, that's the purpose there. In this area right through here is a lower lying area where there is kind of a drainage ditch that comes off Bellhaven. The City also has some easements along Bellhaven here. So, really the only development areas on this site are off in this area along Kentberry, which you can put approximately four N-1D lots in this area, and then another development here, because there's a sewer easement that runs through the middle, another development area here, which you could get approximately five lots under N-1D.

So, this plan is just straight forward single-family detached homes in an area where there are single-family detached homes adjacent to us. So, the condition on the N-1D is just that limitation. We are consistent with the 2040 Plan for this site, because it's Neighborhood-1. It's eliminating an inconsistent zoning that currently exists on the site, and that's my presentation. Happy to answer any questions.

Morgan Eberly, 8221 Fallsdale Drive said well, good evening, Council members. Thank you for your time and consideration. My name is Morgan Eberly, and I'm speaking tonight on behalf of the Coulwood community that I call home. The current proposed development plan for Northway Homes has undergone notable changes since their initial rezoning request, taking community concerns into consideration, and I would like to acknowledge their willingness to work with us, and specifically the changes made to the proposed site density and parking availability. I'm here tonight to broach the main remaining concerns, compatibility with the existing neighborhood, and the serious risk of increased runoff and stream erosion.

Our neighborhood is made up of single-story brick homes built in the 1960s and 1970s, each with its own distinct design, these homes that are large lots with mature trees, open space, and a sense of permanence and stability. It's not an all-vinyl siding cookie-cutter subdivision. It's a neighborhood where homes were built to last and to reflect individuality. The proposed development by contrast introduces two-story high-density standardized housing that looks and feels entirely different from what already exists. I also want to note that there are almost 400 homes in this side of the neighborhood, and the parcel that's reflected here is a very small portion that's already N-1A housings with these large lots. This type of construction risks fundamentally changing the character of our neighborhood to its detriment and not to its enhancement. Once that change happens it cannot be undone. We are concerned that the proposed development may override the established identity of the community that has existed for decades. In a perfect world, we would like to see this development be an extension of our neighborhood, N-1A Zoning, with detached single-family homes on large lots with the mature trees and unique character. In lieu of this, we ask whether larger lots, variability to the home design and use of brick or stone building design elements, could be used to better fit with the neighborhood. Northway has said that their intention is to use these elements and create homes that are not cloned to each other, but there's no guarantee that this will be honored, and it's already very different than what we have in place today.

The second concern is stormwater runoff and stream erosion, which is already an issue in our area and has majorly impacted the properties downstream from the development site. The house that previously sat on this lot flooded, and experienced mold issues that could not be remediated, and eventually contributed to its demolition. A neighbor downstream has to move their lawnmower from their stream-adjacent shed every time the forecast calls for heavy rain, as the flood levels rise high enough to damage anything that's left on the floor. Increasing impervious surfaces, more rooftops and driveways, will inevitably push more water faster into the stream. That runoff leads to stream bank erosion, sediment buildup, and potential flooding, all of which threaten, not only property, but the local ecosystems. Once erosion worsens, it becomes an expensive and ongoing problem for homeowners, and eventually for the City. Existing residents will be impacted by the long-term environmental risks from this development as they happen for the plume of development in this vicinity for the last few years. I understand that if the stream is found to make that more than a set percentage of the

subdivision property, there are environmental requirements for erosion prevention, on-site detention, and other stormwater control measures, but these will not apply if the stream is even one percentage below this threshold. We ask that as part of this project, some mitigation efforts are performed by the contractor to prevent further strain regardless of this parameter.

In closing, this is not an argument against growth, it's an argument for appropriate growth that keeps Coulwood's character and protects its environment. Thank you for your time.

Nerissa Helms 313 Kentberry Drive, said good evening, Council members. My name is Nerissa Helms, and my family lives on Kentberry Drive just downstream from the property in this petition. I have called Coulwood home for the last 53 years. I'm speaking tonight for our entire community, but most importantly my 11 neighbors, whose backyards are adjacent directly to this creek. A section of this land included in this petition plays a vital role in supporting local wildlife and maintaining environmental balance in our area. Right now, stormwater runoff, from more than 47 acres along Bellhaven Boulevard, the 14-acre Coulwood Shopping Center, and the five-acre church, runs through that property. In addition, the 28-acre Coulwood Park and Coulwood Oaks townhomes, drains into a creek that flows directly into Gum Branch, which is photo one in your packet, through storm drainage improvements completed in 2022, and is already overwhelmed. During rain events, the force is so strong that it has ripped the riprap off of the [INAUDIBLE] property and there at the storm drainage improvement, and carried it through my creek and into the [INAUDIBLE] property, which is the next property down downstream. Railroad ties that were meant to hold in the banks are tumbling in, trees are falling in, vegetation planted for stabilizing the sides of the creek is washing away, and the City sewer line that sits just feet from this collapsing creek bank, which is pages eight and 14, are highlighting another critical concern.

When I was a child, this was a creek that we could cross with just an old wooden door, and in some parts, we could even jump across it. Actually, in that area that he was talking about that was like the wetland area, there were cattails and we used to make mud pies and trample through there. So, anyway, today the surrounding development has caused it to torrent. Our clay soil simply cannot handle more runoff. Adding roofs, driveways, and parking lots will only send even more runoff faster, straight through our backyards, that means worse erosion, more property damage, poor water quality, and greater risk to Lake Wylie downstream.

For all these reasons, I respectfully ask that you consider your approval as to how this will affect the residents along this creek. Whether this property stays as currently zoned, or updated to the N-1D and the N-1A, at the very least please require a full stream restoration project to protect these homes, the wildlife, and the creek that have been part of Coulwood for generations. Thank you for your time and attention.

Jeff Massey, 708 Belmorrow Drive said good evening, I'm Jeff Massey at 708 Belmorrow Drive in the Coulwood neighborhood, and a speaker on behalf of our community. Thanks so much to the Council for giving us an opportunity to let our voices be heard. I'd like to give just a brief summary of the actions of our neighborhood addressing this rezoning issue. Starting in September 2025, neighbors circulated a petition online that has since gathered nearly 600 signatures. On October 7, 2025, over 60 households were on a zoom meeting for the first community meeting held regarding this zoning change. Later in October 2025, more than 30 of us from the neighborhood met with Councilman Graham at the site where the proposed rezoning is to happen. Sometime in December 2025, the builder approached staff with verbal plans to build single-family detached homes instead of townhomes, and last week Mr. Murray, the attorney for Northway Homes, held a community meeting at our neighborhood clubhouse, where about 15 of us were in attendance. I hope that I've made my point, there has been ample concern in our community about this zoning change.

At last week's meeting, the information that was provided to us was that there were 11 possible parcels, nine of them would be along Kentberry Road, and the other two on

Bellhaven. These would be four-bedroom homes that are two stories, adding many cars to a street that has a middle school at the other end. The Coulwood STEM Academy has roughly 160 cars that pick up and drop off kids from school each day, and there are 600 total students, most of them come by bus. So, we currently have no detail from the builder concerning the new plan. If they were to keep with the current road frontage of homes along Kentberry Drive, they would be building three or four new homes instead of nine. There's a little saying in our neck of the woods, Coulwood is cool. We hope that you'll help us keep it that way until the builder presents a plan that is in keeping with the character of our neighborhood. Thank you.

Timothy Gies, 222 East Bland Street said I'm Timothy Gies. I'm an eighth-grade science teacher at Coulwood STEM Academy. I'm against this petition to uphold this multi-family zoning that is currently in place. Most of our students do come from the other side of 485, which is not accessible to our students. You probably heard of the student last year that was struck by a car walking to school. So, why are we deciding who can go to the school and who cannot? That's what this is doing, because most of our students live on the other side, and that's also where a ton of traffic problems happen. On Mt. Holly-Huntersville Road, you get a lot of petitions there, where this would be accessible by walking for students to walk to school across from a Neighborhood Center where there's local businesses and there's parks. So, let's keep this density, so that we can build this community for Coulwood STEM Academy.

Mr. Murray said thank ya'll again, and I appreciate the neighborhood. They've been very active. We've communicated a lot. I will tell Council with regard to, if this was N-1A, you would be able to get five lots across the front, and that was something that we looked at, because you can do duplexes and triplexes on these large lots that would potentially be out there, but that's why we looked at N-1D, was to limit it to single-family detached, so that that was not going to be an issue that would come up that the site gets downzoned, but then we still effectively get the same number of units as you would a townhome development, and you don't reduce the density, because that's what this zoning is actually doing. This is a downzoning of this site, and it's a substantial downzoning, from 28 potential units, down to at most 10 or 11, and so these are detached homes. There are duplexes popping up in this neighborhood, but that's not something that we were interested in doing, but the neighborhood's been great to work with. Everybody that came here tonight, I've had multiple conversations with, and we're going to continue to have to those conversations, but that's where we fell on this, was putting that condition on, because it's a such a limiting factor on what can be done on this site. I'm happy to answer any questions.

Councilmember Mayo said are there any concessions regarding what the neighborhood was talking about with the storm or with the creek?

Mr. Murray said so, we actually had an environmental scientist come out to this site to look to make sure that there was no protected plant and wildlife on there. There's not. The Army Corp came out to make sure that there was not any jurisdictional stream on our portion of the site. What's interesting about this is there's a convergence kind of over in this area, and Ms. Helms explained it more and she provided pictures, but there's actually a City outflow that brings stormwater down onto the left side of the property and discharges it back behind these parcels. So, there is some stormwater that comes across our property, but there's also a fair amount that comes through a discharge down into the back of these properties, and so that's what we're looking at. Under the N-1 development parameter, if 25 percent of the site is developed, then it triggers on-site stormwater mitigation, so our engineer anticipates that we'll bump into that. So, that would create that trigger under the UDO, but under N-1A, most of our development considerations are going to come up in the [INAUDIBLE] process with the stormwater review that happens initially before we do anything. So, there's a lot of that that will come through the development process, as opposed to maybe the rezoning process.

Ms. Mayo said okay.

Councilmember Ajmera said so I know one of the speakers, I believe, was Ms. Helms, who talked about full stream restoration project. Well, I believe, that was for the staff. Do we have any update on that, or if there is a project with full stream restoration?

Mr. Oliver said I believe, Robbie Zink, with Storm Water.

Robbie Zink, Storm Water Service said yes, I'm Robbie Zink with Storm Water. I'm not aware of a stream restoration right now, but I can look into that, and we can get back with you.

Ms. Ajmera said yes, if you could, please. If this development was to be approved, what would that mean in terms of prioritization?

Mr. Zink said I'm not sure if this development would change any prioritization of it, but as Mr. Murray said, if it's developed, I think, as they're proposing, it would require permanent stormwater control measures, and that is to prevent erosion, prevent flooding, and treat the water quality.

Ms. Ajmera said okay, thank you. I know Ms. Morgan Eberly, she talked about conditions that would not be honored. So, if you could please come down and clarify, are you talking about conditions that are from the rezoning that was approved a while ago? Take your time.

Ms. Eberly said thank you. I was specifically talking about the stormwater requirements that are triggered if the subdivision has, was it 25 percent, of creek running through the property, but those remediation efforts would not be triggered if it's found to be even one percentage lower than that threshold. Those are important remediation efforts to the neighborhood. We also have talked about different construction materials being used to match the surrounding homes, and that kind of visual appeal if this is one of the main entrances to our neighborhood, wanting this development to match what's already here, so again, that it's an enhancement to the existing neighborhood, the existing properties versus looking completely different and just kind of sticking out.

Ms. Ajmera said got it, thank you. Was that part of the original rezoning that was approved, a materials requirement?

Ms. Eberly said the one's from 2005? I don't believe so, I don't know.

Ms. Ajmera said okay, so I know. I just want to make sure that we are within the bounds in terms of the materials, and I know there is specific guidance from the State, if you could just touch on that, in terms of what is it that the local governments can ask for in terms of the building materials to ensure the neighborhood's character? This development is inconsistent with neighborhood's character.

Terrie Hagler-Gray, Senior Assistant City Attorney said right, and so there's a state statute that, as the design aesthetics build, it prohibits the City Council from requiring particular design in residential neighborhoods.

Ms. Ajmera said so, make sure you write to your state legislatures to give us that authority, but in the meantime, in terms of conditions that are specific in variance. I mean, 25 percent, if it's plus or minus one percent, Ms. Craig. Let's say if it's 23.5 percent, it wouldn't trigger the stormwater ordinance?

Alyson Craig said can you ask your question again?

Ms. Ajmera said yes, so, Ms. Eberly had mentioned when she meant what conditions that would not be honored. So, I know within the ordinance, that if it's 25 percent, if you could just repeat that?

Ms. Eberly said sure. Mr. Murray's understanding of this is certainly more involved than my own is, but I believe it's that the subdivision ordinance, if the creek represents 25

percent of the property that's intended to be developed, there are certain requirements for stormwater mitigation. Specifically, it was different.

Mr. Murray said if the development, the developed part, crosses more than 25 percent then it triggers the UDO requirements. It's because there's low density development, because the City's like, well, if you're doing something really low and you're saving all this open space, you're not going to trigger all these.

Ms. Ajmera said right, so I think the question.

Mr. Oliver said just for clarification, in this district it's actually 12 percent, not 25 percent.

Mr. Murray said okay, 12 percent.

Ms. Ajmera said 12 percent. So, I think the question that the speaker was asking, what happens if it's 11 percent? Would that trigger it or it wouldn't? I don't know if there is any leeway.

Mr. Murray said if it's 12 percent, we'll definitely trigger it, because if we're going to have nine lots, it's only 2.6 acres, and so 25 percent might be closer. I didn't realize it was 12 percent, that seems like a different circumstance. I'll have my engineer confirm, but he told me 25 percent, and thought we were triggering at 25 percent, so I can follow up with you on that.

Ms. Ajmera said sure, so I think our staff just said it's 12 percent, so alright, I guess that addresses your question.

Ms. Eberly said that alleviates the concern, thank you, I appreciate that.

Ms. Ajmera said okay, and that's all I have. Thank you. There's more work to be done here, and I'm hopeful that we'll come to consensus before the approval next month.

Ms. Eberly said thank you.

Councilmember Mayfield said the question is for staff, but I think it's also to our Attorney, because it's a bit a follow-up on Councilmember Ajmera with the clarification of the standards that we're not able to implement regarding build and materials used. We have in our language neighborhood continuity, and the definition or interpretation of neighborhood continuity. So, if we have a community that has a certain material in the homes, but we now have language that has been presented from the General Assembly to say that if there is a development it needs to match the aesthetic. How does staff interpret that? How do we interpret it for the community? Because it seems like our language is contradicting? If we have neighborhood continuity, aging in place, staying in place, all of these things, but if something new is being built that is completely different than what is in the community, that's not neighborhood continuity, that's something that will stand out in the community and in the neighborhood. So, help me understand, so that I can better explain it, because we were at the meeting until 9:00 p.m. at night having discussions when there was the initial proposal, but I just want to make sure that I can share with community and understand what is it that we're actually saying?

Ms. Hagler-Gray said and I might have to ask staff about neighborhood continuity, because I'm not really familiar with that.

Mr. Oliver said so, under state statutes, we cannot require any sort of aesthetics to be put in place, either by ordinance or requested or required by Council. However, the petitioner can work with the community and voluntarily put in standards on a conditional plan. Since the N-1D portion of the site is proposed to be conditional, they could implement certain design standards, the N-1A portion they could not, but that would be something that staff could not necessarily require of them, Council could not necessarily require of them, but the community could negotiate with the petitioner to put those

standards in place. As for the continuity question, I'm not sure that I'm familiar with the aspect of the ordinance you're referring to.

Ms. Hagler-Gray said Councilmember Mayfield, can we follow up with you about the continuity question.

Ms. Mayfield said yes, we can follow up, because I may be using language from, in the 12-year period, so there's a possibility that my interpretation, showing my age, I've been around here too long already, and the changes, making sure that I understand what I have shared when we talk about protecting community and neighborhoods and protecting neighborhood aesthetics versus what now could be done by-right under certain requirements.

Also, for Manager, looking at how our language potentially transitions a community, are we in the right direction? Just wanted to make sure that I'm understanding. I would like to say that I appreciate that some changes have been made from the original. First of all, 2005, we're in 2026, 20-year period, but to my understanding, the owners were basically recognizing we're becoming an older community. We would still like to age in place in our community, so they rezoned to be able to downsize in their own neighborhood. So, you have these big beautiful lots with these ranch brick homes that we're not seeing as many of, but the idea to my understanding back then was, we want to stay in our community, we love our community, life happened, now 20 years later, we're here, but during that time of growth that is not a safe area for walking. Manager Jones, we actually drove up this the day that you and I got in a car together, we came up Bellhaven in 5:00 p.m. traffic, so about an hour and 15 minutes from Mt. Holly-Huntersville up Bellhaven. We went past Movement School, but we also saw people that were walking on grass. We went right past Valleydale off of Bellhaven. Be it yes, there's a shopping center over there, that is not as easy to get to as you think that it is. So, it's great on a map, but the reality of being able to get from one side, you're playing frogger, so for you young people, go look it up, but you're playing frogger trying to get across. So, I appreciate that some changes have been made, but I also still hear the concerns of the residents that've been there. I want to make sure that our language aligns with what we're giving to petitioners, so that they can have a better chance of success with communicating with community.

Ms. Mayo said actually, my question was answered about the neighborhood and the petitioner working together to preserve the character of the neighborhood with building materials. So, I'm hopeful that they'll have additional conversations to better align.

Mr. Murray said yes, and we're happy to have those conversations.

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

ITEM NO. 25: HEARING ON PETITION NO. 2025-091 BY EMBARK DEVELOPMENT COMPANY LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.97 ACRES LOCATED EAST OF STEELE CREEK ROAD, NORTH OF BRIGHTSIDE DRIVE, AND SOUTH OF WISPERING PINES LANE FROM O-2(CD) (OFFICE, CONDITIONAL) AND O-2(CD) ANDO (OFFICE, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL) AND N2-A(CD) ANDO (NEIGHBORHOOD 2-A, CONDITIONAL, AIRPORT NOISE DISCLOSURE OVERLAY).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under seven acres, along Steele Creek Road, just north of Shopton Road, in an area where we have

existing townhome developments to the south there, single-family development north, east, and west, and some commercial uses also further south, though, not directly adjacent to the site, along Steele Creek and Shopton Roads. The site is currently zoned Office, Conditional. A portion of the site, the northern parcel of the site, is within the Airport Noise Disclosure Overlay, and they are requesting a rezoning to the Neighborhood-2A, Conditional Zoning District, and that Airport Noise Disclosure Overlay would remain on that northern parcel. The Policy Map recommends Neighborhood-2 for this site, so this request for the Neighborhood-2 Zoning District is in alignment with that Place Type recommendation already on the site.

The proposal itself is for up to 72 multi-family attached townhome-style units, upwards of two to five units per building. They're establishing a 25-foot Class B landscape yard along the northeastern property boundary, where you have single-family detached units along that boundary, and a 10-foot Class C landscape yard planted to a higher classification landscape yard standard, that Class B standard, along the northern and eastern property boundaries.

In terms of our transportation and streetscape improvements, installs a southbound left turn lane into the site along Steele Creek Road, establishes a public street network through the site to connect to neighborhoods to the east and south. On-street parking would be proposed along the public streets of this site, and they are committing to upgrading the sidewalk and planting strip along Steele Creek Road, Red Spring Drive, and the Limelight Lane extension through the site.

This petition is also one of the ones that has an adopted Area Plan, so we have provided an expanded policy section within your staff analysis, and determined consistency based off the Area Plan applicability here. It is consistent with the goals and policies of that Southwest Middle Community Area Plan, and it's also already in alignment with the Policy Map's recommendation for the Neighborhood-2 Place Type. In terms of the priority goals of the Area Plan, it could facilitate two of the priority goals of that Southwest Middle Area Plan. Ten-minute neighborhoods could be facilitated by providing housing in an area that is proximal to commercial and employment areas, and goal two neighborhood diversity and inclusion could be facilitated by providing townhome-style units in an area that has predominantly single-family residential development to the north and the east.

Staff recommends approval of this petition upon resolution of outstanding issues. The proposal is for a townhome-style development, very similar to what is located just south of the site already, and this aligns the Policy Map's recommendation for N-2. The property is located within a quarter mile to bus stops, as well as commercial and employment areas, and the plan establishes landscape yards that exceed ordinance requirements along their property boundaries abutting single-family uses. I will take questions following petitioner comments.

John Carmichael, 600 South Tryon Street, Suite 2300 said thank you, Councilmember Driggs. Mr. Mayor Pro Tem, members of City Council and the Zoning Committee. I'm John Carmichael, representing the petitioner. With me tonight are Cooper Morrison of the petitioner, and Matt Langston with Landworks Design Group. The site's just under seven acres. It's on the east side of Steele Creek Road, just north of the intersection of Shopton and Steele Creek Road. This area here that bisects the site, that's dedicated right-of-way for the future extension of Red Spring Drive. That extension of Red Spring Drive will be required to be built in connection with the development of the site. This is an aerial of the site. You've got single-family to the north and east, and townhomes to the south of the site. The site's currently zoned O-2(CD). Under the current zoning, you could build a four-story, 90-room hotel on the site. The petitioner's requesting the rezoning of the site to N-2A(CD) and N-2A(CD), ANDO, to accommodate the development of 72 townhome units on the site. This Policy Map places this site in a Neighborhood-2 Place Type, so the rezoning request is consistent with the Policy Map and the Southwest Middle Community Area Plan. This is a site plan. This is Red Spring Drive. Access into the site would be by way of Steele Creek Road, Red Spring Drive, and Limelight Lane to the south. Eight-foot planting strips and eight-

foot sidewalks will be installed along all the public street frontages. The petitioner would install a southbound left turn lane on Steele Creek Road onto Red Spring Drive, and a northbound right turn lane on Steele Creek Road onto Red Spring Drive, a 10-foot-wide Class C buffer on the eastern boundary, but planted to the standards of a Class B buffer with a six-foot-tall opaque fence. The buffer here is 25 feet, and then the buffer here is 10 feet planted to our higher standard with a six-foot-tall opaque fence. You've got open space areas and tree save areas basically in the middle of the site.

There are architectural standards that are part of the petitioner's conditional rezoning plan. They include the prohibition of vinyl siding, but you can have vinyl on windows, doors, soffits, trim and railings. Each townhome unit would have a garage. We appreciate the Planning staff's recommendation of approval, and we're happy to answer any questions that you may have with respect to this matter.

Councilmember Mayo said just wanted to thank you for working with the Steele Creek Residents Association. I know I sent an email, so we'll just follow up with them, and make sure all that's resolved, but looking forward to working with you.

Mr. Carmichael said thank you.

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

ITEM NO. 26: HEARING ON PETITION NO. 2025-096 BY JUSTIN BERRY FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.21 ACRES LOCATED SOUTH OF STATE STREET, NORTH OF KATONAH AVENUE, AND EAST OF MAHOPAC STREET FROM ML-2 (MANUFACTURING AND LOGISTICS 2) TO N1-D (NEIGHBORHOOD 1-D).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2025-096, located on the south side of State Street. It's approximately a fifth of an acre. It's currently vacant. Current zoning is ML-2, Manufacturing and Logistics. The proposed zoning is N-1D, Neighborhood 1, and that is a Conventional District. Proposed zoning is consistent with the 2040 Policy Map for the Neighborhood-1 Place Type. The proposal would allow any uses permitted by-right or under prescribed conditions in the N-1D District. Staff recommends approval of this petition, as the proposed zoning is consistent with the Policy Map. It's in a quickly developing area with a mix of housing types. The site is served by transit. I'm happy to take any questions.

Mr. Driggs said it looks like we have no speakers signed up, is that right, Madam Clerk?

Billie Tynes, City Clerk said that is correct.

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

ITEM NO. 27: HEARING ON PETITION NO. 2025-012 BY OLYMPIA & WRIGHT HOMES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.78 ACRES LOCATED ON THE NORTHWEST CORNER OF MOORES CHAPEL ROAD AND OLD MOORES CHAPEL ROAD, AND EAST OF GORE STREET FROM CG (GENERAL COMMERCIAL) TO N1-E(CD) (NEIGHBORHOOD 1-E, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Joe Magnum, Planning, Design & Development said this site is just about three-quarters of an acre, located on the north side of Moores Chapel Road, west of Old Moores Chapel Road, and east of Kendall Drive. The site is currently vacant and is zoned CG, with a proposed zoning of N-1E, Conditional. The 2040 Policy Map recommends the Neighborhood-1 Place Type. There's just one condition on this Tier 1, Conditional petition, it is to limit the possible number of driveways on Moores Chapel Road to two.

Staff recommends approval of this petition. It is consistent with the Policy Map recommendation for the Neighborhood-1 Place Type. The N-1E Zoning District allows for residential uses and a small number of nonresidential uses on lots of 3,000 square feet with 30-foot width. The uses permitted in N-1E Zoning District are more compatible with the surrounding residential uses than those permitted under the current CG zoning. The site is located on an arterial street, Moores Chapel Road, and is less than a quarter mile from a commercial area providing access to goods and services. I'll turn it over to the petitioner team.

Collin Brown, 1420 East 7th Street, Suite 100 said good evening, Councilmember Driggs, Council members, Zoning Committee members. Collin Brown with the Law Firm of Alexander Ricks on behalf of the petitioner. Nice overview by Joe. While this is coming up, I'll just recap and be quick on this one. The site is currently zoned for retail, so essentially this would be a downzoning to a residential use. We filed this as a Conventional Zoning with no site plan.

After our community meeting, one of the community leaders ya'll probably know, Sam Smith with the Northwest Coalition, who I saw earlier tonight, but I don't know if he's still around, met with us and said, "Hey, makes sense. I think I'd much rather have residential there than commercial on that site, but we have some traffic issues out here." So, his concern was if this is developed into multiple residential units, it's everyone has a driveway and a garage, that's a problem. So, we said, you know what, "That makes sense," so we converted this to a Conditional Zoning just to commit to that condition. So, what would happen is this would be developed and there would just be a driveway here, coming through and serving the units, and then coming out here. So, I think that addresses the concern. We continue to work. I think one of the other positives is, with that layout, you also don't have a driveway on Old Moores Chapel, which I think is another traffic concern, because of the geometry of that. So, I think that's addressed community concerns, but happy to take any questions.

Councilmember Mayo said no questions, just thank you, Collin, for your team working with our neighborhood coalitions to address concerns. I think that is imperative that communities work with developers in order to incorporate community benefits, to make sure that all parties are compromising to meet the needs of the community. So, appreciate that.

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

ITEM NO. 28: HEARING ON PETITION NO. 2025-111 BY QUIKTRIP CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.49 ACRES LOCATED SOUTH OF LAKEVIEW ROAD, WEST OF WAKE DRIVE, AND EAST OF HARRIS TECHNOLOGY BOULEVARD FROM MHP (MANUFACTURED HOME PARK) TO ML-1 (MANUFACTURING AND LOGISTICS 1).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2025-111 is located on Lakeview Road, just west of West W.T. Harris Boulevard. It's approximately 1.5 acres and is vacant. The current zoning is MHP, Mobile Home Park, and the proposed zoning is ML-1, Manufacturing and Logistics. The proposed zoning is inconsistent with the 2040 Policy Map for the Neighborhood-1 Place Type, and approval of this petition would revise the Policy Map to the M&L Place Type. Proposal would allow any use permitted by-right or under prescribed conditions in the ML-1 District; however, staff does recommend approval of this petition, as the petition aligns with the surrounding Manufacturing and Logistics Zoning and uses, and avoids environmental justice concerns by preventing incompatible residential uses right next to industrial properties. I'm happy to take any questions following Mr. Carmichael's presentation.

John Carmichael, 600 South Tryon Street, Suite 2300 said thank you, Councilmember Driggs, Mr. Mayor Pro Tem, member of City Council, and the Zoning Committee. I'm John Carmichael here on behalf of the petitioner. It's about 1.49 acres, located on the south side of Lakeview Road, just west of the intersection of West W.T. Harris Boulevard and Lakeview Road. It's a vacant site. This is an aerial of the site. The surrounding uses include warehouse distribution, manufacturing, office, retail, and commercial uses, and this is a zoomed aerial of the site, you can see some of the surrounding uses. The site is outlined here in green. The petitioner also is pursuing the ownership of this property, but it's already zoned ML-1. This is the zoning map. You can see the site is zoned MHP, as Mr. Oliver stated. It's completely surrounded by parcels zoned ML-1, ML-2, or I-2(CD), all of which are Industrial Zoning classifications, and then when you zoom out and look at the map, you can see that the site is basically in the center of a large area, all of which is Industrial zoned. The petitioner is requesting the rezoning of the site to ML-1 to accommodate uses allowed in the ML-1 Zoning District. We appreciate your time and consideration.

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

ITEM NO. 29: HEARING ON PETITION NO. 2025-112 BY ALEXANDER-MYERS FAMILY, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.82 ACRES LOCATED NORTH OF GIBBON ROAD, SOUTH OF HENDERSON CIRCLE, AND WEST OF OLD STATESVILLE ROAD FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO ML-2 (MANUFACTURING AND LOGISTICS 2).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2025-112, located on Old Statesville Road, is approximately eight-tenths of an acre, and it's currently developed as a contractor's office. The current zoning is I-2(CD), General Industrial, Conditional, and the proposed zoning is ML-2, Manufacturing and Logistics. The proposed zoning is consistent with the 2040 Policy Map recommendation for the M&L Place Type. Current zoning of I-2(CD) allows only for the reuse of the current structure, as well as temporary truck parking. The proposal would allow all uses permitted by-right and under prescribed conditions in the ML-2 District.

Staff recommends approval of this petition, as it aligns with the Policy Map recommendation, it's located along a major thoroughfare with access to I-77 and I-85, and can contribute to the Comprehensive Plan's goal of accommodating places of employment for a range of uses related to Manufacturing and Logistics. Happy to take any questions.

LaDeidre Matthews, 101 South Tryon Street said good evening, Councilmember Driggs, Mayor Pro Tem Mitchell, and esteemed members of Council. I am LaDeidre Matthews. I'm an Attorney with Fox Rothschild Charlotte office, and I'm here on behalf

of the petitioner. I submitted the 10-minute presentation, but I'm happy to give the three-minute remarks. So, you saw this slide earlier, this is the current zoning. The site is shown in that rectangular parcel in brown, and to summarize the rezoning, we'd like to transition that into the ML-2 District, which would create a uniformly zoned industrial corridor right here on Old Statesville Road, and I'll also add a little bit of context, let's see if I can use this. Back here, there's almost an identically sized parcel, again right behind this brown parcel. The petitioner also owns that parcel and intends to develop these two parcels as one development. So, this rezoning would avoid any consequences or complications of a split zoning property area for one development. Right now, the site is occupied by a contractor and used as a contractor's office, and I believe there's also some truck parking and storage associated with that office space.

These next few slides are a couple of photos of the surrounding areas. To the south it abuts some commercially zoned property, but otherwise again it is completely surrounded by that ML-2 Zoning Designation, and the 2040 Policy Map designates this as an ML Place Type as well. So, these things are all covered in your staff report, except since the staff report, we've received a letter from Charlotte Water about capacity to support the sewer and water uses on the site, and I'm happy to provide that if anyone would like to see it.

This is just a summary of our community outreach. A virtual neighborhood meeting was held on December 4, 2025. There were no attendees. One neighbor did reach out the next day. They were not able to attend the meeting. We got them the presentation, and I followed up to see if there were any questions after not receiving an email response to those. So, to date we've heard no expressed opposition or concerns about the rezoning. With that, we ask that you accept staff's recommendation of approval and also vote to approve the rezoning.

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

* * * * *

ITEM NO. 30: HEARING ON PETITION NO. 2025-113 BY SEA LION, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.03 ACRES LOCATED SOUTH OF WEST BOULEVARD, EAST OF REID AVENUE, AND ROSS AVENUE FROM CG (GENERAL COMMERCIAL) TO N1-C (NEIGHBORHOOD 1-C).

Councilmember Driggs declared the hearing open.

Joe Magnum, Planning, Design & Development said this site is 0.03 acres, located on the east side of Reid Avenue, south of West Boulevard, and north of Farmers Street. The site is undeveloped with a commercial use to the north along West Boulevard, residential uses to the south. Current zoning is CG, with a proposed zoning of N-1C. The 2040 Policy Map recommends the Neighborhood Center Place Type.

Staff recommends approval. It is inconsistent with the Policy Map recommendation for Neighborhood Center Place Type, but would bring the parcel, which is currently split-zoned, under one zoning district and allow it to be developed under that district with one list of permitted uses and one set of development standards. The neighborhood to the south of the site is almost entirely zoned N-1C, same as the requested zoning district. I'll take any questions following the petitioner's comments.

Russell Fergusson, 933 Louise Avenue said good evening, honorable Council, Zoning Committee. Good to see ya'll tonight. Russell Fergusson, I represent the petitioner, Sea Lion. I do have a whole presentation that I gave ya'll at Christmas time last month. So, I'll kind of do a quick presentation like where we are, how we got here, and why you should approve it. This lot was originally this L-shaped lot outlined in red. The green is the lot that has a partial inconsistent zoning. These are some shots from

the street. The parcels, the new residential lots, are vacant. They are zoned N-1C. If you look at it on Polaris, the map shifted a little bit, so it's a bit off and it's a bit tricky, so we had to get into surveys to find this out. On the 2040 Policy Map, NC is called for on the majority of these parcels, but it's sort of on the bottom left at Reid and West Boulevard.

The petitioner has owned this property in one form or another since about 2001. There's a vacant lot that abuts Ross Avenue that's no longer part of this rezoning. There's a new residential lot abutting Reid Avenue that is partially being rezoned here. To get a little clarity on this, the green is the area that is subject to this rezoning. The yellow was initially in this rezoning. The yellow was already zoned N-1C. The blue area will remain Commercial, General. It's been a convenience store, and a few other commercial uses over the years. The yellow to the right is totally vacant. The lot to the left where the green is is currently a probably legal nonconforming use as a parking lot, and a little loading area for this that's historically been used that predates this code and perhaps the last, and that is what we are seeking to remedy. We went into staff to talk about doing a rezoning towards NC or possibly a commercial rezoning. There was some concern about that abutting single-family. Petitioner decided to go with N-1D to go more towards a single-family result, and we put that in.

I got a chance to meet some of the neighbors, we spoke with some of the Reid Park neighbors, and they had concerns over that, because of the density and some issues. They showed me a lot of sites. They have some very valid concerns about some of the development that happened. I'm trying to work with them to figure it out. I've been working with staff. We're trying to get them answers. We're going to keep that conversation going. They're not here to oppose or support, but they have some hesitation against all rezonings, particularly in the way multi-family has expressed itself in Reid Park. I'm not going to have time to get through the rest of this, but under N-1C rezoning, this small strip here would allow for a lot that matches the historic development plan in this area. It would be N-1C, Conventional, the same as the rest of the neighborhood. We think it's an appropriate fix. It removes an incongruity between lot lines and zoning. We ask for your support, and I've got plenty of answers if you have any questions. Thank you.

Councilmember Watlington said okay, two questions. Firstly, the maps that we have looks like the L part, like the toe of the shoe, is also a split lot, am I understanding that correctly?

Mr. Fergusson said no, so it is gray, that part, yes.

Ms. Watlington said okay, alright. So, like the New Orleans side of the shoe?

Mr. Mangum said so, the Place Type looks like it's offset from the top property boundary.

Mr. Fergusson said it's pretty much all offset, and we've got to run by what the surveyors put forward, and so if we go to my highlighted picture, I can show it clearly. There's some computer gremlins going on tonight, but this is why I did the presentation on the survey, because the public maps are a little challenging. When this map comes up, I'll be able to show you. So, the lines come like this, and that line comes across. So, these residential lots are newly created in order to make the vacant land viable for a use, and so we ended up with N-1C to just add to the neighborhood whatever is built there. There's no tearing down of anything, aside from the parking lot. It'll add housing I suppose.

Ms. Watlington said gotcha. Okay, well, then I'll just move on to my next question. You said that the picture is messed up, so is everybody on the same page as far as that, that what we're seeing here reflected in our book is incorrect?

Mr. Fergusson said it'll just be the screenshots that come from Polaris. Joe and I spent some time on this trying to figure it out.

Mr. Mangum said right. So, the map is a little bit off. The survey, we had to go back and look at old printed maps from 1990s to come to the conclusion that it does in fact need to be rezoned in order to create the buildable lot.

Ms. Watlington said but just the heel, not the toe.

Mr. Mangum said correct, right, that tiny sliver fronting on one street.

Ms. Watlington said okay, and then my second question. Just because I think about the Reid Park neighborhood, and to your point, you can go down there and see it today that it's real. What, from a policy standpoint, allowed the current development in Reid Park, because that to me is the bigger question, not even so much whether or not we make this a homogenous parcel, if that results in additional building that is undesired by the neighborhood?

Mr. Mangum said so, the majority of that land south of the site is zoned N-1C, which would allow for single-family, duplexes, triplexes. Is there a specific development type that is the concern?

Ms. Watlington said well, my question is really maybe more about like setbacks and whatnot, like why are we able to see these super skinny homes that don't fit the character of the neighborhood being applied? What is it in our policy that's allowing that, is what I'm more interested in understanding? Because if there are things that are in flight right now to address that policy, then I may be less inclined to support this building, if that makes sense. You were going to say something to that.

Mr. Fergusson said I've been to answer this question and working with the neighborhood, so I can give my understanding of it. I'll totally defer to the Planning Department on this. My understanding is it's a combination of different factors. Some of it is pre-UDO sublots, existing lots, that were in existence prior to this, so they didn't have to meet the lot standards, which for N-1C is a 50-foot-wide lot. So, these lots are code compliant to N-1C, 6,000 square feet in this requirement. Some of these lots existed, I think, before that, so they were allowed to move forward, because you can't go back and take that away. Then, for a minute there, metaphorically speaking, there was not a real clarity around the sidewall restrictions use that apply to multi-family, and so during that moment I think there was an opportunity. Now, the most offensive ones I've seen are actually, I think, single-family, but they are big boxes. I think what happened in there is, before the sidewall stuff was sorted out and some of the clarity that came with the UDO, is that a few folks were able to find sort of a niche, where they built some things that really weren't ever supported by policy, but managed to slide in there. For the current standard right now with a lot that's 50-foot-wide, the only way this lot, to my understanding, could be really subdivided in N-1C is if a duplex was built on the lot. It's not wide enough for more than a duplex, because you need a certain width, but then you could sublot down the common wall, so that you could have ownership on both sides. I see the former Planning Director nodding, so I feel like I'm on the right track here.

So, that's basically where it's at, and then there's many, many decades of maybe our City not doing the best for this area, so there's some of that too. So, I don't know how much of it is really old, I don't know when all the sublots, but I am, and petitioner's committed. We have more meetings set up working with some of the neighborhood leaders. We're trying to kind of get to the bottom to explain it, because I feel quite comfortable after speaking with some civil engineers and everybody that what we're proposing. Now, we would allow a duplex, yes, it'll allow anything in N-1C, and I'll just point out that it could be built right now. It's got 40 feet of N-1C on this lot already, so it really could be, but we're trying to make it so the most possible potential home buyers or builders could buy this. It's just two single lots, and they are for sale. My client's not a developer, he owns a commercial store, so we're trying to make it normal, so that it carries on with everything, and it'll be subject to the small area plan when it's done.

Ms. Watlington said thank you so much. You answered exactly my question, so I appreciate that. Alyson, did you want to add anything?

Alyson Craig, Assistant City Manager said no, I think he summarized it well. So, I mean, agree. I mean, theoretically, you could put a triplex there, but physically you could not, there's just not enough room.

Ms. Watlington said gotcha, thank you, that's it for me.

Councilmember Mayo said yes, just wanted to thank you for working with the community leaders on this. I know we chatted on Friday, and then a little bit yesterday as well, just to make sure that past harm and hard feelings from neighborhoods are not continuing. We want to make sure we're collaborating with neighborhoods, so that they feel comfortable with the development that is coming. So, I do really appreciate the time and effort that you've been putting into that, and I look forward to continuing to work with you.

Mr. Fergusson said thank you.

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

ITEM NO. 31: HEARING ON PETITION NO. 2025-115 BY ABACUS CAPITAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.71 ACRES LOCATED NORTH OF GREENSBORO STREET, WEST OF EAST SUGAR CREEK ROAD, AND SOUTH OF NORTH TRYON STREET FROM TOD-TR (TRANSIT ORIENTED DEVELOPMENT - TRANSITION) TO TOD-CC (TRANSIT ORIENTED DEVELOPMENT - COMMUNITY CENTER).

Councilmember Driggs declared the hearing open.

Maxx Oliver, Planning, Design & Development said 2025-115 is located on Greensboro Street, on the west side of Sugar Creek Road. The site's a little under three-quarters of an acre, developed with a restaurant. Current zoning TOD-TR, Transit-Oriented Development - Transition. Proposed zoning TOD-CC, Transit-Oriented Development - Community Center. Proposed zoning is consistent with the 2040 Policy Map for the Community Activity Center Place Type. Proposal would allow any uses permitted by-right or under prescribed conditions in the TOD-CC District.

Staff recommends approval of this petition. The site's less than half mile from the Sugar Creek Blue Line Station. CC is more appropriate than TOD-TR District given the proximity of the rapid transit and is also served by other bus routes. I'm happy to take any questions following Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said nothing to add to that. We're just trying to make the zoning match.

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

ITEM NO. 32: HEARING ON PETITION NO. 2025-116 BY PIEDMONT LAND DEVELOPMENT, INC. FOR A CHANGE IN ZONING FOR APPROXIMATELY 5.80 ACRES LOCATED SOUTH OF WILKINSON BOULEVARD, NORTH OF DEWEY

DRIVE, AND WEST OF SAM WILSON ROAD FROM CG (GENERAL COMMERCIAL) TO ML-1 (MANUFACTURING AND LOGISTICS 1).

Councilmember Driggs declared the hearing open.

Joe Magnum, Planning, Design & Development said this site is approximately 5.8 acres, located on the south side of Wilkinson Boulevard, west of Sam Wilson Road, and east of Old Dowd Road. It is developed with commercial uses, and is currently zoned CG, with the proposed zoning of ML-1, Conventional. The 2040 Policy Map recommends the Manufacturing and Logistics Place Type.

Staff recommends approval of this petition. It would align zoning with the recommended Manufacturing and Logistics Place Type. The site is adjacent to Industrial Zoning to the north, east, and west. The site is about 500 feet from the nearest residential uses, separated by two parcels, including a wooded homeowners association property. Also, there's a water quality buffer on the southern portion of the property that would further separate it from residential uses. I'll hand it over to the petitioner team.

Matt Langston, 1230 West Morehead Street, Suite 304 said good evening. Thank you, Councilmember Driggs, Mayor Pro Tem, members of Council. Joe covered it pretty well. Essentially, we're here, because when the UDO switched over, this business-zoned property switched to CG uses that had outdoor storage and got eliminated from permitted uses, and so there's sort of an existing nonconforming space right now, and we're trying to align that use with the Policy Map. I'm here to answer any questions. Petitioner is here as well.

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

ITEM NO. 33: HEARING ON PETITION NO. 2025-119 BY HINES FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.87 ACRES LOCATED NORTH OF CARNEGIE BOULEVARD, WEST OF SHARON ROAD, AND EAST OF ROXBOROUGH ROAD FROM B-1SCD (BUSINESS SHOPPING CENTER) AND MUDD-O (MIXED USE DEVELOPMENT, OPTIONAL) TO RAC(CD) (REGIONAL ACTIVITY CENTER, CONDITIONAL).

Councilmember Driggs declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under four acres along Carnegie Boulevard, just west of Sharon Road, in an existing Activity Center where we have really a range of uses, commercial, office, campus, primarily multi-family residential, some single-family residential located further east of the site. Existing zoning is Business Shopping Center, that's an old Legacy Zoning District, and MUDD-O, Mixed-Use Development, Optional. They are proposing to go to Regional Activity Center, Conditional. This request is considered in alignment with the Policy Map's recommendation for the Regional Activity Center Place Type on the site.

The proposal itself is just a Tier 1 plan, meaning we don't have an associated site plan, but they are specifying a number of conditional notes associated with the site, so they state that permitted uses would be limited to multi-family primarily, but they would also have office retail, restaurant, bars, and other uses as allowed in Regional Activity Center. They note some prohibited uses that would not be preferred on the site, such as more autocentric uses or passenger terminal or industrial type uses that can occur in RAC. Buildings on the site might be upwards of 275 feet, and buildings exceeding 150 feet would then have to utilize bonus menu options. Portions of the structure above 150 feet could not exceed 50 percent of the total area within the site. Ground floor activation would be committed to directly within the conditions of the plan, so that 90 percent of

the Carnegie Boulevard frontage would have to be activated and 60 percent of the Adair Court frontage with at least 50 percent of active frontage dedicated to nonresidential uses. In terms of our transportation and streetscape improvements, they have specified that the Adair Court extension will be constructed to public street standards, thus enhancing pedestrian and vehicular connectivity to adjacent developments.

This is another petition that has an adopted Community Area Plan, and when we looked at the priority goals of our Area Plan applicability here, it is helping to facilitate 10-minute neighborhoods by furthering the goals of a Regional Activity Center and providing multi-family, as well as those nonresidential uses directly on the site. This is in an area that we already know is very walkable as is. So, there is a bit of a 10-minute neighborhood that's already in effect for this site, but they are helping to further that in the uses that they are committing to. Goal five is not a priority goal of our applicable Area Plan here, but they are helping to facilitate it by committing to upgrading Adair Court to that nonnetwork required private street built to public street standards, and that helps provide a needed north/south street connection in this area.

Staff recommends approval of this petition upon resolution of those outstanding issues listed in the staff analysis. This is in alignment with the Regional Activity Center Place Type already on the site, and the uses proposed further the goals and intent of a Regional Activity Center Place Type as well as the corresponding zoning districts, and I'll be happy to take questions following petitioner comments.

Bridget Grant, 100 North Tryon Street, Suite 4700 said Bridget Grant, Land Use Consultant with Moore & Van Allen. Pleased to be here with the Hines team. Jesse and Paul have been patiently waiting. We appreciate your time tonight. It's been a very positive effort for us thus far. We've had great communication with SouthPark Partners and with the neighborhood groups, and look forward to answering any questions.

Councilmember Owens said I was just going to thank you very much. I was with SouthPark area neighborhoods this past week, and they're all very supportive of this, and have found the process really very engaging, and exceptionally responsive, so thank you for that. Nothing further.

Ms. Grant said we appreciate that, thank you.

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

ADJOURNMENT

Motion was made by Councilmember Mitchell, seconded by Councilmember Mazuera Arias, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 8:59 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 3 Hours, 55 Minutes
Minutes completed: February 19, 2026