

The City Council of the City of Charlotte, North Carolina convened for a Zoning Meeting on Monday, November 20, 2023, at 5:06 p.m. in the Meeting Chamber of the Charlotte Mecklenburg Government Center with Mayor Vi Lyles presiding. Councilmembers present were Dimple Ajmera, Danté Anderson, Tariq Bokhari, Renee Johnson, Lawana Mayfield, James Mitchell, Marjorie Molina, Victoria Watlington, and Braxton Winston II.

ABSENT: Councilmembers Ed Driggs and Malcolm Graham.

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Mayor Lyles said welcome. I want to call the November 20, 2023, Zoning Meeting of the Charlotte City Council to order. We do have two Council members that are not going to be able to join us. They're not well. So, Mr. Graham is going to be absent and Mr. Driggs. We hope that you get better soon.

Before we begin the zoning meeting, I would like to make a statement on behalf of the Charlotte City Council and the Office of the Mayor regarding the CMPD (Charlotte Mecklenburg Police Department) arrest incident that took place on November 13, 2023. By now, many in the Charlotte community have seen the bystander video of arrest by CMPD officers that occurred on November 13, 2023. Many in the community have shared their reaction to the video with us and we understand that they're many unanswered questions related to this incident. As your elected representatives we continue to pledge to be transparent in the review of this matter. To that end, as Chief Jennings has acknowledged, the City has sought the public release of all relevant body-worn camera video in our possession. We anticipate that this release will be made soon. In the meantime, we recognize and respect that all parties involved are entitled to due process. Release of the relevant body-worn camera video represents the next step in the process of our review. So, that is a statement of the Charlotte City Council and thank you for allowing me that moment to represent the people that think deeply about this all the time, that we recognize as a City how important it is to communicate and engage as we try to do very well for all of our benefits.

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INVOCATION AND PLEDGE

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

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EXPLANATION OF THE ZONING MEETING PROCESS

Mayor Lyles explained the Zoning Meeting rules and procedures.

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INTRODUCTION OF THE ZONING COMMITTEE

Douglas Welton, Chairman of the Zoning Committee said thank you Mayor and thank you Council. My name is Douglas Welton and I serve as the Chairman of the Zoning Committee of the Planning Commission. Allow me to introduce the fellow members of the Committee that are here with us tonight. Will Russell, Shana Neeley, Rick Winiker, Terry Lansdell, Rebekah Whilden and Clayton Sealey. The Zoning Committee will meet on Tuesday December 5, 2023, at 5:30 p.m. here at the Government Center. At that meeting the Zoning Committee will discuss and make recommendations on the petitions that have a public hearing 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 tonight. Prior to that meeting, you are welcome to contact us and

provide input. You can find contact information for each petition on the City's website at Charlotteplanning.org.

Mayor Lyles said alright, thank you very much Mr. Welton. So, I should have said something about this earlier when we started off with introductions. Tonight is Braxton Winston as Mayor Pro Tem, last official Zoning Meeting. I want to say to that having had to work with Braxton for the last three, four years has been a remarkable experience. I remember Braxton as young and vibrant and argumentative but someone that I have grown to respect in so many ways. The commitment that you make around processes that we have, your reminder to us that policy is the way that we can guide stability in our community. The way that you've allowed your children to be a part of what you do has been truly significant. Braxton has moved his mom and his grandmom down here. That says a lot about our City. It says a lot about who you are and we're grateful and we give you a round of applause this last Zoning Meeting.

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DEFERRALS/WITHDRAWALS

Motion was made by Councilmember Winston, seconded by Councilmember Molina, and carried unanimously to defer: a decision on Item No. 3, Petition No. 2022-096 by Kairoi Residential to December 18, 2023; a decision on Item No. 5, Petition No. 2022-161 by Pulte Group to December 18, 2023; a decision on Item No. 16, Petition No. 2022-134 by Muhsin Muhammad II to December 18, 2023; a decision on Item No. 17, Petition No. 2023-013 by Toll Brothers Apartment Living to December 18, 2023; a hearing on Item No. 21, Petition No. 2023-033 by CRD Elizabeth, LLC to December 18, 2023; a hearing on Item No. 22, Petition No. 2023-037 by Shinnville Ridge Partners, LLC / Courtney Sloan to December 18, 2023; a hearing on Item No. 23, Petition No. 2023-080 by True Homes, LLC to December 18, 2023; and a withdraw on Item No. 15, Petition No. 2022-193 by Brown Group, Inc.

David Pettine, Planning, Design & Development said one thing we'll note, Items 3 and 5 will now come off of our consent agenda because they were just deferred. So, we will have Items 3 through 14 with the exception of Item 3 and Item 5.

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CONSENT AGENDA

ITEM NO. 2: CONSENT AGENDA ITEMS 4, AND 6 THROUGH 14 MAY BE CONSIDERED IN ONE MOTION EXCEPT FOR THOSE ITEMS PULLED BY A COUNCIL MEMBER. ITEMS ARE PULLED BY NOTIFYING THE CITY CLERK

Motion was made by Councilmember Bokhari, seconded by Councilmember Winston, and carried unanimously to approve the Consent Agenda as presented.

Mayor Lyles said Mr. Baker, do I need to read every item?

Patrick Baker, City Attorney said you do not.

The following items were approved:

Item No. 4: Ordinance No. 655-Z, Petition No. 2022-148 by Third & Urban, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 15 acres located on the south side of State Street, north of Tuckasegee Road, and east of Berryhill Road from ML-2 (Manufacturing and Logistics - 2) and MUDD-O (Mixed-Use Development District - Optional) to IMU (Innovative Mixed Use).

The Zoning Committee voted 7-0 (motion by Sealey, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Innovation Mixed Use place type for the site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is consistent with the recommended Innovation Mixed Use place type. The petition would allow adaptive reuse of the existing structures on site while also permitting new development in a pedestrian oriented design. The petition is consistent with recent rezonings in the vicinity that include both adaptive reuse and new construction to permit mixed-use development. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility. 8: Diverse & Resilient Economic Opportunity, 9: Retain Our Identity & Charm.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 427-428.

Item No. 6: Ordinance No. 656-Z, Petition No. 2023-011 by Brian Foushee amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 24.96 acres located on the south side of Allen Road East and east side of Citadel Place, west of Allen Road South from N1-A (Neighborhood 1-A) to R-8MF(CD) (Multi-Family Residential, Conditional).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Sealey) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 1 Place Type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition offers an appropriate transition from denser residential development to the south and lower density neighborhoods to the north. The petition would add to the availability and variety of housing in the area. The petition proposes streetscape improvements including an eight-foot planting strip and six-foot sidewalk along its frontage on Citadel Place as well as on all internal streets. This petition additionally proposes to dedicate a minimum of 0.80 acres to Mecklenburg County for a future neighborhood park, trail, or greenway. The petition could facilitate the following 2040 Comprehensive Plan Goals: 2: Neighborhood Diversity & Inclusion, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities, 7: Integrated Natural & Built Environments.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 429-430.

Item No. 7: Ordinance No. 657-Z, Petition No. 2023-028 by Childress Klein Properties amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 48.21 acres located west of Quay Road, south of Mallard Creek Road, and northeast of Ridge Road from R-22MF(CD) (Multi-Family Residential- Up To 22DUA, Conditional) and C-2 for the City of Concord portion to R-22MF(CD) SPA (Multi-Family Residential- Up To 22DUA, Conditional, Site Plan Amendment) and R-22MF(CD) with 5-year vested rights (Multi-Family Residential- Up To 22DUA, Conditional).

The Zoning Committee voted 5-1 (motion by Winiker, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Neighborhood 2 Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition proposes to add to the variety and access to housing in the area. The petitioner proposes to voluntarily provide a workforce housing program that would ensure that no fewer than 5% of the total amount of rental units developed on the site maintain monthly rents that

are income restricted for households earning 80% or less of the area median income, for a minimum of 15 years. The proposed multifamily residential site would be well supported by the Commercial and Activity Center type uses in the area. The petition proposes to dedicate a minimum of 12 acres of open space to Mecklenburg County Parks and Rec for the development of parks or greenway trails and associated shelters and seating areas. This petition also proposes a trail network linking the multi-family residential area to adjacent uses with a minimum of six-foot wide trails. The petitioner is proposing 50-foot Class C and 100-foot Class A buffers, respectively, between the site and the surrounding area to offer sensitivity to the adjacent streams, wetlands, and varying land uses. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 3: Housing Access for All, 5: Safe & Equitable Mobility.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 431-432.

Item No. 8: Ordinance No. 658-Z, Petition No. 2023-052 by Providence Group Capital amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.447 acres located on the east side of West Summit Avenue, north of South Mint Street, and west of Winona Street from ML-2 (Manufacturing and Logistics-2) to TOD-UC (Transit Oriented Development-Urban Center).

The Zoning Committee voted 6-0 (motion by Winiker, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Regional Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The subject site is under a half-mile walk from the Bland Street station on the Lynx Blue Line. This petition will help support the transition of the area to a more walkable transit district. The proposal allows a site that was previously used for Manufacturing and Logistic uses to be redeveloped with a transit supportive project. The use of conventional TOD-UC zoning applies standards and regulations to create the desired form and intensity of transit supportive development, and a conditional rezoning is not necessary. TOD standards include requirements for appropriate streetscape treatment, building setbacks, street-facing building walls, entrances, and screening. The goal of TOD districts is to implement rehabilitation and reuse of existing structures, this is important in preserving the character of established neighborhoods. The site is under a half-mile walk from Wilson Park. • The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 433-434.

Item No. 9: Ordinance No. 659-Z, Petition No. 2023-054 by Smith Chelsi Bjorklund Hendric amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.79 acres located at the southwest intersection of Sardis Road North and Nolley Court, west of Monroe Road from N1-A (Neighborhood 1-A) to N1-D (Neighborhood 1-D).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Russell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) calls for Neighborhood 1. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The petition is appropriate and compatible because N1- D is a primary residential zoning district with adjacency to N1-A. The N1-D Zoning District allows for the development of residential dwellings on lots of 3,500 square feet or greater. There is bus access along Monroe Road within a half-

mile of this site. The N1-D district allows for the development of single family, duplex, and triplex dwellings on all lots, which are compatible with the adjacent N1-A zoning. 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 66, at Page(s) 435-436.

Item No. 10: Ordinance No. 660-Z, Petition No. 2023-059 by Queen City Airstream, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 6.85 acres located on the northeast side of West W.T. Harris Boulevard and south side of Hendry Road, north of Lakeview Road from I-1(CD) (Light Industrial, Conditional) to ML-1 (Manufacturing and Logistics - 1).

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing & Logistics Place Type for this site. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition proposes to align the site with the Manufacturing and Logistics uses in the surrounding area that include industrial, warehouse, office, showrooms, and distribution land uses. The proposed change in district would create a cohesive Manufacturing and Logistics Place Type for the area. The petition could facilitate the following 2040 Comprehensive Plan Goals: 8: Diverse & Resilient Economic Opportunity.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 437-438.

Item No. 11: Ordinance No. 661-Z, Petition No. 2023-061 by Couchell/Tsahakis Properties, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 35.03 acres located on the north and south side of East Arrowhead Drive, east side of North Tryon Street, and south side of Heathway Drive from ML-1 (Manufacturing and Logistics-1) and ML-2 (Manufacturing and Logistics-2) to TOD-CC (Transit Oriented Development - Community Center), TOD-NC (Transit Oriented Development - Neighborhood Center), and TOD-UC (Transit Oriented Development - Urban Center).

The Zoning Committee voted 6-0 (motion by Lansdell, seconded by Whilden) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be inconsistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map (2022) recommends the Manufacturing & Logistics Place Type for this site. However, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This petition proposes to provide a more gentle transition between the adjacent single-family neighborhoods and manufacturing and logistics sites. The petition proposes to provide additional access to goods, services, and amenities to the residential, manufacturing and logistics, and commercial sites in the area. The proposed site is less than a half mile from the nearest LYNX Blue Line station in keeping with the requirements for TOD sites. The site would also be well supported by bus transit as it fronts the CATS (Charlotte Area Transit System) bus line and is less than a half mile from the nearest CATS bus stop. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 8: Diverse & Resilient Economic Opportunity. The approval of this petition will revise the recommended place type as specified by the 2040 Policy Map, from the Manufacturing & Logistics Place Type to the Community Activity Center Place Type for the site.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 439-440.

Item No. 12: Ordinance No. 662-Z, Petition No. 2023-063 by BMPI-EM801, LLC by amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 0.998 acres located at the southeast intersection of East Morehead Street and Royal Court, west of Interstate 277, and north of South McDowell Street from NC (Neighborhood Center) to UE (Uptown Edge).

The Zoning Committee voted 6-0 (motion by Whilden, seconded by Russell) 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 calls for Regional Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The application of the Uptown Edge district is appropriate for this area which transitions from the high-intensity environment of the Uptown-core into the less dense mixed-use areas along Morehead Street and the Dilworth neighborhood just to the southwest. The Uptown Edge district maintains high standards for quality of design and pedestrian oriented development. This parcel is adjacent to projects that have been entitled for developments that are at a similar scale to what is allowed in the Uptown Edge district. Though not the most intense zoning district, the UE district does allow for relatively large-scale developments, which is compatible with the Regional Activity Center Place Type that is recommended for this corridor. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 441-442.

Item No. 13: Ordinance No. 663-Z, Petition No. 2023-065 by ATC Properties & Management, LLC amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 3.89 acres located at the southeast intersection of Statesville Avenue and Sylvania Avenue, west of North Graham Street from ML-2 (Manufacturing and Logistics - 2) to CAC-2 (Community Activity Center - 2).

The Zoning Committee voted 5-0 (motion by Whilden, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map calls for Community Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: 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. This rezoning site abuts Camp North End, an ongoing adaptive reuse project that has converted a former industrial site to a vibrant hub of commercial and office uses. The nature of development allowed in the CAC-2 district is compatible to the entitlements of Camp North End's zoning in terms of building forms and uses. Redevelopment on this site would not interfere with sensitive land uses such as single-family neighborhoods since it is located among a mix of industrial and commercial development as well as multi-family residential areas. The CAC-2 district maintains high design standards and encourages multi-modal transportation with a focus on bettering pedestrian environments. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 443-444.

Item No. 14: Ordinance No. 664-Z, Petition No. 2023-067 by Childress Klein Properties amending the Official Zoning Map of the City of Charlotte to affect a change in zoning for approximately 2.28 acres located on the east side of Apex Drive and north side of Coltsgate Road, west of Cameron Valley Parkway from MUDD-O (Mixed Use Development District, Optional) and N1-A (Neighborhood 1 - A) to RAC(CD) (Regional Activity Center, Conditional).

The Zoning Committee voted 6-0 (motion by Sealey, seconded by Winiker) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the final staff analysis and the public hearing, and because: The 2040 Policy Map recommends Regional Activity Center. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: This project proposes dense residential development in an area that is largely populated with commercial, and office uses. The addition of intense residential projects to the area contributes to a balanced mix of uses as envisioned in the Regional Activity Center Place Type. Future residents at the site would have easy access to a range of retail and employment areas. Residential uses at this site would be well served by multiple modes of transportation. The site is located within a half-mile walk of several bus stops which are connected to the site through existing pedestrian infrastructure networks. A large portion of the site is currently utilized as surface parking. Such a use contradicts the goals of the Regional Activity Center Place Type to create dense urban environments that are less reliant on personal auto usage. Redevelopment of this site would bring it more in line with its place type as well as the densifying trends in the area. The Regional Activity Center zoning district maintains high design standards and encourages urban pedestrian-oriented environments. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 445-446.

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DECISIONS

ITEM NO. 18: ORDINANCE NO. 665-Z, PETITION NO. 2022-147 BY SOUTHPARK TOWERS PROPCO, LLC AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 9.94 ACRES BOUND BY THE SOUTH SIDE OF FAIRVIEW ROAD, EAST SIDE OF PIEDMONT ROW DRIVE SOUTH, AND THE NORTH AND WEST SIDE OF BARCLAY DOWNS DRIVE FROM OFC (OFFICE FLEX CAMPUS) TO MUDD-O (MIXED USE DEVELOPMENT DISTRICT, OPTIONAL).

The Zoning Committee voted 7-0 (motion by Harvey, seconded by Lansdell) to recommend approval of this petition and adopt the following statement of consistency: This petition is found to be consistent with the 2040 Policy Map (2022) based on the information from the post-hearing staff analysis and the public hearing, and because: The map recommends Regional Activity Center place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the post-hearing staff analysis and the public hearing, and because: The site is developed with existing office towers with ground floor EDEE (eating/drinking/entertainment establishment) use and parking structures. The site is in the South Park Regional Activity Center a place type intended for high intensity mixed use development in a walkable form. The petition increases the mix of uses on the site. The petition would create more opportunities for residents in the area to work, eat and shop. The petition improves walkability in the area by installing SouthPark Loop trail along Piedmont Row Dr. and a multi-use path along Fairview Rd. and makes improvements to crosswalks at multiple locations. The petition could improve the pedestrian realm through redevelopment that meets MUDD standards, and the replacement of surface parking areas aging parking structures. There is bus service for two bus routes (19 and 57)

adjacent to the site. The proposed increase in allowed building height from 120 feet to 220 feet is offset by commitments to additional open space and provisions for electric vehicle charging. Nearest single family home is over 450 feet away on Fairheath Rd. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities.

The 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.

The petitioner added the following notes related to Loop commitment timing triggers:

1. Petitioner shall provide a right-of-way easement for the Loop area commitments along Piedmont Row Drive and Fairview Road prior to the issuance of a new building permit or change of use permit within Development Area B for Retail/EDEE uses. As part of this easement, the Petitioner shall allow the City to install Loop-branded furniture on the Site near the corner of Fairview Road and Piedmont Row Drive, or as otherwise mutually coordinated through the City's funding and installation.
2. Prior to the issuance of a certificate of occupancy for new construction within Development Area A of less than or equal to 50,000 square feet of gross floor area (currently contemplated as a Retail/EDEE building), Petitioner shall fund crosswalk and traffic signal improvements at Piedmont Row Drive, including branded Loop design.
3. Prior to the issuance of a certificate of occupancy for new construction in Development Area C or D, or new construction exceeding 50,000 square feet of gross floor area in Development Area A (excluding renovations, modifications, or replacement of existing structures), Petitioner shall contribute funds sufficient to construct 770 linear feet of Loop improvements, payable to SouthPark Partners. Such contribution shall be based on a timely construction estimate provided by a third-party contractor mutually agreed upon by the Petitioner and SouthPark Partners.

The petitioner updated note V.g related to the installation of the Loop along Piedmont Row Drive to reference the Loop timing triggers in Note V.e.

David Pettine, Planning, Design & Development said they amended those notes in coordination with SouthPark community. Staff believes that they provide additional clarity and were developed in coordination with that group and do not warrant additional review by the Zoning Committee. We'll be happy to take any questions you might have.

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

Motion was made by Councilmember Bokhari, and seconded by Councilmember 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 map recommends Regional Activity Center place type. Therefore, we find this petition to be reasonable and in the public interest, based on the information from the final staff analysis and the public hearing, and because: The site is developed with existing office towers with ground floor EDEE use and parking structures. The site is in the South Park Regional Activity Center a place type intended for high intensity mixed- use development in a walkable form. The petition increases the mix of uses on the site. The petition would create more opportunities for residents in the area to work, eat and shop. The petition improves walkability in the area by installing SouthPark Loop trail along Piedmont Row Dr. and a multi-use path along Fairview Rd. and makes improvements to crosswalks at
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multiple locations. The petition could improve the pedestrian realm through redevelopment that meets MUDD standards, and the replacement of surface parking areas aging parking structures. There is bus service for two bus routes (19 and 57) adjacent to the site. The proposed increase in allowed building height from 120 feet to 220 feet is offset by commitments to additional open space and provisions for electric vehicle charging. Nearest single family home is over 450 feet away on Fairheath Rd. The petition could facilitate the following 2040 Comprehensive Plan Goals: 1: 10 Minute Neighborhoods, 2: Neighborhood Diversity & Inclusion, 4: Trail & Transit Oriented Development, 5: Safe & Equitable Mobility, 6: Healthy, Safe & Active Communities as modified.

Councilmember Bokhari said I won't belabor the point, but everything you just heard and more is a great example once again of the petitioner, developer, the neighborhood associations, the overall MSD (Municipal Service District), everyone coming together and working together on something. So, everyone gets a win. So, I'm appreciative to all that work.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 447-448.

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ITEM NO. 19: ORDINANCE NO. 666-Z, PETITION NO. 2023-043 BY DRAKEFORD COMMUNITIES AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 7.01 ACRES LOCATED SOUTH OF ALLEGHANY STREET, WEST OF ASHLEY ROAD, AND NORTH OF BULLARD STREET FROM UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND N2-B (NEIGHBORHOOD 2 - B) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL) AND UR-2(CD) SPA (URBAN RESIDENTIAL, CONDITIONAL, SITE PLAN AMENDMENT).

The Zoning Committee voted 5-1 (motion by Lansdell, seconded by Russell) to recommend denial 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 recommends Neighborhood 1 and Campus place types for the site. Therefore, we find this petition to not be reasonable and in the public interest based on the information from the post-hearing staff analysis and the public hearing, and because: The land use is insufficient to support the outstanding transportation concerns, specifically as it relates to the lack of marked crosswalks connecting to the porkchop island at the intersection of Alleghany Street and Heywood Avenue.

Motion was made by Councilmember Winston, and seconded by Councilmember Watlington 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 recommends Neighborhood 1 and Campus place types for the site. Therefore, we find this petition to not be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because: The land use is insufficient to support the outstanding transportation concerns, specifically as it relates to the lack of marked crosswalks connecting to the porkchop island at the intersection of Alleghany Street and Heywood Avenue.

Councilmember Watlington said I just wanted to lift this one up. I did send it over to Councilmember Driggs because I'd love for staff to just speak to real briefly this crosswalk situation. ACM (Assistant City Manager) Babson, certainly I'll defer to you, but I wanted to lift this item up because it's really a policy item which I think I understand is how the Zoning Committee got to where they were in terms of wanting an additional

crosswalk but staff being unsupportive of a crosswalk. So, separate from this petition, I'm supportive of this petition, but I did want to make sure that was lifted up so that we could put that in the appropriate place.

David Pettine, Planning, Design & Development said yes, do you want us to talk through that real quick?

Ms. Watlington said yes please.

Jacob Carpenter, C-DOT said good evening, Jake Carpenter with C-DOT (Charlotte Department of Transportation). So, we don't have a written policy in place for approving or denying crosswalks during rezonings, but we do have a policy for evaluating requests for crosswalks from the public and we apply the similar criteria to a location like this. In our evaluation, it fails to meet a couple of criteria that we would usually consider, one being this proximity to an existing signalized crossing location. Also, the land use context in this area and the driver for pedestrian crossings is not there at this location. So, to be consistent with driver and pedestrian expectations, this was a location that we did not deem need for a crossing here. So, that was kind of our evaluation process for this. There's a few more steps that we would complete once a development is on the ground to evaluate the need, but since there's no traffic from this development, nor demonstrated need we can't evaluate those pieces but the ones that we can, we did evaluate and determined that the department would prefer to have pedestrians cross at the existing signalized location here.

Ms. Watlington said got you. Just as a quick follow up, I would appreciate to hear the perspective from the Zoning Committee just because I want folks to understand what it is that we're dealing with.

Douglas Welton, Chairman of the Zoning Committee said the discussion which was pretty much captured generally well in the Zoning Committee Report is that there were concerns about the crosswalk in that petition. This was also a site plan amendment. So, previous to this petition in our work session, things had been approved including that particular part of the petition where the crosswalk was. The site plan amendment was adding a small piece of property that was not including that crossing. So, the members of the Commission mainly followed in with the notion of there needed to be some additional understanding about the crosswalk and its necessity. I was the minority on this particular one and I'll speak for myself in that I believe that this issue had already left the gate in the fact that we had previously approved this work.

Ms. Watlington said thank you. So, as we think about how we consider items like this coming out of rezoning since it doesn't sound like there's an existing policy specific to the rezonings and how to evaluate that, I just wanted to put that before the body if that's something that we want to dig into. Other than that, that's all the discussion I had on this one.

Councilmember Mitchell said Councilmember Watlington addressed the concern I had. So, I wanted to hear the feedback from the Zoning Committee. So, thank you.

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

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 449-450.

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ITEM NO. 20: ORDINANCE NO. 667-Z, PETITION NO. 2022-048 BY TRIBUTE COMPANIES, INC. AMENDING THE OFFICIAL ZONING MAP OF THE CITY OF CHARLOTTE TO AFFECT A CHANGE IN ZONING FOR APPROXIMATELY 182.71 ACRES LOCATED ALONG THE SOUTH SIDE OF INTERSTATE 485 SOUTH INTERCHANGE, EAST OF JOHN ADAMS ROAD, AND NORTH OF NORTH TRYON STREET FROM N1-A (NEIGHBORHOOD 1-A) TO MX-2 (MIXED USE) WITH 5-YEAR VESTED RIGHTS.

The Zoning Committee voted 4-3 (motion by Lansdell, seconded by Winiker) to recommend denial 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 location. Therefore, we find this petition to not 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 doesn't provide safe and equitable mobility for all travelers with an integrated system of transit, bikeways, shared-use paths to support a sustainable, connected network that connects to jobs, housing, amenities, goods, and services. The isolated proximity of the project inhibits building a connected city with shorter trips.

Motion was made by Councilmember Johnson, and seconded by Councilmember Anderson, 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 location. Therefore, we find this petition to not be reasonable and in the public interest based on the information from the final staff analysis and the public hearing, and because: The petition doesn't provide safe and equitable mobility for all travelers with an integrated system of transit, bikeways, shared-use paths to support a sustainable, connected network that connects to jobs, housing, amenities, goods, and services. The isolated proximity of the project inhibits building a connected city with shorter trips.

Councilmember Johnson said I also would like to hear from the Zoning Committee regarding the denial. If you could just elaborate more on why it wasn't recommended, please.

Douglas Welton, Chairman of the Zoning Committee said again, with this particular petition, it was a divided vote, four-three. We did see this petition on a couple of occasions and basically it fell into two groups of folks. The three folks who were in favor of the petition believed that this created a large number of housing units because it is 1,900 plus housing units. Those of us who were opposed to the petition believed that the proximity more than three quarters of a mile up John Adams Road made this too far away from transportation and there were a significant amount of transportation improvements that were being proposed for that. We believed that it was basically too far and hidden away from a major thoroughfare and that in the end that may cause some issues. So, those were the two ideas that kind of floated through the room and got us to the place that we were. Again, we did see this on two occasions, and I believe we had the exact same vote on both occasions. Is that sufficient?

Ms. Johnson said yes, thank you. So, I just want to say that the petitioner has worked very closely with myself and the residents, the University City Partners and this is the kind of petition in my opinion that we want to see more of in the City. They're dedicating land for a school, they're dedicating land for a park, there's an affordable housing component, there's traffic improvements. So, yes there's 182 acres but the area is going to change and they are allowing tree save more than we would get with by-right development. So, I'm happy to support this. Another thing, we deferred the decision last month because I wanted to see the tree canopy report. We received that tree canopy report and this area does have sufficient tree canopy. I think we're at 57 percent in this area. So, I think that we've taken a very thoughtful approach and responsible approach before making this decision. So, I will be supporting this petition. Thank you.

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

Mayor Lyles said so I wanted to say this completes our decision point. I wanted to also say to everyone who's watching us or in attendance, it is time for me to go. Mr. Winston is completely capable of all of the work that's going to continue here. So, with that,

thank you everyone. Charlotte, thank you to those that help us be the place that we are. Happy Thanksgiving to everyone. Thank you very much for your attendance tonight.

The ordinance is recorded in full in Ordinance Book 66, at Page(s) 451-452.

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HEARINGS

ITEM NO. 24: HEARING ON PETITION NO. 2019-109 BY MIRIAM E FRANCO FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.15 ACRES LOCATED ON THE SOUTH SIDE OF PARK DRIVE, WEST OF REMOUNT ROAD AND NORTH OF WATSON DRIVE FROM N2-B (NEIGHBORHOOD 2-B ZONING DISTRICT) TO I-2 (CD) (GENERAL INDUSTRIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, so our first petition this evening 2019-109. It's about eight acres off of Remount on Parker Drive. It is currently zoned Neighborhood 2-B. Was previously zoned R-22 MF prior to the UDO (Unified Development Ordinance) and they are proposing an I-2 conditional zoning district. The Policy Map does recommend Neighborhood 2 for the majority of the south side of Parker Drive, and you can see on the north side is predominantly Manufacturing and Logistics place types for their recommendation and then loan parcel at the end of Parker also recommended for Manufacturing and Logistics. So, this petition is mainly just site conditions not a site plan. The current use that's on the property, we are working through the rezoning to remedy some code enforcement items. So, this particular use has been in operation for quite some time on the property and again, the rezoning would be an effort to bring the property into conformance with the ordinance, correct the violations, and get the property to a zoning district that would allow the continued use. I will say the conditions are very tailored to what's existing on the site which is a contractor's office with some accessory storage. There is also a request on there for automobile repair with storage. Those are the items that we are working through with code enforcement to get cleaned up. This rezoning would allow them to continue to operate and operate within compliance of the ordinance. So, any other standards that they would need to meet for screening, buffering, those types of things would have to come into place for that use to be able to continue on the site. Any other use that could be considered under I-2 would not be allowed without another rezoning. So, this really does just lock in what's out there now and allows those uses to continue in compliance with the ordinance.

So, one of the things that we do want to go back and talk through a little bit in these petitions. A lot of times in ways are a little more challenging than some of the others that we just took action on earlier this evening with some of the decisions. Mainly because we get a little bit caught between trying to continue foster opportunities for small business and when our land use policy doesn't necessarily line up with existing uses we find as a staff that sometimes we're kind of caught in between policy and trying to work with community business owners and find opportunities and solutions to allow some of those businesses to continue. So, in this case again, the policy does recommend. Again, you can see most of that south side of Parker Drive is residential and then the north side is mainly industrial. So, the petition itself as we mentioned really does lock in just what's out there today. So, no real proliferation of new industrial uses could take place on the site without coming back through Council. So, I will say we've struggled a bit as a staff with the conditions being what they are, the policy being what it is, and it's one of those that we're kind of stuck in between. Like I said that policy and that existing use and trying to work with some of our small business owners. So, we're going to continue to look through this one and look over this one and work with the petitioner, work with Councilmember Watlington, incoming Councilmember Brown and try to get some solutions that we feel potentially could work should Council decide to approve this, just to ensure that again those proliferation of other uses would not be something that could happen. Again, I feel like we're at a little bit of that point but I think there's a

few other things we'd like to continue to work through. So, with that, I know we have the petitioner here to answer any questions. I don't know if we have a formal presentation, but I do know they are with us this evening and did sign up to speak. I think we'll turn it over at this time to them and to Council if they have any questions of the property owners. That will conclude our presentation and we'll take any questions following the petitioner's presentation. Thank you.

Miriam Franco, 5144 Prestwick Lane said good night and thank you for this opportunity. This is my daughter Rosseline, my name is Miriam. We are the property owners at 1705 and 1701 Parker Drive. I'll say almost 80 percent of the property is owned by me and Rosseline and my partner Danny Ortiz. I'll read the rest. I think most of the stuff he said, but we own almost seven acres of property. Historically [inaudible] has a construction storage and parking and a car shop. As you may be aware, the Duke Power Plant is standing just behind my premise. The tenants on my property have not only provided a valuable contribution to our community but have also generated a number of well-paying jobs. Those tenants are contractors, painters and landscaping contractors, roof contractors. All those people park their trucks there since Charlotte is becoming really tight to find parking lots in the neighborhood. So, they can not park their staff and that's why I serve as this kind of small business. Having lived in the Country for 26 years, I take great pride of the journey that led me to become a property owner. As a single mother of four, two adults in college, a 16- and 12-year-old. English, of course as you know, is not my first language. I incurred the property through hard work initially cleaning houses and working like a nanny. The stability it has provided for my family is immeasurable. In light [inaudible] neighborhood and the current use of my property and could you help me?

Rosseline Ortiz 5144 Prestwick Lane said diligently working.

Ms. Franco said through the planning process to secure a [inaudible] amendment that better aligns with the community character. I believe this adjustment would not only benefit my family but also contribute to the possibility to growth and prosperity of the local area. I appreciate your time and attention to the matter. Thank you. I want you to think about it.

Ms. Ortiz said I'm just here to support my mom in the process. She's been working really hard trying to rezone this. So, I'm here to just support her. This is all we have for her retirement or anything, you know, there's no retirement plan. This is it. So, she's working really hard and kudos to her for doing this and coming up here to talk in front of you. So, thank you.

Councilmember Watlington said I just had a couple of questions for staff. I remember when you reached out a long time ago. So, I'm glad to see that you got to this point and thank you certainly to our staff members for walking alongside you. I just have a couple of questions as it relates to our process making sure that I understand. This parcel was designated into being part of our remapping. Is that correct?

Mr. Pettine said correct, yes. I looked back at the old land use policy as well for this area and I think it's always maintained some form of residential recommendation for that south side and that was based on the existing zoning which was that R-22 now N2-B. So, that's where it captured really the existing zoning aspect of it and kept those industrial uses where it was already zoned industrial on the north side and then this side. I don't know, it didn't necessarily take into account I think some of the existing uses on the site. It went more with the zoning which is also why we're here because that zoning didn't support some of the uses initially on the site. So, I can see why it didn't necessarily get caught in that view of maybe recommending this for something that was more industrial based since that was the existing use. So, I think it's just one of those scenarios where in that unfortunate situation of having a property zoned for a use that wasn't initially allowed and then the zoning capture for the policy mapping then just reflected that back as Neighborhood 2 versus what was out there which was M&L. That's why I think you also see at the end of the road there, you can see this parcel right

here has industrial uses on it and then when we get to the Policy Map you can see it was recommended for that. So, it recognized those but didn't necessarily capture those.

Ms. Watlington said okay, and that kind of gets at what my follow up question was. Is it possible that this is going to happen in other parts of the City?

Mr. Pettine said yes, it's certainly possible and I think that's where we are going through a pretty significant review particularly for the efforts for alignment rezoning which you're getting into next year to not just look at the existing zoning and the adopted place type, but really look at what the uses on the property, what are the historic uses of it and see if there's any mismatch in that process. Again, this one being that it was zoned R-22 first we probably would still recognize it as an existing industrial use versus residential. What we'll probably do in that situation is just leave it misaligned versus change that block of the Policy Map. Now, this rezoning, should it get approved, could change the Policy Map to that purple color for M&L, but that would be something that we could either reevaluate when we adopt a new map in a year or two and say, "Well, we know that the existing use is M&L, we changed it through the rezoning process. Do we want a long term to think beyond that and refer it back to a residential use long term?" That's something we can get into a little bit further down the road, but for now it will likely stay with that residential recommendation unless this rezoning changes it.

Ms. Watlington said is this rezoning and others that might be like it, whether it was a misaligned use initially or it was something that changed as a result of the Policy Map, are these rezonings at cost to the landowner?

Mr. Pettine said yes. This one did start, you can see by the petition number, several years ago. So, this is beyond when we were even thinking about what place types would be on the map and all of that. So, we do have a few where we've run into that issue. We had a couple in either District Four or ETJ (Extraterritorial Jurisdiction) north of District Four where we had some industrial properties translate to a district that didn't support those industrial uses. They had to go through rezoning. So, what we are looking at, are there ways that we can identify those and maybe shepherd them through on the City side, are there other alternatives, but for now they're still being done through the private side of the petitioner.

Ms. Watlington said I got you. Okay. Yes, because I would hate for somebody that's already operating and then because of a City action, then they have to incur cost to get back in compliance.

Mr. Pettine said yes, we have seen a good bit of those. Like I said, we took almost a whole business park through individual rezonings over the last few months to correct some of those. So, still things that we're finding that we just didn't anticipate when we went through adopting both the new map and UDO.

Ms. Watlington said sure. So, Liz, I don't know where we are with those right now or how many are in the queue, but I definitely would like us to explore how do we help support landowners or parcel owners that were mapped into something and now they've got to pay to get it back in compliance. If there's something that we could do on that end, I think that would be appropriate. That's all.

Councilmember Ajmera said I agree with the last point Councilmember Watlington made because we all know that the rezoning process is expensive and it's lengthy. So, how do we make this process fair for everyone? I have a couple of questions for staff. Ms. Ortiz, thank you so much for sharing your journey about becoming a property owner and how you're building generational wealth. I think those are the kind of stories we want to hear. So, thank you so much. It's great to see your daughter here supporting.

Ms. Ortiz said thank you.

Ms. Ajmera said I can relate to some of that experience with my mother being an immigrant. So, thank you. I'm actually struggling with this one. I read through why staff

does not recommend approval of this petition. Maybe if you can help me understand, because I do see M&L, Manufacturing and Logistics in the area. I mean it's not too far from the site. I'm reading through the rationale for recommendations and I still, after reading that rationale that you have here for recommendations, I'm not coming to the same conclusion here. So, maybe if you can shed more light here.

Mr. Pettine said I think generally for staff when we looked at, we again were kind of looking at it from purely that policy perspective of this long term, looking at residential uses and how this is a misalignment from the policy recommendation and place type recommendation. When we look at making changes from residential to an industrial place type, it's a little bit more of a scrutinized process because that does leave behind the potential for some uses that you wouldn't necessarily want adjacent to residential. Now, do I think that this petition locked in some things that built in some protections? I do. I think maybe there's a few other things we can explore with ensuring that the use doesn't continue to necessarily expand towards some of those residential uses maybe to the west and south and maybe if we put some of those conditions built in and kind of put a dividing line between where they would need to start and stop on the property, we might be able to look at this and reevaluate some of this. So, I think that's where we're probably going to take the next step after this hearing. Really see if we can make sure that there's some things that, should it be approved, are dialed in to where it really just keeps things almost as they are today with the room for a little bit of expansion as needed. With limitations on the encroachment that could be provided on those N2 properties, both short term and long term. So, I think this is one that again we definitely struggled with. I'll be fully transparent in that, and I think we want to continue to take a look at it after we get through tonight's hearing.

Ms. Ajmera said thank you Mr. Pettine. I think we both agree that we struggle with this one. So, I would like to see continued work on this where some conditions can be placed where we are comfortable with rezoning without encroaching Neighborhood 2.

Mr. Pettine said yes.

Ms. Ajmera said what is the use of the site? I didn't quite catch that.

Mr. Pettine said correct me if I'm wrong. It's contractor's office with some storage for vehicles. So, space for, as she mentioned, trucks to park for contractors that are on the site or working from the site and this is where I might need some help from y'all about some of the auto repair that was being done. Is that still on the property next door? The auto repair?

Ms. Ortiz said yes.

Mr. Pettine said so, the contractor's office and storage is this area, correct?

Ms. Ortiz said yes.

Mr. Pettine said this is where some of the auto repair was?

Ms. Ortiz said yes.

Ms. Ajmera said I'm good.

Mr. Pettine said yes, does that answer it?

Ms. Ajmera said I'm okay. I think he answered it.

Ms. Ortiz said okay.

Mr. Pettine said so, those are the two and those would be the only two that would be allowed.

Ms. Ajmera said you mentioned truck parking. I think this is one of the rezoning petitions we need. We actually see the reverse where many of our rezoning petitions are going from I-1 or I-2 to something else. So, this is actually the other way around and in the City, we are growing at such a fast pace, 14th, 15th largest City and we need more industrial land. We hear that often, and we are struggling with truck parking as well. So, I think there is a solution that we can find where we can at least find more industrial land, but at the same time protect our neighborhoods. So, I look forward to some recommendations from you. Thank you so much. With that, that's all I have. I'm ready to close if no other questions.

Mayor Pro Tem Winston said I have a question. Mr. Pettine, does the petition's current form basically ensure that only the current use would be allowed in perpetuity?

Mr. Pettine said correct.

Mayor Pro Tem Winston said so, what kind of room would the business owners have if their business is successful though, and they need to make improvements? Would this be kind of onerous to, I wouldn't even necessarily say grow, but to improve their property?

Mr. Pettine said yes. So, that's some of the balance I was discussing with Councilmember Ajmera. If we can allow some of those things, if they do continue to grow and be successful, which I think everybody wants to see those businesses continue and have growth opportunities. Make sure there is room to expand if they need to but also protect those residential uses that could surround it. So, maybe there's just some buffer language in the conditions that make sure that we have enough space and separation of those uses. They would have to do that regardless from the ordinance, but can we look at what's required and then say maybe take it a little bit above that.

Mayor Pro Tem Winston said I was asking about the current form of the petition. Is it allowed for that?

Mr. Pettine said yes. So, should it get approved under that I-2 conditional, somebody could come in and if they wanted to start over on that site and build a brand new building and a nice enclosed parking area, they could certainly do all that just by meeting the ordinance itself. So, this would allow those uses either in the current form or in a new updated form.

Mayor Pro Tem Winston said alright. Thank you.

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

Ms. Ortiz said thank you.

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ITEM NO. 25: HEARING ON PETITION NO. 2021-277 BY BUILDOM LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.40 ACRES LOCATED ON THE EAST SIDE OF PROVIDENCE ROAD, NORTH SIDE OF PHIL AULL PLACE, SOUTH OF SOUTH COLONIAL AVENUE FROM OFC (OFFICE FLEX CAMPUS) TO NC (CD) (NEIGHBORHOOD CENTER, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2021-277. It's about 0.40 acres off Providence Road and Phil Aull Place. It is currently zoned to OFC which is our Office Flex Campus. The proposed zoning is for Neighborhood Center with some conditions. The adopted Place Type, you can see, this is part of a larger Campus Place

Type although this building itself isn't really related in terms of use or any kind of ownership to the larger Campus recommendations that are around it that are mainly medical based. So, this did get pulled in. We are seeing the request to go to Neighborhood Center which you can see is recommended just to the south of Phil Aull Place. So, staff did feel that that Neighborhood Center, if the rezoning got approved and it did get changed to that place type, that it would still make some sense and provide some compatibility in the area. So, when we get into the proposal itself, it is again another petition that is primarily proposing site conditions and I do understand that some of these conditions came from conversations with the folks in the community which I know we'll hear from both petitioner and community members this evening. So, they can certainly elaborate on some of that, but just to state what's in there, the permitted uses under NC would be for live work dwelling units, duplexes, multi-family dwelling attached, which is primarily your townhome type product, multi-family dwelling-stacked, which is your standard multi-family apartment, townhomes, art gallery, financial institution, office, personal service establishments, coffee or tea shop, wine shop, retail goods, or retail goods showroom. All other uses other than those listed above would be prohibited. Then also it does specify that any commercial or business establishment located on the property must close for business by 10:00 p.m. Monday through Saturday and 6:00 p.m. on Sunday.

Staff does recommend approval of this petition. We do have no outstanding issues to work through. As I mentioned, it is inconsistent with that Campus Place Type, but we do feel that that Neighborhood Center does provide some compatibility with the place type that's recommended just across Phil Aull Place. We will take any questions you may have following the presentation by the petitioner and members of the community. Thank you.

Caren Wingate, 1030 Edgehill Road, Suite 101 said thank you very much Mayor Pro Tem, Council members, staff and Commission. I am speaking for the petitioner who brought this property in May of 2021 with the idea that she would build a small commercial building on this corner with a bakery on the bottom and one or two levels of office above. When we first met with the community and showed plans for this building, there was pushback and we agreed to go back and look again at the property and what we could do with the property. During the time that the petitioner has been considering development options, we've had the UDO take affect and that called for Campus zoning on this property. As you know Campus is one of the most restrictive when it comes to uses which are neighborhood friendly. So, in lots of discussions with Planning, we determined that pursuing Neighborhood Center zoning with conditions would allow the uses which would be the best for the residential neighborhood on Circle. We had conversations both individually and in small groups with those neighbors and we thought that we had captured all of their requested conditions in the revised petition.

So, we're certainly willing to have more discussions with them, but we did limit the business hours for any businesses that may go there. There are some townhome developers who are interested in that area because it's right across Phil Aull from the park and as you know Phil Aull has been closed for the expansion to Circle. So, we're certainly willing to have more input, but we feel like we've met the standards that were set for us to this point. Thank you very much for listening.

Steve Cranford, 123 Circle Avenue said good evening. My name is Steve Cranford. I live at 123 Circle Avenue, the single-family home that's the closest residence to the property at 215 Providence Road. I have owned the house with my wife since 1996. 215 Providence Road contains two properties. The first is a two-story house that was converted years ago into a photography studio. Its owner recently died, and the business is no longer operating. Behind it is a duplex that's closest to my house. The site has mature hardwood trees and was always quiet when it was occupied. The studio and residents have always been good neighbors. Soon after the property was last sold, the new owner held a community meeting where she outlined plans to tear down the two buildings and create a café, retail space and offices with a small parking deck. Over the following 18 months, the plan changed to have a café and residential townhomes which we largely embraced. Now the owner is selling the property and is requesting this

rezoning. There is no new site plan for it. Apparently, the rezoning request is merely an effort to maximize the potential sales price of the parcel.

Speaking on behalf of the neighborhood, I oppose the rezoning request in its current form. By switching it from the current Office zoning to Neighborhood Center, Conditional, the height limit of a new structure will increase. The minimum setbacks on the rear and sides can shrink to zero. The petitioner's notes on the rezoning do not address these issues which are clearly a concern to our neighborhood. The petitioner's notes include a list of permitted uses which are commercial operations such as the coffee shop, wine shop and retailing. The petitioner says any commercial space would close by 10:00 p.m. Monday through Saturday and 6:00 p.m. on Sundays, but at the community meeting last year we were told the proposed café would close by 7:00 p.m. except on special occasions. Such a late-night closing time is not acceptable to the neighbors. The homes on our block of Circle Avenue are used to commercial buildings nearby. I have a large dental practice on one side of my house and a bank and a small doctor's office behind it. Similar medical and office buildings line behind my neighbor's homes. None of these businesses have night hours. Their operations cease around 5:00 p.m. By in large, they make for good neighbors. The 215 Providence site overlooks Colonial Park which is surrounded by homes and multi-family residences. Having a large development with late night operations does not fit in the with character of the neighborhood. I see that the Planning staff recommends approval of this rezoning and part of its justification is "There is a Neighborhood Center Place Type recommended adjacent to the site to the south." This site is Colonial Park which I cannot imagine would ever be commercially redeveloped.

So, I think this justification for this rezoning has no basis. In order to support a rezoning, we would want to work with the current or future owner on a plan that would reflect our concerns. Without a site plan in place, we don't know how close the new development will encroach on the park or on our homes. We don't know how tall the structure will be and we don't know whether its operations will affect our enjoyment of our neighborhood. We fully understand the property owner has a reasonable expectation to redevelop it. We would welcome the chance to work with the owner to address our concerns in a revised rezoning request. Until that occurs, we the neighbors oppose this rezoning. Thank you for your attention.

JD Doliner, 127 Circle Avenue said hi, I'm JD Doliner and I live next door to Steve, and I just have to say ditto to everything he just said. He made my job easy. We have been in the conversations with the existing owner a couple of times and seen very different projects including mentioning that if they didn't change the zoning, we might get a crematorium next door. I think they're trying to scare us a little bit, but we don't understand why a zoning change is going to be put in place when a week after they met with us and told us that they had designers who were going to move into these houses and they were going to rehab the houses, and we were all like, "Yayy," then there's a for sale sign in front and there's no rehab going on on these houses. So, just to give you a little bit more background there, but the bottom line is that we want to protect the park in front of us. We want to protect our neighborhood. Cities are important and I know that this is very common where you see residential areas, commercial areas the struggle between the two, but it just doesn't seem the right time to change the zoning at this point. So, thank you.

Ms. Wingate said thank you very much. As I said, we are interested in having further conversations with the neighbors, but we've had lots of conversations with Planning staff which indicated this would be the best district to pursue. This is 0.4 acres. We are willing to limit height for townhomes to three stories which is typical in the neighborhood. We are willing to limit business hours if there is a business that goes on this property. Again, this is 0.4 acres. So, all of the future development will be governed by development standards including screenings and those kinds of things. We're trying to limit the number of uses to those which would be considered acceptable by the community. The conversation about the crematorium came in when we were discussing different zoning districts which we may pursue. With Campus zoning, which came to us through the UDO, we could put a jail there, we could put a bail bondsman, we could put

a domestic violence shelter but we're talking about 0.4 acres. The most sense, given the zoning that exists is to sell the property to the neighboring dentist office for a parking lot. This is at the corner of Providence Road and Phil Aull across from the park. It seems like a parking lot would be a waste of this property. So, we'd like to make any changes that we can to reasonably allow development on this property. I appreciate your consideration of our request. We want to be good neighbors, most certainly. We don't want to diminish the fabric of Circle Avenue and I think that we've spent a lot of time and energy and money figuring out ways not to do that. So, we want to be of benefit. Thank you.

Mayor Pro Tem Winston said thank you very much.

Councilmember Bokhari said if you could just hang on one sec ma'am, I'm going to ask you a question after I ask Dave one. Dave, help me just wrap my head around what should this parcel be in a perfect world post UDO?

Mr. Pettine said good question. I would say again back where we would talk about the Place Types that the Campus 1 was extended down, I think to frame up the intersection there with Colonial and Providence and Phil Aull just to keep those, at least in thought, consistent with other Campus type uses mainly things that were related to the medical offices that were there. This petition had initially started out as a Neighborhood Services petition pre-UDO, which we at the time we also thought was generally an appropriate ask. The previous land use plan proposed this for Office as well. So, Office 1 was the old land use recommendation. So, again this campus is kind of seen as that translation for that Office Place Type, but something with a Neighborhood Center outcome given that it's not really related to the Campus, I think could be compatible if there's the right scale and the right mix of uses on there or limitation of uses just to provide that general context of having something that could support some of the residents that are there on Circle Avenue without being too overbearing as the use itself. I think the petitioner tried to get to that point with the conditions, but if there's more work that needs to be done between petitioner and community, we'll certainly facilitate some of those conversations.

Mr. Bokhari said yes, that's good enough for now and we'll spend the next several weeks digging into that a little more, but I think the punchline that's very safe for this argument is that there's some gray area and it's going to depend a bit on a robust conversation because it's not just a no-brainer like this should be able to be anything in this bucket. We're kind of threading the needle a little bit as we're saying this could be that which I think that's the important take away right now. So, I guess the question I have for you ma'am is the petitioner or the owner in this case, is this something that you guys are planning on building, or they are planning on building themselves or is this a speculative kind of exit strategy of sorts. Either way is okay, but it will take different paths for us knowing that last question I just answered.

Ms. Wingate said so, initially she was going to build a commercial building on her own. She hasn't built townhomes. She could participate in building townhomes if that's the way it goes. She has tried to rehabilitate the buildings. The building in the back that was a duplex, the interior has been demolished and we've uncovered wiring and plumbing as you can imagine in an older property. The front property, the two story that was the photo studio doesn't have any useable systems in it. So, there's just no effective way and there's asbestos and lead and it's just not a healthy property. So, our goal is to get to the highest and best use for this property and be good neighbors.

Mr. Bokhari said yes. So, I think that is going to be the balancing act we're going to need to all do together over the next month because highest and best use in a somewhat speculative rezoning is sometimes tough to accomplish with neighbors and again if this was a perfect UDO world where we said, "Here's everything you can do in a planning not deal making City," I don't think this would be an issue. One it's not perfect and two, even it was this is probably A trickier case than most. So, all I'd say is we've got some real work to do to figure something out here because the way you thread that needle is by working with the person who has the project who's going to show and work with the neighbors to build it. So, if we're at a spot where that is completely unknown,

I'm going to be more predisposed to making that deeply limited to something that's fair, so these neighbors have a chance to negotiate with whoever is doing the building ultimately. So, we'll work together on that but hopefully we can all circle up after this just knowing that I don't think just a wide-open blank check of sorts is something we can get to on this. Excellent. Thank you.

Ms. Wingate said thank you very much.

Councilmember Ajmera said well part of my question was addressed earlier in terms of the best use for this site, overall vision for this site. I know there are two speakers on this. Were you speaking on behalf of the neighborhood or some sort of HOA (Homeowner Association) or just representing yourself?

Mayor Pro Tem Winston said can you please answer that question at the mic?

Ms. Ajmera said if you can just come forward and respond to my question.

Mr. Cranford said no, we don't have an HOA where we live. We have sort of a loose neighborhood association that's somewhat active, but we gathered the neighbors to meet with the owner at one point for a community meeting. I think I'm speaking on behalf of them because I don't think the concerns, I've raised are different from what we raised earlier.

Ms. Ajmera said okay. So, you're speaking on behalf of the neighborhood association. Okay.

Mr. Cranford said definitely not the owner.

Ms. Ajmera said of course. I got that part. I got that part very clear. So, just as a neighborhood association, have you discussed what you would like to see and how you would like to see this site developed?

Mr. Cranford said we'd love for the County to buy it to extend Colonial Park, but I don't think that's likely to happen given the price tag. Like I said, when we met with them, we kind of liked the idea of townhomes primarily in there and the small café or whatever, but the proposal has changed since then. It's going to be open until 10:00 p.m. which means traffic, you have employees leaving after that point. So, there's nothing around this park that has hours like that. Nothing. It's all residential. So, this would be a true exception to that.

Ms. Ajmera said thank you so much. It is a very small parcel. So, parks usually like to go for bigger land, but I appreciate the feedback and I look forward to seeing continuing conversation and see how we all can come to a middle ground here. Thank you.

Motion was made by Councilmember Winston, seconded by Councilmember Mayfield, and carried unanimously to close the public hearing.
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ITEM NO. 26: HEARING ON PETITION NO. 2023-001 BY KAIROI RESIDENTIAL FOR A CHANGE IN ZONING FOR APPROXIMATELY 6.075 ACRES LOCATED ON THE NORTH SIDE OF STATE STREET, EAST OF AMBASSADOR STREET, AND WEST OF TURNER AVENUE FROM I-2 (GENERAL INDUSTRIAL) TO MUDD(CD) (MIXED-USE DEVELOPMENT DISTRICT, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

Joe Mangum, Planning, Design & Development said thank you. Petition 2023-001 is just over six acres north of State Street, east of Ambassador Street and west of Turner Avenue. Current zoning in ML-2. Proposed zoning is MUDD CD. The 2040 Policy Map

recommends Innovation Mixed-use Place Type. The proposal is for up to 450 multi-family dwelling units along with accessory uses allowed in the MUDD districts. Building height would be limited to 90 feet. Sets a minimum height of 16 feet for the ground floor uses abutting State Street. Also, that ground floor, they're committing to 30 percent minimum transparency. Provide an eight-foot planting strip and eight-foot sidewalk along the site's State Street frontage, also committing to pursuing an offsite sidewalk connection to Stewart Creek Greenway. Also provides an amenity area to include a clubhouse, fitness center, and swimming pool. It is consistent with the Innovation Mixed-Use Place Type recommendation. Staff recommends approval. There is one outstanding transportation issue. Just learned this afternoon that C-DOT is no longer requiring a Comprehensive Transportation Review. So, there's just one outstanding issue. I'll be happy to take any questions after the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, members of City Council and the Zoning Committee. I'm John Carmichael and with me tonight is Tyler Sibley. Mr. Edwards couldn't make it. As Mr. Mangum stated, the site contains a little over six acres. It's located on the north side of State Street at the intersection of State Street and Gesco Street. These are aerial photographs of the site. As a point of reference, Blue Blaze Brewing, the Stewart Creek Greenway and Savona Mill are located to the east of the site. The site's currently zoned ML-2 which is an industrial zoning district, and the site has been devoted to a fertilizer plant and a warehouse. ML-2, MUDD-O and N1-C zoning surrounds or is near the site. The request is to rezone the site to MUDD CD to accommodate a building that could contain up to 450 multi-family dwelling units. As Mr. Mangum stated, the site's located in the Innovation Mixed-use Place Type and the rezoning request is consistent with that Place Type. There'd be two access points from State Street into the building. Parking would be provided in a parking deck that would be wrapped by and screened by the building. An eight-foot planting strip and an eight-foot sidewalk would be installed along the site's frontage on State Street. The petitioner is committed to work with Mecklenburg County to extend that sidewalk across the County's property to connect to the Stewart Creek Greenway. Mr. Mangum mentioned the minimum floor height of 16 feet along the ground floor of the building facing State Street and their minimum transparency requirements just to enhance the pedestrian experience along State Street. Amenities for residents would be provided. The petitioner would install a bus stop waiting pad along the site's frontage on State Street that would accommodate a future CATS local bus route on State Street. Architectural standards are a part of the petitioner's rezoning plan. We appreciate the Planning staff's recommendation and we're happy to answer any questions that you may have. Thank you for your consideration.

Motion was made by Councilmember Mayfield, seconded by Councilmember Winston, and carried unanimously to close the public hearing.
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ITEM NO. 27: HEARING ON PETITION NO. 2023-032 BY THE KEITH CORPORATION FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.43 ACRES BOUND BY THE SOUTH SIDE OF LAMAR AVENUE, WEST SIDE OF PARK DRIVE, NORTH SIDE OF CLEMENT AVENUE, AND EAST SIDE OF EAST 5TH STREET FROM MUDD-O (MIXED-USE DEVELOPMENT, OPTIONAL) TO MUDD-O SPA (MIXED USE DEVELOPMENT-OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright 2023-032, it's just under two and a half acres on East 5th and Lamar. The current zoning as mentioned is MUDD optional. This would fall under a site plan amendment to that previously approved MUDD optional. The Adopted Place Type, you can see is for Campus uses on the Policy Map. The proposal is to take the previously approved rezoning and essentially add health institution to the list of proposed uses. Health institution uses shall be limited

to no more than 40 beds for overnight patients. Transportation improvements that are the responsibility of the petitioner would be approved and constructed prior to the release of the first CO (Certificate of Occupancy). We do have the development areas listed out on here. So, Development Area A is up to 120,000 square feet of gross floor area devoted to office and/or medical office, 3,500 square feet of rooftop outdoor space for EDEE, it does also limit hours of operation. Then in Development Area B, it does allow for structured parking, a cell tower that I believe is existing on the site and 16 townhomes. Then we do have an area for Development Area C which preserves a minimum of 3,000 square feet of open space and seating. That's that area that I believe faces out to the park. It does limit building height to 85 feet for nonresidential buildings and then 70 feet for any residential uses on the site. Staff does recommend approval. Again, this is a site plan amendment that's essentially just adding that healthcare use and a little bit of extra nonresidential space, but we do recommend approval. We do have some issues to work through related to site and building design. We would consider this consistent with the recommendation for the Campus Place Type. We will take any questions you have following the petitioner's presentation. Thank you.

Bridget Grant, 101 North Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. My name is Bridget Grant, I'm a Land Use Consultant with Moore and Van Allen. It's a pleasure to be here tonight on behalf of the Keith Corp. and Patrick Faulkner. As Dave mentioned, this is really just a site plan amendment to allow a use that would let people have admittance for an overnight stay which is currently not permitted on the site. So, everything else we're going to be doing is just a technical cleanup of sorts. We've been working for a long time in collaboration with the Elizabeth Community Association to ensure that all of the changes we're making to the site are consistent with their goals for the community and mindful of how this proposed use and the potential for overnight stay interacts with the community. So, we really appreciate their willingness to work with us throughout this process. We're also going to be making some other minor modifications to site access. Again, this has been in collaboration with the ECA (Elizabeth Community Association) and that we have their support and they do intend to send a letter as we wrap this up. I'm happy to answer any questions.

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

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ITEM NO. 28: HEARING ON PETITION NO. 2023-036 BY LEON & JENNIFER CHISOLM FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.23 ACRES LOCATED ON THE EAST SIDE OF MALLARD CREEK ROAD, NORTH OF GALLOWAY ROAD, AND WEST OF TAVERNAY PARKWAY FROM N1-A (NEIGHBORHOOD 1-A) TO UR-2(CD) (URBAN RESIDENTIAL, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said 2023-036, it is 9.23 acres. It is on Mallard Creek Road, and this is just north of Galloway Road and west of Tavernay Parkway also just to the north of Lexington Approach Drive, a familiar location for some of us following some previous rezonings in the general area. This property is zoned Neighborhood 1-A. The proposed zoning as mentioned is for UR-2 conditional. Adopted Place Type is for Neighborhood 1 for this area and primarily for the area in general. The proposal would allow up to 72 multi-family attached townhome style units. Would provide an eight-foot planting strip and 12-foot-wide multi-use path along the site's frontage. Would provide one point of access into the site on Mallard Creek Road. Also, would provide a right turn lane into the site with 100 feet of storage. The petitioner also would provide a minimum of 21,000 square feet of usable common open space that would be amenitized and then provides walkways to connect all entrances to sidewalks along streets. Also, architectural standards including building materials have been incorporated into the petition and conditions. As mentioned, staff does not recommend

approval of this petition in current form. It is inconsistent with the Policy Map recommendation for Neighborhood 1. We will continue to work with the petitioner on any changes and continue to evaluate our recommendation as it moves through the process. That is our recommendation for the hearing this evening. We will turn it over to the petitioner team and the community to hear from both and answer any questions you may have following their presentations. Thank you.

Anthony Fox, 620 South Tryon Street, Suite 820 said alright. Thank you, Dave. Mayor Pro Tem, members of Council, Zoning Committee. Thank you for your service and being here this evening. I'm here on behalf of this Rezoning Petition 2023-036. It is a rezoning of some property along Mallard Creek Road. The address is actually 11128 Mallard Creek Road. As Dave mentioned, it's about a 9.23-acre site. Currently it's N1-A and we are proposing to rezone this property to UR-2 CD for a proposed multi-family residential development. You can see the surrounding area, and this is the lot that was assembled. The current uses on the lot are really single-family homes that sit on sizeable acreage. The proposed site plan is before you, there are some things to discuss with regards to the proposed site plan. It does include a proposed 72 single family attached dwelling units on this location. The actual unit count given the acreage would result in a 7.8 DUA (Dwelling Units per Acre). I will talk to you a little bit later about some rezonings that have occurred in the area and how this DUA is substantially lower than some rezonings that you have approved in the recent past. It includes a 14-foot property line or existing curb and currently we propose a 48-foot maximum height of buildings. Staff has raised that as one of the outstanding issues and we're prepared to modify that to the 40-foot maximum height requirement that staff has requested. It will contain and meet your ordinance requirements for a minimum of 15 percent tree save and a minimum of 10 percent open space.

Again, I don't know if you want to go into the details of the plan at this point, but let's talk about the outstanding issues that have been raised by staff. They include an issue with regards to an ADA (Americans with Disabilities Act) compliant bus stop at this location. We're prepared to meet that requirement and modify the plan accordingly to satisfy that. There is some issue with regards to staff's discussion with regards to the maximum of three units along Mallard Creek Road. There have been a couple of developments. Councilmember Johnson, I'll point you to Rezoning Petition 2021-146 for you to review that zoning petition which was similarly a N1-A Place Type, R-3 at the time that was rezoned to a UR-2 and that one included a density I think in the neighborhood of 9.2. There's another rezoning petition that I will point you to and that's Rezoning Petition 2022-087. That was a similar rezoning to a UR-2 and did have an 11.3 density. I'll share that with you, Councilmember Johnson, with some other rezonings that have occurred in the site. We think this site fits given the location and the area in question because many of you know that Mallard Creek is a fairly long road and has a myriad of different type uses that exist including some commercial uses down Mallard Creek Road. There was also a question with regards to visitor parking spaces. Obviously, we will satisfy the visitor parking spaces and meet staff's request for that. Then the maximum building height as mentioned, we will comply with the 40-foot building height.

There's an issue with regards to a street connection to the parcel to the north. We have gotten this far as a result of a significant number of public meetings and meeting with the neighbors. We have addressed the neighbor's concerns where we could. With regards to the staff's request for the connection of a parcel to the north, the property owner at that location has requested a fence. The neighbors have requested a fencing of the property. So, that's a little bit inconsistent with the staff's request for a street to go to nowhere. We're willing to work with staff and continue to work with staff with regards to this request. In the interest of time, these are some proposed elevations. I will say to you that what we've heard and where we've received acceptance from the community is the designated building partner that we have chosen in this area and the neighbors are comfortable with our selection of David Weekley Homes as the builder and they're comfortable with that as it blends with the architectural styles that currently exist on the property. I don't know if you have anything to add with regards to the site plan or not.

Matt Langston, 1230 West Morehead Street, Suite 304 said good evening, Mayor Pro Tem, Council members. I'm Matt Langston with Landworks Design Group. A couple of the points that I wanted to make about the land plan is you can see we tried to make the layout as compact as we could pressing it towards the center and up towards Mallard Creek Road to provide as much greenspace as we could adjacent to the single-family neighbors. The other thing that I'm kind of excited about on this site is as you come in there's a large central green. So, it creates kind of a cense of place and a community. They're three other open space locations contemplated on this site. Anthony mentioned the street connections at north. One of the points I wanted to make if I back up to the topography. So, if you look at all these contour lines, this basically is a ravine. So, the further back into the site you get, the harder it is to get from one side to the other. We might be able to provide an easement for possible access there in the future, but the further back in the site you get the harder it is to physically make it work. I'm here to answer your questions you might have.

Mr. Fox said we're here to answer any questions you may have.

Dennis Jackson, 2322 Arden Gate Lane said my name is Dennis Jackson. This I my wife Kim and we're here with regards to the petition. We found out about the existence of the petition last Thursday. We weren't aware of it prior to that. We reached out to the homeowners' association in the subdivision that is adjacent to the proposed construction. Members of our community had reached out to the builder to propose certain additional things with regards to the exterior requirements of the buildings here. So, we reached out to our homeowners' association and management company to try to determine are we compelled to meet those particular requirements in our subdivision because our people had reached out to the builders and said, "Hey, you need to have a certain type of construction." We just bought our house in August 2023. We did not know about this petition that required certain exterior recommendations. The recommendation that we had an issue with was that the first floor had to be either all brick or all stone, not a stone accent which is what we have. So, we just needed clarification and we could not get that when we called on Friday. We just got this on Thursday. We called Friday to get clarification. "Hey, does this include us or not?" So, we wanted to get some clarification. No one ever called us on Friday, left a message. So, we're here today to try to get some clarification as to whether these brick and stone requirements are going to be mandated on us and we live in the next community. So, we weren't sure. We never got clarification and so that's what we're trying to get today, is try to get some understanding.

Mayor Pro Tem Winston said thank you very much. I'll just let you know that any land use changes are only effective in the petitioner's area. They wouldn't bleed over into any other parcels.

Mr. Jackson said thank you for that. We never got a chance to see the petition.

Mr. Fox said I don't know if there's anything to address because I think their issue relates to a different development than ours, but I'll be happy to meet with them and talk to them about that and let him understand that the design elements that will be imposed as a result of this petition will not apply to his property.

Mayor Pro Tem Winston said thank you very much.

Councilmember Johnson said Mr. Fox, you mentioned several of the requirements that the staff is asking for and it sounded like Mr. Chisolm is willing to concede with some of them. What's the one that stands out the most for the petitioner?

Mr. Fox said the one that really creates heartburn, you're right, the petitioner is prepared to meet most of the request that have been made by staff. The density issue is the one that stands out the most because of the current commitment with the builder that is onboard to provide a product that the neighborhood is comfortable with. The density will be necessary to achieve that product and that goal.

Ms. Johnson said so, it's currently 72 attached single family, right? How many units is the staff proposing? Do you know?

Mr. Fox said staff has not indicated a number that they are comfortable with. I think what I hear from staff is a concern about the Place Type that this UR-2 in what is now N1-A area that's on the Place Type as a residential property. This use and this configuration and what heretofore had been single family residential homes is the big issue for them.

Ms. Johnson said right. So, let me say to the staff. Thank you. Mr. and Mrs. Jackson welcome to District Four. There's quite a bit of history near the development. So, that's what you're feeling and I'm happy about that. So, I can give you guys this map. I'm the District Rep for District Four and Mallard Creek, this whole area in District Four is just inundated with growth. So, I've been very cautious and deliberate about pushing for strategic and responsible development. If you were here earlier, you heard me thank the petitioner for that type of development. Mr. Chisolm lives in District Four, and he's very engaged with the residents. He's a part of the newly formed District Four Coalition. He's met with the Lexington residents and if you all recall, Lexington is the area where the historical denial where we decided that recently. So, there are standards that the neighborhood is asking for that do apply just to this development. I appreciate staff's raising that bar and asking those questions and I hope that we can continue to work together with the petitioner to come to some happy medium. As you said, the residents are not opposed to this which is a win, a success for any developer. So, you should pat yourself on the back Mr. Chisolm. That tells the quality of this development. So, I look forward for you all to continue to work together so that we can move forward. I'll make sure that you have my card so you all can reach out to me because for the record, they didn't reach out to me, or they would've heard back. Thank you.

Councilmember Ajmera said so, a couple of questions for Mr. Pettine.

Mr. Pettine said yes?

Ms. Ajmera said I was looking at staff's recommendations. Is these eight dwelling units per acre?

Mr. Pettine said yes, about there. I think it comes in about 7.8 to eight. Yes.

Ms. Ajmera said okay. So, what is the dwelling units per acre max that staff is recommending? I know you don't have the total count. I didn't see that as part of your recommendations here.

Mr. Pettine said yes, we don't have a density threshold that we're shooting for. Historically, I will say some of the rezonings we've seen in the area have come in anywhere between four, six, pushing upwards of seven. So, I don't think it's too far out of that range. I think our challenge is some of the items we wanted to see maybe more of a mix of some of the duplex and triplex units in there, rather than just tris and quads. Then we wanted some of the notes to read a little bit differently about the units along Mallard Creek Road, provide some visitor parking space. We had a building height limitation request and that potential street connection to the north. So, it's more about some of the form and design elements of the site rather than an actual unit count.

Ms. Ajmera said so, I know Mr. Fox talked about some of the outstanding issues and you did speak about the height limitation that was 40 feet height limitation. There were other items. If you could speak about the mix of housing units that staff would like to see and other items that staff was requesting and how that could be incorporated into the overall plan.

Mr. Fox said well the mix of housing units especially as they front along Mallard Creek Road presents a little bit of a problem and the problem presents itself based upon other developments that have occurred in that vicinity in the past, and the mix that they have displayed. We're just asking and looking at those and trying to be treated consistent

with some of those developments. I provided to you a couple of the rezoning petitions to really look at.

Ms. Ajmera said yes, I did write down a petition that you had referred, 2021-146. That was one example.

Mr. Fox said yes.

Ms. Ajmera said so, are you saying that you're proposing similar to what was approved in terms of the mix of housing units?

Mr. Fox said this is Mr. Chisolm and he can address that.

Leon Chisolm, 620 South Tryon Street, Suite 800 said thank you City Council for giving me the opportunity. The big issue here is that when I studied the rezoning petitions as Councilmember Johnson mentioned, I'm on the Neighborhood Coalition which specifically looks at all the rezoning petitions in the area. There's seven petitions that have four or more units, five, six units per building. Some along Mallard Creek, others along the corridor of Mallard Creek Road. So, the request here to me is highly inconsistent and is an overreaction. I'm willing to accommodate. I don't feel like it's fair to accommodate based upon everything else. So, that's the major issue. It's not the fact that we can't accommodate or the mix, it's the fact that City staff has a two-year track record of inconsistency with the request. So, that's the major issue. That's what I'm hoping we resolve.

Mr. Pettine said thank you. I think I'll say we're consistent in our approach with the same petition that was just to the south of here. So, that's mainly what we're basing a lot of that off of.

Ms. Ajmera said could you repeat that?

Mr. Pettine said yes. We had the same request on the petition just to the south there that was denied to try to get more inline with the Neighborhood 1 standards and that was an outstanding item we carried through to the end. So, we're looking at it really through the lens of similarities between those two petitions in how we've reviewed both of those because they are in almost the same location and a lot of the same context.

Mr. Chisolm said I'll just add to that.

Ms. Ajmera said since the public hearing has ended, if I ask you a specific question then you can address it, otherwise we have to be fair to others as well. I will work with Councilmember Johnson the District Rep on some of this, and we will look at other petitions that Mr. Pettine had mentioned which is in close vicinity. I will also look at the petitions that you mentioned. I wrote down a couple of them, 146 being one of them. So, I'll take a look at that. In terms of the visitor parking, because of so much growth we have seen in that area especially Mallard Creek Road, I don't think that's an unreasonable request to have visitor parking because we often hear from neighborhoods that they don't want to see cars being parked and blocking their driveway. So, I think visitor parking is a very reasonable request that I would like to see being included in the proposal that comes forward for an approval, but on the other items I'll work with Councilmember Johnson, and we'll look at the others, but thank you so much.

Councilmember Johnson said Mr. Chisolm, did you have anything else you wanted to add?

Mr. Chisolm said the only two things are first on visitor parking, we're fine with adding that, but half a mile within walking distance of this property is the issue. It's that staff approved a rezoning in 2022 that had three buildings with five or six units. So, it's a bigger precedent than just looking at what failed. So, that's the concern. We look at the consistency.

Mr. Pettine said sure. I'll say to that also that that was approved pre-UDO, old land use plan based off density. So, we weren't looking at form, we were looking at unit count and DUA.

Ms. Johnson said let me add. You know that I've fought for responsible development. So, I appreciate the staff honestly raising that bar and just because we approved it before, I've shown the maps. There's so much development in that area. So, we do have to balance that. So, I look forward to talking offline, but just because it was done that way before there has since been a denial. So, there's been some changes, like you said with the UDO. So, there is a necessity to still balance that growth. So, we'll discuss that. Thank you.

Councilmember Molina said so I was kind of coasting until you started kind of painting the precedent and I want to speak to that as far as going forward is concerned. I think one of the main things that we balance in this particular position is the will of the people and what the rules say and sometimes they're not adjacent. Sometimes they're not a clear parallel. So, I have one specific question for you. There was a community meeting with 22 people. Did you get any feedback as a result of this particular petition? Can you give me a little bit more information about what the actual people at that 22-member meeting said?

Mr. Chisolm said so, I'll give you the history because we've had three different meetings.

Ms. Molina said okay.

Mr. Chisolm said so, we had our first meeting with Pastor Boyd who leads the Lexington HOA unofficially and Nealand Lewis who's the HOA President. There was no opposition to our proposal there.

Ms. Molina said okay.

Mr. Chisolm said we had the formal community meeting with 22 residents. There was no opposition in regard to our proposal there or the density. The bigger questions were in regard to the sewer system that was going to be used, the Stormwater Management System, direction of the houses, if they were going to be facing towards the backyards because the way it was laid out, they were concerned about looking at dumpsters out of their backyard. It was one of the questions, but our houses are looking at the front side of some of those houses. So, there's not really an issue from that standpoint. Outside [inaudible] those were their general concerns. Concern about the builder and what the houses would look like. Once we satisfied those concerns, there were no issues that remained. We had a third community meeting for the Lexington residents who couldn't attend at the Lexington Club House in October 2023 and most of those questions were similar in nature and we addressed all those concerns and provided even greater detail. So, the feedback from the residents has been pretty strong. Their official stance, because they can't offer a formal statement of support is no opposition. To give you context, the other rezoning petition, they had 133 people. We've only had 22 at each of these. So, it's a very different lay of the land. Their stance is they like it, they support it. We had residents come up to us personally saying they're happy that David Weekley is building this neighborhood, but there's no concerns about density or anything else.

Ms. Molina said okay. Mr. Fox, can I ask you a question please? I know you are veteran in this work. So, when it comes to making sure that we understand how this landscape is panning out, I'm trying to understand. I don't have the access that Councilmember Johnson has, but of course we're all going to now circle back to her to make sure that we understand the precedent that's being argued based on this particular position. What are the apples-to-apples analogous petition that he's talking about? Is it immediately adjacent? Is there another townhome community that's connecting to this?

Mr. Fox said they're in close proximity, but to Dave's point that was prior to the new UDO, but the Place Types are compatible, and the request is similar to what's being requested here.

Ms. Molina said okay. I'm done. I'll ask the member to see if I can get some more context around it, but I'm good.

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

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ITEM NO. 29: HEARING ON PETITION NO. 2023-064 BY SOUTHEND WALK, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 9.072 ACRES LOCATED ON THE WEST SIDE OF SOUTH TRYON STREET AND SOUTH SIDE OF ORCHARD CIRCLE, EAST OF INTERSTATE 77 FROM N1-D (NEIGHBORHOOD 1-D), CG (GENERAL COMMERCIAL), AND I-1(CD) (LIGHT INDUSTRIAL, CONDITIONAL) TO TOD-NC (TRANSIT-ORIENTED DEVELOPMENT-NEIGHBORHOOD CENTER).

Mayor Pro Tem Winston declared the hearing open.

Joe Magnum, Planning, Design & Development said this is Petition 2023-064. It's just over nine acres located west of South Tryon Street, south of Orchard Circle and east of I-77. The current zoning is a mix of N1-D, CG and I-1 CD. The proposed zoning is TOD-NC. 2040 Policy Map, a lot of different colors under one petition. It's a mix of Neighborhood 1, Commercial, Innovation, Mixed-Use and Manufacturing and Logistics Place Types. The petition is inconsistent with those different recommendations; however, the site is within one mile of Scaleybark Station. Also there have been several petitions in the vicinity that Council has approved rezonings to TOD-NC. Staff does recommend approval, and I'll be happy to take any questions after the petitioner's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said okay. Mayor Pro Tem, Collin Brown on behalf of the petitioner. Great presentation by Joe. A couple of things I wanted to point out to the Zoning Committee too. I'm glad you're looking at it. I'm here on behalf of Chris [inaudible] who is here as well. This is really an assemblage of a number of properties, kind of interesting things that have development over time. So, we've had a lot of single-family property owners along Orchard Circle that have come together to work together on a development. What's interesting, as you can see here from the aerial, as you know right across the street you can see the cranes. This is becoming a pretty dense area. The challenge we keep having every month I'm in front of you to talk about the inconsistencies with the land use plan, it's a challenge. So, I would like for you to look at this, as Joe mentioned it, here are the properties that we're talking about and the land use plan recommends low density Residential on some, Retail on some, Innovative Mixed-Use on some and Industrial on the other. It would literally be impossible to bring you a rezoning petition that was consistent with all of those. So, anything we do is going to be inconsistent. We think this is the right direction. As you can see, everything across the street recommended to go to TOD has that zoning already in this area to the north and this is the zoning we worked on with Tripoint has brought in Urban Residential for more kind of townhome development. We think this is kind of cleaning this area up. So, we're going to take the Industrial. We're going to take that low density and take the retail and bring that into the TOD district. This is a conventional zoning. So, we don't have a site plan to put in front of you, but we think it is consistent. Again, you've got TOD-NC here and here and Urban Residential to the north. We have had some conversations with some adjacent owners. There's a little bit of rub here. There's a private street that leads to the site. So, we have had conversations with the existing business here about concerns about traffic. We continue to have those conversations, but obviously we wanted to bring this to you tonight, show you where we are. That's the only real feedback we've gotten is about that issue.

Gary Wolf, 301 North Elm Street, Suite 800 said members of Council, my name's Gary Wolf. I'm an Attorney in Greensboro. I represent Cook Out Restaurants which is based in Thomasville. Cook Out has approximately 12-13 restaurants in Mecklenburg County and this restaurant which is on the right front as you come in Jeremiah, is one of our most recent restaurants built in Charlotte-Mecklenburg. We only want to put before you, we're not in opposition to this density because we think the density in this area will only serve Cook Out, but we want to express our concerns about Jeremiah Avenue which is a private road. It only serves the I-1.

Councilmember Watlington said what is the position of the body that you're representing?

Mr. Wolf said Cook Out is concerned about any uses on the other properties. The private road agreement limits the use of Jeremiah to the I-1 property only, the three lots that are there. There is a building on the left which is Leneave Woodworking Machinery and Supply and then you have Ensco Capital Electrics Supply in the back. Those are the three lots that can use that road and we don't want any of the other property using it. Then when I looked at your transportation summary, they talked about the existing use having 70 trips per day based on Ensco supplies 19,396 square feet and an entitlement of 125 trips per day based on total warehousing of 54,000. My final comment is keep in mind that the restaurant on the right front corner has over 1,000 trips a day and that did not make it into the transportation summary.

Ms. Watlington said thank you.

Mr. Wolf said so, we just want you to keep that in mind when you're working through this with the Zoning Committee.

Ms. Watlington said thank you. No other questions.

Mayor Pro Tem Winston said I do have a question. I heard that Jeremiah is a public road. I've heard Jeremiah is a private road. What is it, staff?

Mr. Magnum said it appears to be a private road.

Unknown said oh, it's a private road?

Mayor Pro Tem Winston said it is a private road.

Unknown said that's correct.

Mayor Pro Tem Winston said okay. It would remain a private road in this rezoning?

Mr. Brown said the rezoning would not make it public. We will have some ongoing conversations with Cook Out. Our team would be happy to dedicate it publicly. I think they may have some hesitations about increased use of it. So, that'll be a conversation we'll have. With the conventional zoning, it is what it is though. So, obviously Cook Out has attorneys, the developer has attorneys. That will probably be hashed out over this agreement that Mr. Wolf is referring to.

Mr. Magnum said of course the site does also has access to Orchard Circle to the north and directly north to South Tryon Street.

Mayor Pro Tem Winston said thank you very much.

Motion was made by Councilmember Winston, seconded by Councilmember Anderson, and carried unanimously to close the public hearing.
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ITEM NO. 30: HEARING ON PETITION NO. 2023-077 BY BPR PROPERTIES, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 2.782 ACRES LOCATED ALONG THE EAST SIDE OF SANCTUARY PLACE, THE NORTH SIDE OF TWITTER LANE, AND THE SOUTH SIDE OF UNIVERSITY CITY BOULEVARD FROM TOD-TR (TRANSIT ORIENTED DEVELOPMENT - TRANSITION) TO CAC-1(COMMUNITY ACTIVITY CENTER-1).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-077. It's about 2.8 acres on University City Boulevard and Twitter Lane. So, that's where we are located. University City Boulevard, Sanctuary Place, Twitter Lane. The current zoning is TOD-TR and the proposed zoning is to go conventional to a Community Activity Center 1. You can see the Adopted Place Type for that frontage there along University City Boulevard is Community Activity Center. Just a little brief history on how we ended up with TOD-TR in this location. We took this petition through with a B-2 Conditional and the TOD that's just next door. Originally, the property owner previous wanted to maintain some options to potentially do climate controlled self-storage given all the apartment development in the area. So, that's where the TOD-TR was part of that initial rezoning. Some uses that are being looked at for the property aren't permitted uses in that TOD-TR district. So, that's why we see the rezoning this evening for Community Activity Center 1, which again is consistent. Staff doesn't have any concerns with that petition. It's recommended for approval by staff. Again, it is consistent with that Community Activity Center Place Type. We will take any questions you may have for us following Mr. Carmichael's presentation. Thank you.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem, members of Council and the Zoning Committee. I'm John Carmichael, Mr. Patel is with me here tonight. As Mr. Pettine stated, the site contains about 2.8 acres located on the southeast corner of the intersection of Sanctuary Place and University City Boulevard. It's just to the east of the intersection of University City Boulevard and North Tryon Street. The site is currently zoned TOD-TR as Dave indicated. The request is to rezone the site to the Community Activity Center 1 zoning district to allow uses permitted in CAC-1 zoning district on the site. It's consistent with the 2040 Policy Map recommendation. The Policy Map places this site in the Community Activity Center Place Type and of course that's the district that's being requested tonight. We're happy to answer any questions that you may have, and we appreciate your consideration.

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

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ITEM NO. 31: HEARING ON PETITION 2023-078 BY CITISCUPT, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.26 ACRES LOCATED ALONG THE SOUTHEAST SIDE OF KENILWORTH AVENUE, THE SOUTHWEST SIDE GREENWOOD CLIFF AND THE NORTHEAST SIDE OF HARDING PLACE FROM NC (NEIGHBORHOOD CENTER) TO CAC-2 (COMMUNITY ACTIVITY CENTER - 2).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under 1.3 acres along Kenilworth Avenue, Harding Place and Greenwood Cliff. It's in the Midtown area. It has close proximity to Uptown as well as the lower density residential areas and mixed-use development that we see in Cherry as well as the Dilworth neighborhood. A lot of this area is zoned NC due to the Midtown Morehead Cherry Pedestrian Overlay. That automatically translated a handful of the legacy districts to Neighborhood Center. The proposal is for Community Activity Center 2 and that's consistent with the Policy Map's recommendation for Community Activity Center at this site. This is a conditional petition, so we don't have an associated site plan. Staff recommends approval of this

petition given the consistency with the Policy Map and the alignment with the plan development in the area which will densify the Kenilworth Corridor and focus redevelopment intensification in this nonresidential area. I'll take any questions following the petitioner's presentation.

Keith MacVean, 100 N. Tryon Street, Suite 4700 said good evening, Mayor Pro Tem, members of Council and members of the Zoning Committee. Keith MacVean with Moore and Van Allen assisting Citisculpt. As Holly mentioned, I think she did a great job covering it. Site located in the Midtown area of Charlotte near The Pearl Innovation District as well as metropolitan and the Sugar Creek Greenway. Request for CAC-2 which is consistent with the Policy Map recommendation for this area. We're happy to answer questions.

Councilmember Anderson said so Keith I see this particular site is sort of sandwiched in between Dilworth and the Cherry neighborhood. Have you received any feedback from either one of those neighborhood associations?

Mr. MacVean said the Dilworth representatives were at our community meeting and they were comfortable with the rezoning request. We have not spoken directly to the Cherry representative, but we're happy to reach out to them.

Ms. Anderson said okay. I'd like it if you'd reach out to the Cherry Neighborhood Association. Then will there be a traffic study done with this particular rezoning?

Mr. MacVean said there will be a Comprehensive Transportation Review once the specific development proposal is submitted to the City.

Ms. Anderson said excellent. Thank you.

Motion was made by Councilmember Anderson, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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ITEM NO. 32: HEARING ON PETITION NO. 2023-0801 BY M INDUSTRIAL PROPERTY – CHARLOTTE II, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.869 ACRES LOCATED ALONG THE EAST SIDE OF YORKMONT ROAD, SOUTH OF BYRUM DRIVE, AND NORTH OF OAK LAKE BOULEVARD FROM ML-1 ANDO (MANUFACTURING AND LOGISTICS 1, AIRPORT NOISE DISCLOSURE OVERLAY) TO ML-2 ANDO (MANUFACTURING AND LOGISTICS 2, AIRPORT NOISE DISCLOSURE OVERLAY).

Mayor Pro Tem Winston declared the hearing open.

Joe Magnum, Planning, Design & Development said Petition 2023-081. Approximately 8.87 acres located on the east side of Yorkmont Road south of Byrum Drive and north of Oak Lake Boulevard, less than a mile south of Charlotte Douglas Airport. The current zoning is ML-1. It is within the Airport Noise Disclosure Overlay. The proposed zoning is ML-2. That Airport Overlay would carry forward. The 2040 Policy Map recommends Manufacturing and Logistics for both this site as well as all adjacent properties. It's consistent with that recommendation and staff recommends approval. I'll be happy to take any questions after the petitioner's presentation.

John Carmichael, 101 North Tryon Street, Suite 1900 said thank you Mr. Mayor Pro Tem and members of Council and the Zoning Committee. I'm John Carmichael. Mike Malta the petitioner is with me. Mr. Mangum did a good job going over the request. It's a conventional request to go from ML-1 to ML-2 with the Overlay District. It's consistent with the 2040 Policy Map. It puts this site in the Manufacturing and Logistics Place Type and we're happy to answer any questions that you may have.

Councilmember Watlington said my question is for staff. Briefly, what is the difference between ML-1 and ML-2?

Mr. Mangum said ML-2 is generally going to be more intense. Allows for outdoor storage. That's a key distinction that you will probably see more petitions that need ML-2 versus ML-1. I can't speak specifically to what the petitioner has planned for the site.

Ms. Watlington said right. Okay. Thank you.

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

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ITEM NO. 33: HEARING ON PETITION NO. 2023-082 BY METROLINA STORAGE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 8.6 ACRES LOCATED ALONG THE EAST SIDE OF STATESVILLE ROAD, NORTHWEST OF OLD STATESVILLE ROAD FROM I-2(CD) (GENERAL INDUSTRIAL, CONDITIONAL) TO ML-1 (MANUFACTURING AND LOGISTICS - 1).

Mayor Pro Tem Winston declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-082 is located along the east side of Statesville Road, northwest of Old Statesville Road. The site is approximately 8.6 acres and it's currently developed with a self-storage facility. The site is currently zoned I-2 CD, General Industrial Conditional. The proposed zoning is ML-1, Manufacturing and Logistics which is a conventional district. The 2040 Policy Map recommends the Manufacturing and Logistics Place Type. ML-1 district is consistent with the M&L Place Type. This is a conventional rezoning petition. There is not an associated site plan and would permit any use allowed in the ML-1 district. Staff recommends approval of this petition. Happy to take any questions following the petitioner's presentation.

Nolan Groce, 1213 West Morehead Street, Suite 450 said good evening, Mayor Pro Tem, members of City Council and the Zoning Committee. Nolan Groce with Urban Design Partners representing Metrolina Storage, LLC on Rezoning Petition 2023-082. The site is located at 7000 Statesville Road to the east of I-77 and northwest of Old Statesville Road. It's an existing storage facility, mini storage. This is a conventional rezoning request from I-2 CD to ML-1. As staff mentioned, the 2040 Policy Map identifies this parcel as Manufacturing and Logistics making it consistent. Being a conventional petition, I do not have a site-specific plan or conditions, but I'm happy to answer any questions you might have.

Mayor Pro Tem Winston said thank you very much.

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

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ITEM NO. 34: HEARING ON PETITION NO 2023-085 BY RHYNO PARTNERS COFFEE, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.241 ACRES LOCATED ALONG THE WEST SIDE OF THE PLAZA, NORTH OF COMMONWEALTH AVENUE, AND SOUTH OF CENTRAL AVENUE FROM B-2(CD) PED-O (GENERAL BUSINESS, CONDITIONAL, PEDESTRIAN - OVERLAY) TO NC (NEIGHBORHOOD CENTER).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said this site is just under a quarter acre along the Plaza. It currently houses Giddy Goat Café. It's in Plaza Midwood neighborhood just south of the core development along Central Avenue. This parcel is currently zoned B-1 Ped Optional and that's as a result of the improved rezoning 2019-183. The proposal is to go to Neighborhood Center, Conventional. That proposal is consistent with the Policy Map's recommendation for Community Activity Center in the area. This is a conventional petition. So, there is not associated site plan. The original 2019 petition provided relief from the old ordinances parking standards, but the site no longer needs those optional provisions and seeks to operate under the NC zoning district which is the predominant zoning district in the immediate area. So, this rezoning would bring the parcel in alignment with those other parcels all zoned NC surrounding the site and it would allow development in a district that encourages robust pedestrian infrastructure and a mix of uses that service the areas residents. I'll be happy to take any questions following the petitioner's PowerPoint.

Keith MacVean, 100 North Tryon Street, Suite 4700 said Keith MacVean with Moore and Van Allen. Good evening, Mayor Pro Tem, members of Council, members of the Zoning Committee. With me tonight representing the petitioner is Mr. Davis, Rhyne Davis. As Holly mentioned, the rezoning was previously done. It was really to modify the parking standards. This site when originally developed as a sushi restaurant had car lifts on the site. Those were not well adopted by customers. So, when Giddy Goat, the coffee shop that currently exists on this site purchased the property, they wanted to eliminate those car lifts and just rely on surface parking. As Holly mentioned, with the onset of the UDO and the new parking standards of the NC zoning district, the current parking on the site meets the requirements of the NC district, which is consistent with all the other zoning for the parcels around it. So, the petitioner requesting to go to that zoning district, the NC district and eliminate the old conditional plan that was previously put on the property. We had a community meeting. We had representatives of the Plaza Midwood Merchants Association as well as the Commonwealth Morningside Neighborhood Association attend the meeting and they didn't express any concerns about the rezoning request to change the zoning on the property to be consistent with everything else around it. Happy to answer questions.

Motion was made by Councilmember Anderson, seconded by Councilmember Bokhari, and carried unanimously to close the public hearing.
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ITEM NO. 35: HEARING ON PETITION NO. 2023-090 BY WEST BOULEVARD NEIGHBORHOOD COALITION FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.544 ACRES LOCATED ALONG THE SOUTH SIDE OF WEST BOULEVARD, THE WEST SIDE OF CLANTON ROAD, AND THE EAST SIDE OF ROMARE BEARDEN DRIVE FROM O-2(CD) (OFFICE, CONDITIONAL) TO NC (NEIGHBORHOOD CENTER).

Mayor Pro Tem Winston declared the hearing open.

Maxx Oliver, Planning, Design & Development said alright, Petition 2023-090 is located along the south side of West Boulevard, west of Clanton Road and east of Romare Bearden Drive. The site is approximately 3.54 acres and it's currently developed with a community garden. The site is currently zoned O-2 CD, Office Conditional. The previous rezoning petition called for the development of an office building on the site and a childcare facility to the parcel to the south. The childcare facility was built but the office portion was never built. The proposed zoning is NC, Neighborhood Center, a conventional district. The 2040 Policy Map recommends the Neighborhood Center Place Type. NC district is consistent with this Place Type. A conventional rezoning petition, there's not an associated site plan and would permit any uses allowed in the NC district. Staff recommends approval of this petition. Happy to take any questions after the petitioner's presentation.

Dasia Feaster, 1016 Tracy Drive said good evening, everyone. My name is Dasia Feaster and I serve as a Community Coordinator for the West Boulevard Neighborhood Coalition, and I am a Clanton Park resident. I represent a collective vision of 19 diverse neighborhoods along the West Boulevard Corridor. Our primary objective is clear. To drive community-led strategies that foster economic growth and enhance the quality of life for our residents in businesses. The site at 2901 Romare Bearden Drive holds immense significance for us. Not only is it the current home of our urban farm and Seeds for Change Youth Urban Farming Program, but also with your support in rezoning, it will mark the establishment of the first walkable grocery store in the area in over three decades. It will also be the first and only community-owned cooperative grocery store in the City of Charlotte. This initiative goes beyond convenience. It signifies our commitment to empowering community members, elevating economic opportunities, improving health outcomes, creating jobs and bolstering safety within our community. Access to quality fresh food is fundamental. It's not just about sustenance. It directly impacts our health, education and economic stability.

Presently, many residents, myself included face challenges accessing nutritious food impacting our health and future prospects. Additionally, we have heard directly from our youth in the community the safety challenges associated with having to walk over a mile and across the train tracks to access fresh produce and even cases of water. The cooperative market will solve for several health equity, safety and economic mobility challenges experienced by residents of the West Boulevard Corridor by providing jobs to the community, ease of access to fresh produce and of course healthier food options in our area with the abundance of fast food, vape shops and convenience stores that we currently have. Transforming this location into a cooperative grocery store owned by residents will significantly reduce those barriers. It's not just about groceries. It's about empowering our community with ownership, access to healthier choices and creating a stronger more resilient neighborhood. This rezoning isn't merely a procedural matter, it's a statement. It reaffirms our commitment to enhancing the lives of everyone along the West Boulevard Corridor by ensuring equitable access to essential resources, fostering economic growth and building a more vibrant community. Thank you for considering the profound impact this rezoning will have on our community's future. Thank you.

Councilmember Watlington said I'm so happy, I'm not even going to lie. Just real quickly, for the residents of West Boulevard, folks at Three Sisters Market and West Boulevard Neighborhood Coalition, will you just quickly stand and be recognized? I really appreciate your work. As was mentioned, it's been a very long time coming and this is huge. So, I look forward to supporting this more than just the rezoning but for all of the reasons that you just mentioned. A proud west side resident over here. That's all.

Councilmember Johnson said is this currently in the location where the farm, the community garden is?

Mayor Pro Tem Winston said yes.

Ms. Feaster said yes ma'am it is.

Ms. Johnson said I don't know if I met you when I did the bus tour to tour the community garden.

Ms. Feaster said yes ma'am.

Ms. Johnson said it's a great area and this is great work. It solves so many problems with the food desert and the socioeconomics. So, I look forward to supporting as well. Thank you.

Ms. Feaster said thank you.

Councilmember Anderson said I just want to echo the sentiments of my colleagues. I actually serve on the Board of Renaissance West Community Initiative. Three Sisters does great work with that community. You have been doing so for years and I know the

residents of RWCI (Renaissance West Community Initiative) are going to look forward to be able to shop in this market once it's open. So, congratulations and keep up the great work.

Ms. Feaster said thank you.

Mayor Pro Tem Winston said before I make a motion to close, I'll join in. I was able to visit Seeds to Change before I even decided I was running for office back in 2017 and I know this is a long haul and you guys are persistent and you're going to keep going. This is a good weigh point. Just keep pushing, alright? Just keep pushing.

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

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ITEM NO. 36: HEARING ON PETITION NO. 2023-091 BY MECKLENBURG COUNTY FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.23 ACRES LOCATED ALONG THE NORTHWEST SIDE OF NORTH COLLEGE STREET AND BOTH THE EAST AND WEST SIDES OF EAST 7TH STREET FROM UMUD-O (UPTOWN MIXED-USE DEVELOPMENT, OPTIONAL) TO UMUD-O SPA (UPTOWN MIXED-USE DEVELOPMENT, OPTIONAL, SITE PLAN AMENDMENT).

Mayor Pro Tem Winston declared the hearing open.

Holly Cramer, Planning, Design & Development said thank you. This petition is 3.23 acres along North College Street as well as both sides of East 7th Street. It's located in the core of Uptown across an assemblage of parcels owned by the County. The site was most recently rezoned as petition 2021-163 to UMUD Optional and this proposal is for a site plan amendment to that UMUD Conditional plan. The Policy Map calls for Regional Activity Center for this area which UMUD is consistent with. The plan itself and the site plan amendment is to provide an additional full movement access point to Building Envelope B as labeled on the site plan there with a red arrow. It would also commit to additional pedestrian connectivity by dividing what was previously Building Envelope A into Building Envelopes A and A1, with a pedestrian connectivity path between those Building Envelopes that runs from North Tryon Street to North College Street while maintaining the other pedestrian connectivity to East 6th Street. It also maintains the previously approved uses which is just all uses permitted by-right and under prescribed conditions in the UMUD district. It maintains all the optional provisions as listed there, with the only change being that they added a commitment to an eight-foot minimum pedestrian clear zone. Staff recommends approval of this petition upon the resolution of a couple of those minor outstanding issues with C-DOT and just one small technical revision. We believe that the modifications presented in this petition to the previously approved conditional plan are minor and would not significantly change the nature of development that was originally approved in Petition 2021-163. I'll take any questions following the petitioner's presentation.

Shaun Hicks, 223 North Graham Street said good evening, everyone. Shaun Hicks with Land Design. I think Holly did a great job outlining the minor changes to the plan. Happy to answer any questions.

Councilmember Anderson said just a quick question for you. I see that there wasn't really any participation from the neighborhood and there's a lot of activity going on in that particular area. What is the outreach plan to get feedback from constituents in that area?

Mr. Hicks said we held the community meeting and reached out. Nobody signed up. Like Holly said, the plan is still maintaining the same original intent. So, we can reach out further if that's desired. Hopefully I can speak on this. The reason for this is we just

need the driveway access for that parcel. We currently have no access to that right side and that's merely the main change for this whole petition [inaudible].

Ms. Anderson said yes, thank you. I understand the ask, I'm just a bit surprised given all the activity in the neighborhood that the constituents didn't engage to understand the simplicity of the ask. So, I was a little bit taken aback by that.

Ms. Cramer said there might've been I think, correct me if I'm wrong, but I thought there was one conversation with the owners of Duckworths.

Mr. Hicks said that's true. Yes, I did speak with Rob Duckworth. He did reach out and he could not make the meeting. So, I reached out to him. We had a phone call, talked him through the minor changes and he was no opposition to the change.

Mayor Pro Tem Winston said I will say that this parcel now is a conglomerate of many different parcels, was highly talked over. This was the 7th and North Tryon parcel which currently the deal doesn't work right now. So, I think the County is trying to go a different way. So, this was highly community engaged at one point in time.

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

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ITEM NO. 37: HEARING ON PETITION NO. 2023-094 BY JOSH JOLLEY, ROSEGATE HOLDINGS, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 3.52 ACRES LOCATED ALONG THE NORTH SIDE JOHNSTON OEHLER ROAD AND SOUTH OF BARROW ROAD FROM N1-A (NEIGHBORHOOD 1-A) TO N2-A(CD) (NEIGHBORHOOD 2-A, CONDITIONAL).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-094. It's three and a half acres on Johnston Oehler Road. It is just south of Barrow Road. You can see there's lots of multi-family development going on just to the north. We've had some recent rezoning petitions also to the west that were approved in this area. N1 just adjacent to this. When we get to the zoning map, you can see this is currently zoned N1-A. We do have R8 MF CD right next door. UR-3, UR-2 all around there. This is a rezoning from N1-A and the request is to go to Neighborhood 2-A CD. Policy Map does call for Neighborhood 1. You can see we do have Neighborhood 2 just to the north and really if we look a little bit to the east on Johnston Oehler where we had that R8 petition, a lot of that area just next door here would be considered Neighborhood 2 at this point. So, we'd just somewhat continue that pattern of development. The proposal is for up to 45 multi-family attached dwelling units or townhomes. It does provide an eight-foot planting strip and eight-foot-wide sidewalk along the site's frontage on Johnston Oehler Road. Thirty-five feet of right-of-way would be dedicated from the center line of that road as well. Building height would be capped at 48 feet. We do have a future street connection that would run to the east here where the project for the R8 MF CD was just approved not too long ago. I think a couple of years ago. So, there would be interconnectivity between those two projects. Then also architectural details and building materials have been incorporated into the development conditions. Staff does recommend approval. We have some outstanding issues related to transportation and environment to work for. As mentioned, it is inconsistent with the Policy Map recommendation. However, we do have a good bit of Neighborhood 2 in the area including just adjacent to this. We're also not very far from an Activity Center which is seeing some ongoing development both to the west and to the southwest of this site. So, we do feel it's an appropriate location for a little bit of an increase over that Neighborhood 1 Place Type. So, with that, we'll turn it over the petitioner, and we'll take any questions you might have following their presentation. Thank you.

Nolan Groce, 1213 West Morehead Street, Suite 450 said thank you Mayor Pro Tem, members of City Council and the Zoning Committee. Nolan Groce with Urban Design Partners representing Rose Gate Holdings LLC on rezoning petition 2023-094. This site is located north of Johnston Oehler Road across from Mallard Creek High School to the east of Rumble Street and south of I-485. Existing today, this is two parcels making up 3.52 total acres with a single-family detached home on each individual parcel. As staff mentioned, we are requesting to rezone from Neighborhood 1-A to Neighborhood 2-A, Conditional district. The 2040 Policy Map does identify the site as Neighborhood 1. However, based on existing trends in the area, we believe that we are maintaining consistency with development patterns. So, the site plan you see on your screen does look a little bit different than what was in staff's presentation. We have been addressing the outstanding issues related to transportation. There was a driveway request that we align it with the southern side of the road. Our original thought was with the full drive to Mallard Creek, that was actually the residential drive at the western edge of the site. So, we have revised the site plan and look forward to continue addressing outstanding issues with staff. The site does propose up to 45 multi-family attached townhome units with tree save along the northern property boundary abutting the multi-family site. We've located the homes to the western portion of the site to respect the existing single-family home to the eastern property. We are exceeding the minimum parking requirements as shown and providing six additional off-street spaces for visitors. We're also providing 38,000 square feet of open space where the minimum requirement is only 11,000 square feet at 250 square feet per unit. You also see the units along the frontage step backs. So, there is an existing utility easement, there's an AT&T easement along the frontage of the property. So, we did have to locate those back and could not provide a 20-foot driveway for those units. They're proposed to have a five-to-seven-foot parking pad. Here's just a sample elevation. We're still looking at different building elevations for the site. As Dave mentioned, we do have conditions in the rezoning petition regulating architectural features, but I'm happy to answer any questions that you might have.

Councilmember Johnson said thank you for the presentation. Was there any opposition during the community meeting?

Mr. Groce said thank you for the question. So, we had six attendees for our community meeting. There was no opposition. There were a few general questions, but really not a whole lot of conversation. We have not received any additional feedback since that community meeting.

Ms. Johnson said okay. I'm thinking of the area, are there single-family homes across the street?

Mr. Groce said so, there is one directly across the street, but predominantly Mallard Creek High School is across the street from the site as well.

Ms. Johnson said okay, and then the neighborhood. Okay. We can talk offline. Thank you.

Mr. Groce said happy to.

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

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ITEM NO. 38: HEARING ON PETITION NO. 2023-096 BY CONFORMITY CORP FOR A CHANGE IN ZONING FOR APPROXIMATELY 1.00 ACRE LOCATED IN THE NORTHEASTERN CORNER OF THE INTERSECTION OF ASHLEY ROAD AND GREENLAND AVENUE FROM OFC (OFFICE FLEX CAMPUS), N1-B (NEIGHBORHOOD 1-B) TO N2-B (NEIGHBORHOOD 2-B).

Mayor Pro Tem Winston declared the hearing open.

Joe Magnum, Planning, Design & Development said this petition is right at one acre located on the northeastern corner of the intersection of Ashley Road and Greenland Avenue. The site is mostly zoned OFC. There is a small portion zoned N1-B in the northern corner. The proposed zoning is N2-B. The Policy Map recommends Neighborhood 2 which is consistent. Staff recommends approval and I'll answer any questions after the petitioner's presentation.

Monte Ritchet, 525 Clement Avenue said thank you Mayor Pro Tem and good evening members of City Council. Thank you, Zoning Committee members. I don't have a lot to add to staff's presentation. Our petition is consistent with the UDO, which seeks N2 in this area. We have adjacent to us a daycare just northwest. You can see that there's a car repair lot in this slide to the plan south of our site and to the plan east of our site here. Also happens to be east in addition to plan east is the multi-family you see there which is owned by Ginkgo Residential. This is across from the Walmart Supercenter development that local government is already heavily invested in. It was done over a decade ago. Interestingly, I looked the other day, that Walmart enjoyed 1.36 million trips last year. It's one of the few grocery offerings in that area. We plan for a multi-family in this area with a transit stop approved on the Silver Line less than a quarter mile away. We think that you can see why multi-family in this area might resonate and why the plan calls for the types of uses that we have in mind. So, I'll take any questions that you might have. Thank you.

Councilmember Watlington said I just have a quick question and forgive me because it's rudimentary, but my question is for staff. I see existing zoning this is Office and then I see the Policy Map that calls for Neighborhood 2. If the Policy Map calls for Neighborhood 2 why is there a need to rezone for N2?

Mr. Mangum said because the current zoning would only allow for Office use. That district allows very few uses and the petitioner is requesting Neighborhood 2.

Ms. Watlington said right. What I'm asking is why does the zoning or at what point does the zoning reflect what's in the Policy Map? I'm trying to understand why there is an existing use that hasn't been translated in a meaningful way.

Mayor Pro Tem Winston said we haven't done the realignment zoning yet.

Ms. Watlington said okay.

David Pettine, Planning, Design & Development said yes. That's correct. So, we haven't had a chance to go through and that's the exercise we're going to get into much more in full swing next year as the alignment rezoning where we're looking at just that. So, current zoning is Office. Policy Map is Neighborhood 2 taking that through similar to what we did with TOD along the Blue Line to say, "Okay, let's make sure that we do align it with the Policy Map recommendation," so we get the outcome that we're looking for long term. We see a lot of these private rezonings that we talked a little bit about earlier where this isn't necessarily an issue of the use getting caught up, it's just the zoning translated to what it is, but long term we envision this as residential. So, if the petitioner didn't get to it this time around at this juncture, the City would probably get to it when we start that process next year.

Ms. Watlington said yes, okay. So, I'll just say this and I know I said it earlier already but I feel like they're doing us a favor. So, there's got to be a way that we can help folks who are essentially accelerating the alignment.

Mayor Pro Tem Winston said that's what I've been saying. We're moving down the process.

Ms. Watlington said that's it for me.

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

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ITEM NO. 39: HEARING ON PETITION NO. 2023-097 BY DRAKEFORD COMMUNITIES FOR A CHANGE IN ZONING FOR APPROXIMATELY 0.64 ACRES LOCATED ALONG THE EAST SIDE OF ASHLEY ROAD, SOUTH OF ALLEGHANY STREET FROM R-22MF(CD) (MULTI-FAMILY, CONDITIONAL) TO N2-B (NEIGHBORHOOD 2).

Mayor Pro Tem Winston declared the hearing open.

Maxx Oliver, Planning, Design & Development said Petition 2023-097 is located on the east side of Ashley Road south of Alleghany Street. That is approximately 0.64 acres and it's currently undeveloped. The site is zoned R-22MF CD, Multi-Family Conditional. The site was included as part of Petition 2022-055 but was not shown as part of the proposed multi-family development. This R-22 portion over here was that petition from 2022. The proposed zoning is N2-B, Neighborhood 2, a conventional district. The 2040 Policy Map recommends the Neighborhood 2 Place Type. N2-B district is consistent with this Place Type. This is a conventional rezoning petition. There's not an associated site plan and would permit any uses allowed in the N2-B district. Staff recommends approval of this petition. I'm happy to take any questions after Mr. Brown's presentation.

Collin Brown, 1420 East 7th Street, Suite 100 said Collin Brown on behalf of the petitioner Drakeford Companies, on behalf of Drakeford tonight, great overview by Maxx. This is a conventional rezoning. So, there's not a site plan. This is in the Ashley Alleghany area which as you know there's a lot of new development going on. This is a little bit of a remainder of a rezoning that we handled earlier this year working with another development team. So, this is kind of a left-over parcel. It has R-22 MF CD on it now and that was it on the site plan, kind of a place holder for not knowing what would come. This is, as you guys were kind of talking about, this is one of those scenarios where we are so happy to be consistent with the plan. This is an area that calls for N2 and it's pretty consistent with the existing zoning out there. So, as you can there's N2-B already to the south and it really brings this piece kind of in conformity with the block so that can be developed together under a unified zoning district. We did have an attendee at the committee meeting who expressed support. I understand there is someone here tonight who is signed up in opposition. I was not aware of that ahead of time. Mr. Drakeford and I did have a conversation with her outside. I think she maybe has some concerns with other things going on in the area. So, I'll just say since it's conventional, I'll stick with what I've showed you and I'll be happy to answer questions following any other comments we may hear.

Sheltonia Everett, 1826 Ashley Road said hi y'all, I don't know what to say but how y'all doing this evening.

Unknown said great.

Ms. Everett said praise God. I was under the impression that this was happening behind my house, and I was told tonight that it [inaudible].

Mr. Brown said [inaudible] this is your house if you want me to point to it.

Ms. Everett said okay.

Mr. Brown said and this is what's happening behind.

Ms. Everett said okay, but where are y'all working at, on the yellow right there? I'm sorry y'all.

Councilmember Watlington said you're okay.

Ms. Everett said I was under the impression that this was going on behind my house because I was still under the impression that there was going to be 300 feet from my house. This is across the street which I really don't have a problem with them doing anything across the street from my house. I really don't have a problem with that. That's why I'm here because I was speaking for the house God blessed me with. So, since that's across the street, then I have no problems with that at all. I'll approve.

Mayor Pro Tem Winston said thank you very much for paying attention to the signage that's going up around your neighborhood. I know it can be pretty confusing, but we're glad somebody's paying attention to that.

Mr. Brown said I was just going to say there is some development going on behind her house and we're having conversations on that. I have nothing further.

Councilmember Molina said Collin, you said there's something going on behind her house?

Mr. Brown said there is in fact development going on behind the house, which Mr. Drakeford happens to be involved in and we're happy to follow up and have conversations about that directly.

Ms. Molina said okay, yes. First of all, thank you for waiting so long. I appreciate you waiting until the very end. So, staff can we get her some more information on what's going on behind her house to make sure that she knows and has the information that she needs?

Mr. Oliver said yes. Happy to provide any information on that petition behind the house and whatever development is coming with that petition.

Ms. Molina said I would really, really appreciate that a whole lot.

Ms. Everett said thank you so much. God bless you guys. Thank you.

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

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ITEM NO. 40: HEARING ON PETITION NO. 2023-123 BY CHARLOTTE 212, LLC FOR A CHANGE IN ZONING FOR APPROXIMATELY 4.26 ACRES LOCATED ALONG THE EAST SIDE OF WEST SUGAR CREEK ROAD, SOUTH OF THE ROMAN ROAD, AND NORTH OF EQUIPMENT DRIVE FROM CG (GENERAL COMMERCIAL) TO N2-C (NEIGHBORHOOD 2-C).

Mayor Pro Tem Winston declared the hearing open.

David Pettine, Planning, Design & Development said alright, 2023-123. It's four and a quarter acre on West Sugar Creek Road just north of Equipment Drive and I-85. It is currently zoned CG and the proposed zoning is for Neighborhood 2-C, and that'd be conventional. Policy Map does recommend Commercial for this particular property. You can see we do have quite a mix there. We've got some Neighborhood 2 on the map, Neighborhood 1, Campus and some Manufacturing and Logistics a little bit further to what essentially would be the north. The petition again is for conventional N2-C to do some redevelopment of this site to allow residential uses. The CG district would not allow residential uses in the existing buildings. I know we did pass that Text Amendment not too long ago that did talk about residential uses in CG but that only applies if they're in a neighborhood or a Community Activity Center. This is just a straight commercial

recommendation. So, that provision wouldn't provide any assistance or relief on this. So, that's why the petitioner is here to help facilitate some transition of that hotel space to residential space. Neighborhood 2-C also does allow some nonresidential uses as part of a mixed-use building. So, that's also something that could be considered, but again staff does recommend approval of this petition. While it is inconsistent, it does help to add some variety of housing options in the area. It also has the potential to meet some of the goals of housing access as identified by the Corridors of Opportunity West Sugar Creek Playbook. It also is part of that effort as well. They did recommend reducing the number of some of the motel and hotel rooms at the interchange of Sugar Creek and I-85 which certainly would facilitate that outcome. So, while again it is inconsistent, we felt that those goals were important to achieve as a result. Staff again does recommend approval of the petition and we will take any questions following the petitioner's presentation. Thank you.

Hunter McLees, 4133 Mirrasou Court, Franklin, Tennessee said thank you Mayor Pro Tem and Council members. Thank you for your time tonight. So, I'm Hunter McLees with Sage Investment Group. I'm here tonight for the Charlotte rezone of 1408 and 1416 West Sugar Creek. So, this is the two parcels right here. The one on the south end is actually pretty close to being a derelict property. So, our goal is to rezone this and change it into a conforming use of a multi-family. We're going to combine both parcels, 156 to 212 units in total. Current zoning is CG. The proposed zoning is the N2-C Neighborhood 2 zoning which will allow us a high density to meet that 212. It will have enough parking spaces. I think currently it has 218 parking space, but we can resurface that lot to maximize that as best we can. So, I've already spoken on this but we're going to go to studio and one-bedroom apartments using the existing structure. We don't plan on doing any demolishing of the current building. We're going to update all mechanical, electrical and plumbing within that property to conform to residential code. So, anyway we'll add sprinklers into the units and then we'll also add community-controlled access security gates. Part of our community goals are by offering accessible housing options, we can help maintain families and individuals to find a place to call home while reducing the financial burden.

The property value around the repurposed hotel will increase reduction in transient nature associated with motels. This ability contributes to improved community safety and well-being. So, here are a couple of our past previous projects. This is in Oklahoma. It was a motel where quite a few gangs and sex trafficking were occurring and the bottom right are our renderings. This is actually where 97 leased up out of 148 units. This is in the Hosmer District in Tacoma, Washington. We've got about 800 units in this area where again it was completely inhabited by gangs, violence, sex traffickers, drugs. So, we went in there and bought five to six separate properties to basically remodel them and provide attainable housing for local workforce, students, and young professionals. So, this is what it looked like afterwards. We use a national contractor, Renu, based out of Dallas, Texas that works on all of our projects.

Mayor Pro Tem Winston said thank you very much. If you have anything additional, you can certainly provide it to the Clerk and [inaudible] distribute it to Council.

Councilmember Anderson said thank you for your comments and providing some insight to your previous projects. Your work actually fits directly in line with the playbook for this Corridor in reducing the number of motel rooms. I, in particular, like that the sustainable aspect of the work that you do by maintaining the existing buildings, but bringing them up to speed, up to code and remodeling them. So, we've already seen some good work over in this Corridor over the last year, year and a half and I believe with this particular effort, we'll continue to see that reduction that will reduce hopefully the transactional crime that occurs along that Corridor by removing these rooms offline. So, thank you for your work. Look forward to seeing how this materializes along the Corridor of Opportunity for West Sugar Creek.

Mr. McLees said of course. Thank you.

Councilmember Watlington said I just have two quick questions. The first one is I think I saw a picture here, but I want to be clear about this. You said you were going in to update the MEP (Mechanical, Electrical and Plumbing), you were adding fire protection and that kind of thing. Are you putting kitchens in each one of these units?

Mr. McLees said that's correct.

Ms. Watlington said got you. Okay. Then my second question and maybe you can answer this one offline. I'm just very curious as to how much it costs you because to Councilmember Anderson's point, this is something that I'm super interested in and there's some other conversations going on as far as converting office, which obviously is very different to residential, but would love to learn more about how you're doing it and how those [inaudible].

Mr. McLees said yes. So, we've explored the office. It is highly expensive given the MEPs and for HVAC (Heating, Ventilation and Air Conditioning) as well. This is a little bit easier because of the components are in place already. So, we're just moving some plumbing to make that kitchen, but like I said earlier, we use Renu out of Dallas-Ft. Worth and they basically reverse engineer and work with the architects that we have on site. So, to answer your question more directly, it could be anywhere from \$30,000 to \$50,000 per unit to upgrade. Sometimes we've gone up into the \$80,000. It just depends on what's actually going on. So, if you're looking at the Speedway, that'll probably be about a \$40,000 project, whereas the Rodeway Inn is probably \$27,000 and that's just because of poor property management.

Ms. Watlington said got you. Last two questions. Windows. Is there a need to make those windows operable because they're going to residential?

Mr. McLees said absolutely. In some counties there are. It depends on what is recommended by the staff. So, we are doing two projects down in Columbia. They are not requiring us because these studios are 300 square feet. So, the window is basically right next to the door. So, they found that there was no need, but if there is that need, we do a complete reframe of that unit and we'll add operable windows.

Ms. Watlington said interesting. I have many more questions, but for another day. Thank you and thank you for your work.

Mr. McLees said yes. Happy to answer.

Councilmember Johnson said it's nice to meet you in person.

Mr. McLees said nice to meet you too.

Ms. Johnson said when we spoke, we talked about the displacement of long-term occupants in the hotels, and I asked for the numbers. I've also talked to the staff and Crisis Assistance also. So, do you have the numbers of long-term occupants in the Rodeway and the Speedway?

Mr. McLees said yes, absolutely. We don't have the exact number right now, thankfully given that I'm in town I'm going to go on site tomorrow to get that exact number from management. So, the Speedway is a little bit harder to work with and get what's actually going on with that property whereas the Rodeway Inn, they're much more manageable and willing to work with us to get us that number. So, I will have that to you by tomorrow.

Ms. Johnson said okay. So, the last number that I got was between 29 and 37.

Mr. McLees said correct.

Ms. Johnson said that's at one of the hotels, right?

Mr. McLees said that's on the Speedway. That's correct.

Ms. Johnson said Speedway. Is that rooms or that's actual occupants? Could that be like 37 rooms that include families with children?

Mr. McLees said occupants. Yes.

Ms. Johnson said okay.

Mr. McLees said from my understanding it's occupants. Our operations team has been handing that side of things.

Ms. Johnson said okay. It's just important to me that people who are living in those places know as soon as possible. So, if they're in the Speedway or Rodeway Inn on Sugar Creek, they should expect someone to come to the hotel within a few days to give them the plan or what is the plan?

Mr. McLees said yes, absolutely. So, we've done this quite a few times in the past. We've got about 10 to 15 projects going on. So, this is not new for us. We're already working with Warren Wooten from the Affordable Housing Department, and we are also exploring options. I'm going to blank on their names.

Ms. Johnson said was Crisis one of [inaudible].

Mr. McLees said it's the [inaudible] and then just bear with me one second.

Ms. Johnson said okay.

Mr. McLees said here we go. Roof Above, There's Still Hope, and Charlotte Family Housing. So, we vet all of our property management companies as they move in and are helping us through this process of reconstruction, adaptive reuse. During that time, we give them our high-level business plan. From there, they take that, and they reach out to these local either nonprofits or affordable housing and we take our time to relocate them as best as we can.

Ms. Johnson said what is the timeline? Do you know?

Mr. McLees said so, our expected close date for right now is January 31, 2024. So, as long as we get full approval from you all, then that's when we'll let everybody know at the site that we're going to be pushing forward to relocate those individuals.

Ms. Johnson said January 31, 2024. Your previous projects in Tacoma where you remodeled, I think you said around 800 units. Did I hear the number 800?

Mr. McLees said so, five separate properties. In total about 800 units in the Hosmer District, that's correct.

Ms. Johnson said in those properties, were there long terms occupants in those hotels as well?

Mr. McLees said yes.

Ms. Johnson said I noticed you used the word accessible housing. Any of these 800 units, do you know if they were accessible to the folks that were there before?

Mr. McLees said as far as when we do the reconstruction?

Ms. Johnson said yes.

Mr. McLees said yes, absolutely. As long as they meet our leasing requirements and have the sufficient income. Some of them do meet those standards and re-lease

basically with us. They'll move for a little bit or we have moved them to other properties that we own while we update this one and then once they go through the screening process, they'll move back in.

Ms. Johnson said okay. Alright, well as my colleague said, "This does fit the playbook," and I know that there are issues with that hotel. So, it's a safety issue. So, I look forward to working together. Thank you.

Mr. McLees said we're excited to work with you all as well. Thank you for your time.

Ms. Johnson said thank you.

Ms. Anderson said just one quick comment. We were with Mayor Woodard from Tacoma last week and I know that affordable housing is something that they focus on significantly in Tacoma. So, we'll follow up to make sure that all of your projects are in good standing, but Mayor Woodard is a good advocate for affordable housing out in Tacoma. Thank you.

Mayor Pro Tem Winston said I've got one quick question. There's a little trapezoidal section that isn't part of the petition, but it looks like it's an active piece of the property that abuts that Campus Place Type.

Mr. McLees said so, that is actually part of the parcel from my understanding in talking with City and our architect. I'm going blank on the water company. We're working with the water company.

Mayor Pro Tem Winston said Charlotte Water?

Mr. McLees Charlotte Water. I've talked to so many of them it's hard for me to keep them straight. They are working with us to an easement to pick up this part of the land as well just to aid in water runoff. So, they've had issues getting in touch with the current owner of the Speedway on the south end there in working through a normal process of taking care of that because if you can see, there's a little bit of water build up here.

Mayor Pro Tem Winston said I was actually talking about that.

Mr. McLees said oh yes, up here?

Mayor Pro Tem Winston said it seems like it's part of the parcel. It seems like it's [inaudible].

Mr. McLees said it is part of the parcel. I'm not sure why this is mapped like that, but yes.

Ms. Anderson said so, zoning made a mistake?

Mr. McLees said maybe it's not a mistake.

Mr. Pettine said it actually looks like it is its own small parcel and it does say, "Ownership, City of Charlotte." So, we'll certainly look into that and if we need to amend it to capture it all, we certainly will. I'll reach out to the folks that we've been coordinating with on the City side with this one to see what's going on with that little piece, yes.

Mayor Pro Tem Winston said yes. Thank you. Appreciate that.

Mr. Pettine said yes.

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

Mr. Pettine said I've got some discussion just briefly. Just to take a moment just to thank you for your service at our meetings here. It's been great having you operate and run these Zoning meetings for us and we certainly will miss your leadership in this capacity. So, I look forward to seeing what's next for you but just want to appreciate you for all the work you've done. Just wanted to acknowledge your leadership for these meetings and it's been very much appreciated on our side. So, thank you.

Mayor Pro Tem Winston said thank you David. Thank y'all very much. Thank you. I will say the thing that I was most nervous about coming into this job was land use. It was. I think y'all know me. I like to say what I mean and mean what I say and I don't like to make decisions that I'm unsure about. So, I'm grateful likewise to staff, the Committee and my colleagues for support as we figured this out together. So, thank you all very much.

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

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ADJOURNMENT

Motion was made by Councilmember Winston, seconded by Councilmember Johnson, and carried unanimously to adjourn the meeting.

The meeting was adjourned at 7:57 p.m.


Billie Tynes, Deputy City Clerk

Length of Meeting: 2 Hours, 51 Minutes
Minutes completed: September 11, 2024